

**SENATE . . . . . No. 1237**

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**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 relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters.

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>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>5/7/2021</i>

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1237) of Marc R. Pacheco and Michael D. Brady for legislation relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1104 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters.

*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 Massachusetts General Laws is hereby amended by  
2 striking Section 27F and inserting in place thereof the following section:

3           Section 27F: Wages of operators of rented equipment; agreements; penalty; civil action

4           Section 27F. No agreement of lease, rental or other arrangement, and no order or  
5 requisition under which a truck or any automotive or other vehicle or equipment is to be engaged  
6 in public works by the Commonwealth or by a county, city, town or district, shall be entered into  
7 or given by any public official or public body unless said agreement, order or requisition  
8 contains a stipulation requiring prescribed rates of wages, as determined by the commissioner, to  
9 be paid to the operators of said trucks, vehicles or equipment. Any such agreement, order or

10 requisition which does not contain said stipulation shall be invalid, and no payment shall be  
11 made thereunder. Said rates of wages shall be requested of said commissioner by said public  
12 official or public body, and shall be furnished by the commissioner in a schedule containing the  
13 classifications of jobs, and the rate of wages to be paid for each job. Said rates of wages shall  
14 include payments to health and welfare plans, pension plans, or, if no such plan is in effect  
15 between employers and employees, the amount of such payments shall be paid directly to said  
16 operators.

17           Whoever pays less than said rates of wages, including payments to health and welfare  
18 funds, pension plans or the equivalent in wages, on said works, and whoever accepts for his own  
19 use, or for the use of any other person, as a rebate, gratuity or in any other guise, any part or  
20 portion of said wages or health and welfare funds, pension plans shall have violated this section  
21 and shall be punished or shall be subject to a civil citation or order as provided in section 27C.

22           An employee claiming to be aggrieved by a violation of this section may, 90 days after  
23 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
24 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
25 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
26 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who  
27 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost  
28 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
29 attorneys' fees.

30           SECTION 2. Chapter 149 of the Massachusetts General Laws is hereby amended by  
31 striking Section 27G and inserting in place thereof the following section:

32           Section 27G: Wages of employees of moving contractors; contracts; injunctive relief;  
33 damages

34           Section 27G. No contract for the moving of office furniture and fixtures shall be entered  
35 into or given by the commonwealth or by a county, city, town or district unless said contract  
36 contains a stipulation requiring prescribed rates of wages, as determined by the commissioner, to  
37 be paid to the employees of a moving contractor. Any such contract which does not contain said  
38 stipulation shall be invalid, and no payment shall be made thereunder. Said rates of wages shall  
39 be requested of the commissioner by the commonwealth or by a county, city, town or district,  
40 and shall be furnished by the commissioner in a schedule containing the classifications of jobs  
41 and the rate of wages to be paid for each job. Said rates of wages shall include payments to  
42 health and welfare plans, pension plans or, if no such plan is in effect between employers and  
43 employees, the amount of such payments shall be paid directly to said employees.

44           An employee claiming to be aggrieved by a violation of this section may, 90 days after  
45 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
46 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
47 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
48 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who  
49 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost  
50 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
51 attorneys' fees.

52           SECTION 3. Chapter 149 of the Massachusetts General Laws is hereby amended by  
53 inserting the following section:

54 Section 27I: Wages of school bus drivers; contracts; injunctive relief; damages

55 Section 27I. No contract for the transportation of pupils in the Commonwealth shall be  
56 entered into or given by a county, city, town or school district unless said contract contains a  
57 stipulation requiring prescribed rates of wages, as determined by the commissioner, to be paid to  
58 the employees of a motor bus company as defined by Section 7A of Chapter 71 of the  
59 Massachusetts General Laws. Any such contract which does not contain said stipulation shall be  
60 invalid, and no payment shall be made thereunder. Said rates of wages shall be requested of the  
61 commissioner by the Commonwealth or by a county, city, town or school district, and shall be  
62 furnished by the commissioner in a schedule containing the classifications of jobs and the rate of  
63 wages to be paid for each job. Said rates of wages shall include payments to health and welfare  
64 plans, pension plans or, if no such plan is in effect between employers and employees, the  
65 amount of such payments shall be paid directly to said employees.

66 An employee claiming to be aggrieved by a violation of this section may, 90 days after  
67 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
68 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
69 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
70 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who  
71 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost  
72 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
73 attorneys' fees.