

SENATE No. 1244

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 promote pay transparency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>4/2/2021</i>

SENATE No. 1244

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1244) of Marc R. Pacheco and Michael D. Brady for legislation to promote pay transparency. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act to promote pay transparency.

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 149 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 105A the following section:

3 Section 105A½. (a) As used in this section, the following words, unless the context
4 clearly requires otherwise, shall have the following meanings:-

5 “Covered Employer” shall mean any employer that employed 100 or more employees in
6 Massachusetts at any time during the prior calendar year;

7 “DOL”, the United States Department of Labor;

8 “EOLWD”, the executive office of labor and workforce development under chapter 23;

9 “PPOF” shall mean Pipeline Promotional Opportunities Fund as described by this
10 section.

11 “Senior positions” shall mean employment positions at covered employers, as defined by
12 the secretary of EOLWD, that are associated with a high degree of authority and leadership
13 within a covered employer representing senior management and mid-level management;

14 “Secretary”, shall mean the secretary of labor and workforce development under chapter
15 23.

16 (b) On or before April 1 of each calendar year, every covered employer shall file a report
17 with the EOLWD specifying the race and gender ratios of the employees within each senior
18 position, as reported by such employees. Such positions include but are not limited to, executive
19 vice president, senior vice president, assistant vice president, general manager, regional manager,
20 division manager, manager, project manager, director, assistant director, and chief (c-level)
21 officers.

22 (c) On or before April 1 of each calendar year, the EOLWD shall prepare and post on its
23 website the gender and racial ratios of the labor force in the DOL’s six metropolitan statistical
24 areas of Massachusetts.

25 (d) Employees of a covered employer whose ratios of women or minority employees
26 among senior positions is below the ratio of women or minorities in the labor force within the
27 same metropolitan statistical area may apply to the Pipeline Promotional Opportunities Fund, as
28 described under section 26 of chapter 23, for funds to pay for professional development and
29 coaching services to enhance their prospects for promotion, where such promotion would
30 advance gender and racial parity in the leadership of her or his employer.

31 SECTION 2. Chapter 23 of the General Laws, as appearing in the 2018 Official Edition,
32 is hereby amended by inserting after section 25 the following section:

33 Section 26. (a) As used in this section, the following words, unless the context clearly
34 requires otherwise, shall have the following meanings:-

35 “Covered Employer” shall mean any employer that employed 100 or more employees in
36 Massachusetts at any time during the prior calendar year;

37 “DOL”, the United States Department of Labor;

38 “Employee” shall have the same meaning as described under section 1 of this chapter;

39 “EOLWD”, the Executive Office of Labor and Workforce Development under chapter
40 23;

41 “PPOF” shall mean Pipeline Promotional Opportunities Fund as described by this
42 section;

43 “Qualified employees” shall mean employees of a covered employer, whose ratios of
44 women or minority employees among senior positions is below the average ratio of women or
45 minorities in the labor force within the same metropolitan statistical area;

46 “Secretary” shall mean the secretary of labor and workforce development as described
47 under section 1 of this chapter;

48 “Senior positions” shall mean employment positions at covered employers, as defined by
49 the secretary of EOLWD, that are associated with a high degree of authority and leadership
50 within a covered employer representing senior management and mid-level management.

51 (b) Each year, the executive office of labor and workforce development shall prepare and
52 publish, including by posting on its website, the gender and racial ratios of each senior position

53 at all covered employers in each of the DOL's six metropolitan statistical areas of Massachusetts.
54 The EOLWD shall also make available on its website annually the reports of gender and racial
55 ratios of the senior positions filed by each covered employer. Such information shall be posted in
56 a form that does not specify the identity of any individual person.

57 (c) In order to facilitate the reporting of the race and gender ratios of those in senior
58 positions at covered employers, the secretary shall issue a reporting form for each reporting year
59 on which she or he defines the term "senior position" and list all job titles that she or he
60 determines are associated with a high degree of authority and leadership at covered employers.

61 (d) On or before April 1 of each calendar year, the EOLWD shall prepare and post on its
62 website the gender and racial ratios of the labor force in the DOL's six metropolitan statistical
63 areas of Massachusetts.

64 (e) Subsections (f) – (h) of this section shall be known and may be cited as the "Pipeline
65 Promotional Opportunities Fund."

66 (f) There shall be established a Pipeline Promotional Opportunities Fund by the EOLWD
67 to provide covered employers with funds to provide qualified employees with financial aid for
68 specified professional development or coaching services intended to help such qualified
69 employees advance professionally. The PPOF shall be administered by the secretary.

70 (g) The secretary shall set a standard allowable hourly fee for professional development
71 or coaching services, establish a process for reviewing applications for funding to ascertain an
72 employee's promotional prospect, and verify the covered employer's variance from proportional
73 gender and/or racial ratios in the metropolitan statistical area. The secretary shall further
74 promulgate any rules and regulations necessary to effectuate the purposes of this section,

75 including but not limited to those related to the determination of initial and continued eligibility
76 requirements for qualified applicants and the allocation of funds to qualified applicants.

77 (h) All recipients of PPOF funds agree to make an equivalent contribution to the PPOF
78 fund if, within 18 months of receiving funds from the PPOF, they realize a raise and/or
79 promotion.

80 SECTION 3. Notwithstanding any general law or special law or regulation to the
81 contrary, the legislature shall appropriate \$25 million dollars to the executive office of labor and
82 workforce development for the establishment and maintenance of the Pipeline Promotional
83 Opportunities Fund. The legislature shall replenish said fund annually to ensure adequate funds
84 to satisfy all qualified applicants.