

HOUSE No. 237

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 fair pay for comparable work.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------------|-------------------------|------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>2/4/2021</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/8/2021</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/8/2021</i> |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> | <i>2/8/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/9/2021</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>2/9/2021</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/9/2021</i> |
| <i>Michael P. Kushmerek</i> | <i>3rd Worcester</i> | <i>2/9/2021</i> |
| <i>Steven C. Owens</i> | <i>29th Middlesex</i> | <i>2/9/2021</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>2/10/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/10/2021</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>2/15/2021</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | <i>2/18/2021</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>2/22/2021</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/22/2021</i> |
| <i>Michael J. Soter</i> | <i>8th Worcester</i> | <i>2/22/2021</i> |
| <i>Adam J. Scanlon</i> | <i>14th Bristol</i> | <i>2/23/2021</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/23/2021</i> |

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| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/24/2021</i> |
| <i>Paul F. Tucker</i> | <i>7th Essex</i> | <i>2/24/2021</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>2/24/2021</i> |
| <i>Jacob R. Oliveira</i> | <i>7th Hampden</i> | <i>2/25/2021</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>2/25/2021</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>2/25/2021</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/25/2021</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/25/2021</i> |
| <i>Thomas P. Walsh</i> | <i>12th Essex</i> | <i>2/25/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/25/2021</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>2/25/2021</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/26/2021</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>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | <i>2/26/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/26/2021</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> | <i>3/3/2021</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> | <i>3/5/2021</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> | <i>3/4/2021</i> |
| <i>Patricia A. Duffy</i> | <i>5th Hampden</i> | <i>3/6/2021</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> | <i>3/8/2021</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | <i>3/8/2021</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | <i>3/8/2021</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>3/8/2021</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>3/11/2021</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>3/15/2021</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>3/17/2021</i> |
| <i>Daniel R. Carey</i> | <i>2nd Hampshire</i> | <i>3/18/2021</i> |
| <i>Danillo A. Sena</i> | <i>37th Middlesex</i> | <i>3/19/2021</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> | <i>3/22/2021</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>3/23/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>3/29/2021</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>3/30/2021</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>4/1/2021</i> |
| <i>William C. Galvin</i> | <i>6th Norfolk</i> | <i>4/22/2021</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>5/8/2021</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>5/10/2021</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>5/13/2021</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>5/14/2021</i> |

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|----------------------------|--------------------------------|-------------------|
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> | <i>5/17/2021</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>5/25/2021</i> |
| <i>James M. Kelcourse</i> | <i>1st Essex</i> | <i>6/4/2021</i> |
| <i>Kip A. Diggs</i> | <i>2nd Barnstable</i> | <i>9/16/2021</i> |
| <i>Steven G. Xiarhos</i> | <i>5th Barnstable</i> | <i>10/12/2021</i> |
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | <i>10/26/2021</i> |
| <i>Sally P. Kerans</i> | <i>13th Essex</i> | <i>11/10/2021</i> |
| <i>Susan L. Moran</i> | <i>Plymouth and Barnstable</i> | <i>12/14/2021</i> |

HOUSE No. 237

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 237) of Kay Khan and others for legislation to increase the rate of reimbursement for certain human services providers. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 138 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to fair pay for comparable work.

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. Chapter 6A of the General Laws, as so appearing in the 2018 Official
2 Edition, is hereby amended by adding the following section:-

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4 Section 105. (a) As used in this section, the following words shall, unless the
5 context clearly requires otherwise, have the following meanings:

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7 “Human services provider,” a community-based human services organization with a
8 human services program funded by the executive office of health and human services, the
9 executive office of elder affairs or the department of housing and community development.

10

11 “Human services worker,” an employee of a human services provider who provides
12 treatment, support, or services to clients or their families.

13

14 “Disparity amount,” the monetary calculation of the average difference in salary
15 between human service workers and direct support workers or other comparable employees
16 employed by the commonwealth’s state-operated programs for human services.

17

18 “Rate,” the reimbursement rate paid by the executive office of health and human
19 services, the executive office of elder affairs, the department of housing and community
20 development or the department of early education and care to a human service provider to
21 deliver services to clients on the commonwealth’s behalf.

22

23 (b) Notwithstanding any general or special law to the contrary, the executive office
24 of health and human services, the executive office of elder affairs and the department of housing
25 and community development shall increase shall increase the rate of reimbursement for human
26 services providers by an amount that reduces the disparity amount, as defined by subsection (a),
27 to:

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29 (1) 50 percent on or before July 1, 2023;

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31 (2) 35 percent on or before July 1, 2024;

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33 (3) 20 percent on or before July 1, 2025;

34

35 (4) 5 percent on or before July 1, 2026; and

36

37 (5) 0 percent on or before July 1, 2027, and shall remain at 0 percent thereafter.

38

39 (c) All increases in the rate of reimbursement provided for in this section shall be
40 used to increase the compensation of human services workers.

41 (d) The executive office of health and human services, the executive office of
42 administration and finance, the executive office of elder affairs, the department of housing and
43 community development, and the department of early education and care shall adopt regulations
44 to implement this section.

45

46 (e) Nothing in this section shall be construed to prohibit the elimination of the
47 disparity amount prior to July 1, 2027.

48 SECTION 2. On or before January 1, 2022, the executive office of health and
49 human services in conjunction with the executive office of administration and finance, the
50 executive office of elder affairs and the department of housing and community development, in
51 collaboration with the Massachusetts Council of Human Service Providers, Inc., shall provide a
52 report to the senate and house committees on ways and means that includes recommendations to
53 strengthen recruitment and retention of human services workers, as defined in subsection (a) of
54 section 105 of chapter 6A of the General Laws, employed by human services providers, as
55 defined in subsection (a) of section 105 of chapter 6A of the General Laws, that have contracts
56 with the state.

57

58 SECTION 3. On or before July 1, 2022, and annually thereafter until the disparity
59 amount is eliminated for human service workers under contract with each agency, respectively,
60 the executive office of health and human services, the executive office of elder affairs and the
61 department of housing and community development, in collaboration with the Massachusetts
62 Council of Human Service Providers, Inc., shall each provide a report to the senate and house
63 committees on ways and means, the joint committee on children, families and persons with
64 disabilities, the joint committee on elder affairs, the joint committee on health care financing, the
65 joint committee on mental health, substance use, and recovery, the joint committee on public
66 health, and the joint committee on state administration and regulatory oversight that includes the
67 following information:

68

69 (1) the current disparity amount, as defined in subsection (a) of section 105 of
70 chapter 6A of the General Laws, between the salaries of human services workers, as defined in
71 subsection (a) of section 105 of chapter 6A of the General Laws, employed by human service
72 providers under contract with their department, as defined in subsection (a) of section 105 of
73 chapter 6A of the General Laws, and direct support workers or other comparable employees
74 employed by the commonwealth's state-operated programs for human services;

75

76 (2) the amount of annual increases in the rate of reimbursement, as defined in
77 subsection (a) of section 105 of chapter 6A of the General Laws, to human service providers
78 under contract with their department necessary to reduce and eliminate the disparity amount by
79 July 1, 2027 pursuant to the schedule articulated in subsection (b) of section 105 of chapter 6A of
80 the General Laws;

81 (3) the amount needed to be appropriated annually to achieve the reductions in the
82 disparity amount described in paragraphs (1)-(5) of subsection (b) of section 105 of chapter 6A
83 of the General Laws by July 1, 2027; and

84 (4) the implementation of rates necessary to eliminate the disparity amount by
85 agency, job description and start date of implementation.

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