

HOUSE No. 3173

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Hunt

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 relating to fair pay and safe workplaces.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/5/2021</i>

HOUSE No. 3173

By Mr. Hunt of Boston, a petition (accompanied by bill, House, No. 3173) of Daniel J. Hunt for legislation to further regulate state contracts and sub-contracts. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relating to fair pay and safe workplaces.

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 29 of the General Laws is hereby amended by inserting after
2 section 29k the following section:-

3 Section 29l. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:--

5 “Offeror”, the person who has authority to, and does submit an offer to a state agency to
6 enter into any state contract;

7 “State agency” shall have the meaning given the term in section 1 of chapter 29;

8 “State contract”, any contract with a state agency whereby the state agency is obligated to
9 make payment to the contracting party for goods, services, or other work to be delivered or
10 performed under the contract;

11 “State contracting officer”, any person with the authority to enter into a contract on
12 behalf of a state agency;

13 “Workplace laws”, shall mean any regulation, statute, or law that aims to prohibit
14 discrimination in, or regulate, the workplace that is applicable to a contracting entity;

15 (b) All state contracting officers shall ensure that the solicitation for a state contract
16 requires the offeror-

17 (1) to represent, to the best of the offeror’s knowledge and belief, whether there has been
18 any administrative merits determination, arbitral award or decision, or civil judgment rendered
19 against the offeror in the preceding three years for violations of any workplace laws, including
20 health and safety standards, wage laws, and civil rights laws; including but not limited to:

21 a. the Fair Labor Standards Act of 1938, 29 U.S.C. 201 et seq.;

22 b. the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq.;

23 c. the National Labor Relations Act, 29 U.S.C. 151 et seq.;

24 d. the Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.;

25 e. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.;

26 f. the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;

27 g. the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.;

28 h. the Civil Service Reform Act of 1978;

29 i. the Immigration and Nationality Act, 8 U.S.C. 1101 et seq.;

- 30 j. Executive Order 11246;
- 31 k. Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. 1981;
- 32 l. Massachusetts Workers Compensation Laws,
- 33 m. the Genetic Information Nondiscrimination Act of 2008;
- 34 n. Chapter 151B of the General Laws; or
- 35 o. Any other equivalent state or federal laws.

36 (2) to require each subcontractor for state contract to represent to the offeror, to the best
37 of the subcontractor's knowledge and belief, whether there has been any administrative merits
38 determination, arbitral award or decision, or civil judgment rendered against the subcontractor in
39 the preceding three years for violations of any such workplace laws, including health and safety
40 standards, wage laws, and civil rights laws as enumerated above.

41 (c) All state contracting officers, in consultation with the Executive Office of Labor and
42 Workforce Development, shall consider information provided by the offeror under section 291 in
43 determining whether to award a contract.

44 (d) The state contracting officer for an awarded contract shall require that the contractor
45 update the information provided under section 291 every six months. The state contracting
46 officer, in consultation with the Executive Office of Labor and Workforce Development, shall
47 determine whether any information provided under this section warrants corrective action. Such
48 action may include:

- 49 (1) an agreement requiring appropriate remedial measures;

- 50 (2) compliance assistance;
- 51 (3) resolving issues to avoid further violations; or
- 52 (4) the decision not to exercise an option on a contract or to terminate the contract.
- 53 SECTION 2. This act shall take effect 90 days after its passage.