

HOUSE No. 2004

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 relative to commissioned employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/8/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/25/2021</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>3/11/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/25/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/7/2021</i>

HOUSE No. 2004

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2004) of Bradley H. Jones, Jr., and others relative to commissioned employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to commissioned employees.

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. Section 150 of chapter 149 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following paragraph:- An employer shall not
3 be subject to any liability or punishment for or on account of its failure to pay for work on a
4 Sunday or a recognized holiday under sections 6, 13 or 16 of chapter 136, if the employer pleads
5 and proves by a preponderance of the evidence that it acted in good faith in conformity with a
6 written opinion letter of the department or of an agency of the commonwealth which has or had
7 at the time the authority to administer or interpret said law. Such a defense, if established, shall
8 be a bar to the action if the administrative interpretation was in effect at the time of the violation,
9 even if it is later modified, rescinded, or determined by judicial authority to be invalid or of no
10 legal effect. For purposes of this paragraph, the term "employer" shall extend to the persons
11 described in the sixth paragraph of section 148.

12 SECTION 2. The first paragraph of section 1B of said chapter 151, as so appearing, is
13 hereby amended by inserting after the second sentence, the following two sentences:- An

14 employer or the officer or agent of any domestic or foreign corporation shall not be subject to
15 any liability or punishment for or on account of its failure to pay overtime compensation in
16 violation of this section if the employer or the officer or agent of any such corporation pleads and
17 proves by a preponderance of the evidence that it acted in good faith in conformity with a written
18 opinion letter of the department or of an agency of the commonwealth which has or had at the
19 time the authority to administer or interpret said law. Such a defense, if established, shall be a bar
20 to the action if the administrative interpretation was in effect at the time of the violation, even if
21 it is later modified, rescinded, or determined by judicial authority to be invalid or of no legal
22 effect.

23 SECTION 3. Sections 1 and 2 shall be effective for all causes of action accruing before,
24 on, or after the date of enactment, including any cause of action now pending.