

# HOUSE . . . . . No. 1944

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Jeffrey N. Roy***

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*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 clarifying the process for paying the wages of dismissed employees.

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PETITION OF:

| NAME:                 | DISTRICT/ADDRESS:   | DATE ADDED:      |
|-----------------------|---------------------|------------------|
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> | <i>1/18/2023</i> |

# HOUSE . . . . . No. 1944

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By Representative Roy of Franklin, a petition (accompanied by bill, House, No. 1944) of Jeffrey N. Roy relative to clarifying the process for paying the wages of dismissed employees. Labor and Workforce Development.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

An Act clarifying the process for paying the wages of dismissed 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 is hereby amended by  
2     inserting after the word “him”, in the second sentence, the following:-

3           “or the payment of demanded wages pursuant to section 204 of this chapter,”

4           SECTION 2. Chapter 149 of the General Laws is hereby amended by inserting after  
5     section 203 the following section:-

6           Section 204. Right to Cure

7           (a) After termination of a person’s employment, claims that are brought to recover unpaid  
8     employment-based compensation resulting from a violation of sections 33E, 52E, 148, 148A,  
9     148B, 148C, 150C, 152, 152A, 159C or 190 or section 19 of chapter 15 and that seek treble  
10    damages under section 150 of chapter 149 shall be preceded by a written demand for relief to the  
11    employer specifying those sums due and the reasons therefor. Upon receipt of such a demand for

12 relief, the employer shall have fifteen business days to cure any asserted deficiency by making  
13 payment in full to the aggrieved claimant. The employer shall have no liability for attorneys' fees  
14 or for treble damages under section 150 of chapter 149 should the employer cure the violation by  
15 paying, within fifteen days of receiving the written demand, any deficiency in such  
16 compensation payments: (i) that are indisputably due; or (ii) upon a showing that the violation  
17 was the result of a good faith miscalculation, error or reliance on erroneous information from a  
18 third party.

19 (b) In any action that is brought to recover unpaid employment-based compensation  
20 resulting from a violation of sections 33E, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C  
21 or 190 or section 19 of chapter 151 and that seeks treble damages under section 150 of chapter  
22 149, if the employer shows to the satisfaction of the court that the employer's act or omission  
23 giving rise to such action was in good faith, and that the employer had reasonable grounds for  
24 believing that its act or omission was not a violation of such laws, the court may, in its sound  
25 discretion, award no statutory or treble damages.