

HOUSE No. 1304

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to provide retirement security to care workers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-----------------------|------------------|
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/19/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/26/2021</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/25/2021</i> |
| <i>Carol A. Doherty</i> | <i>3rd Bristol</i> | <i>2/26/2021</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>2/26/2021</i> |
| <i>Brandy Fluker Oakley</i> | <i>12th Suffolk</i> | <i>2/26/2021</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>2/26/2021</i> |
| <i>Jessica Ann Giannino</i> | <i>16th Suffolk</i> | <i>2/25/2021</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>2/25/2021</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/26/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/25/2021</i> |
| <i>Steven C. Owens</i> | <i>29th Middlesex</i> | <i>2/26/2021</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>2/25/2021</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>2/26/2021</i> |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>3/1/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>3/3/2021</i> |
| <i>Rob Consalvo</i> | <i>14th Suffolk</i> | <i>3/3/2021</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>3/3/2021</i> |

| | | |
|------------------------------------|--|------------------|
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>3/3/2021</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> | <i>3/4/2021</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>3/4/2021</i> |
| <i>Dylan A. Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> | <i>3/4/2021</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>3/5/2021</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>3/15/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>3/15/2021</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>3/15/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>3/18/2021</i> |
| <i>Erika Uyterhoeven</i> | <i>27th Middlesex</i> | <i>3/19/2021</i> |
| <i>Michael P. Kushmerek</i> | <i>3rd Worcester</i> | <i>3/22/2021</i> |
| <i>Gerard J. Cassidy</i> | <i>9th Plymouth</i> | <i>3/23/2021</i> |
| <i>Kate Lipper-Garabedian</i> | <i>32nd Middlesex</i> | <i>4/6/2021</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>4/6/2021</i> |
| <i>Maria Duaima Robinson</i> | <i>6th Middlesex</i> | <i>4/6/2021</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> | <i>4/6/2021</i> |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> | <i>4/7/2021</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> | <i>5/9/2021</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>7/20/2021</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>9/13/2021</i> |

HOUSE No. 1304

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1304) of James J. O'Day and others relative to authorizing the Executive Office of Health and Human Services and the Department of Early Education and Care to establish an individual retirement account program for personal care attendants. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to provide retirement security to care workers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) The Executive Office of Health and Human Services (EOHHS) and the
2 Department of Early Education and Care (EEC) - in consultation with MassHealth, the Personal
3 Care Attendant Workforce Council, 1199SEIU, and SEIU 509 - shall develop and establish a
4 403(b) account or another substantially similar individual retirement account program for
5 personal care attendants, as defined in section 70 of said chapter 118E. and for family child care
6 providers, as defined in subsection (a) of section 17 of chapter 15D; Notwithstanding section 17
7 of chapter 15D, sections 70-75 of chapter 118E, or any other special or general law to the
8 contrary, the Department of Medical Assistance shall be deemed the Employer of said Personal
9 Care Attendants for purposes of making contributions under this Act and the PCA Quality
10 Workforce Council shall be deemed the Employer for purposes of collective bargaining under
11 this Act , and the Department of Early Education and Care shall be deemed the Employer of all

12 Family Child Care Providers, as defined in section 17(a) of chapter 15D, for purposes of this
13 Act;

14 (b) In developing such individual retirement account program, EOHHS and EEC shall
15 ensure at a minimum that the retirement security program:

16 (i) Allows all eligible individuals to contribute to the individual retirement account
17 established under the program through payroll deductions and other means;

18 (ii) Allows for collective bargaining over and an ongoing stakeholder and governance
19 role for labor organizations representing eligible workers on the establishment, implementation,
20 operations, and adjustments of the individual retirement account program;

21 (iii) Includes an appointed 9-member governance board that shall include at least two
22 representatives for the labor organization representing personal care attendants and two
23 representatives for the labor organization representing family child care providers;

24 (iv) Establishes a minimum state employer contribution to an eligible individual's
25 retirement account, whereby an eligible individual's state employer will contribute a set amount
26 with each paycheck that is over and above regular wages but that may be a percentage of the
27 employee's wages;

28 (v) Establishes a minimum state employer matching contribution rate that provides a
29 dollar-for-dollar matching state employer contribution equaling 100% of an employee's
30 contribution but that may be capped as a percentage of the employee's own contribution;

31 (vi) Is professionally managed and administered in an efficient and cost-effective manner,
32 and with no or limited fees charged to participating individuals; and

33 (vii) Establishes a union run retirement benefit orientation, including access to financial
34 literacy programs.

35 SECTION 2. Executive Office of Health and Human Services (EOHHS) and the
36 Department of Early Education and Care (EEC) shall establish the individual retirement account
37 program as outlined above and procedures for enrollment of personal care attendants, as defined
38 in section 70 of said chapter 118E. and family child care providers, as defined in subsection (a)
39 of section 17 of chapter 15D, no later than one year from passage of this Act.