

HOUSE No. 1960

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue

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 updating overtime protections to protect the Commonwealth's middle class workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/1/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/23/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/26/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/26/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>3/6/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/1/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/3/2021</i>

<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/11/2021</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>3/16/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>3/19/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/31/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>

HOUSE No. 1960

By Mr. Donahue of Worcester, a petition (accompanied by bill, House, No. 1960) of Daniel M. Donahue and others relative to overtime protections for certain middle class workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act updating overtime protections to protect the Commonwealth's middle class 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. The second paragraph of section 1A of chapter 151 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out clauses (1), (7), (9),
3 (12), (13), (14), (15), (16) and (17), and renumbering the remaining clauses in consecutive order.

4 SECTION 2. Section 1A of chapter 151 of the General Laws, as so appearing, is hereby
5 amended by striking out, in line 29, the words “eighty dollars per week” and by inserting in place
6 thereof the following words:-

7 the salary threshold established by section 1C of this chapter; provided, however, that an
8 employee who teaches as an adjunct or non-tenure-track faculty member at a college or
9 university shall not qualify as an exempt executive, administrative or professional person or
10 qualified trainee for such position.

11 SECTION 3. Chapter 151 of the General Laws is hereby amended by inserting after
12 section 1B the following section:-

13 Section 1C. Overtime pay salary threshold for executive, administrative or professional
14 exemption.

15 For purposes of section 1A of this chapter, the salary threshold below which a bona fide
16 executive, or administrative or professional person or qualified trainee for such position shall
17 automatically be subject to the overtime pay requirements of said section shall be regular
18 compensation that, when converted to an annual, full-time equivalent rate, equals the overtime
19 threshold rate established by the second paragraph of this section, any higher rate that the
20 commissioner shall establish by regulation, or the annualized rate established by the United
21 States Department of Labor under the federal Fair Labor Standards Act, whichever is higher.

22 Beginning January 1, 2022, the overtime threshold rate shall be no less than \$43,000;
23 beginning January 1, 2023, the overtime threshold rate shall be no less than \$53,000; beginning
24 January 1, 2024, the overtime threshold rate shall be no less than \$63,000; beginning 2025, the
25 overtime threshold shall be no less than \$73,000, beginning 2026, the overtime threshold shall be
26 no less than \$83,000; Beginning January 1, 2027 and each January 1 thereafter, the overtime
27 threshold rate shall be no less than the higher of the following rates: the annual earnings of a full-
28 time employee employed for 2080 hours per year at 2 times the minimum wage established
29 under section 1 of this chapter, or the overtime threshold rate from the preceding year increased
30 by the percentage annual increase, if any, in the second quartile of the usual weekly earnings for
31 full-time wage and salary workers, or its successor index, as published by the United States
32 Department of Labor, Bureau of Labor Statistics, or its successor agency, with the amount of the
33 overtime threshold rate increase rounded to the nearest dollar.