

HOUSE No. 4281

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 25, 2024.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 1855) of Josh S. Cutler and others relative to protecting wages of deceased employees, reports recommending that the accompanying bill (House, No. 4281) ought to pass.

For the committee,

JOSH S. CUTLER.

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

An Act relative to protecting wages of deceased 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 178A of chapter 149 of the General Laws, is hereby amended by
2 striking the entire section and inserting in place thereof the following section:-

3 Section 178A.

4 (a) In the event of the death of an employee all wages due to the deceased employee at
5 the time of death, may, upon proper demand on the employer, be paid, in the absence of actual
6 notice of the pendency of probate proceedings, without requiring letters testamentary or of
7 administration in the following order of preference to decedent's:

8 (i) surviving spouse;

9 (ii) children 18 years of age and over in equal shares, or to the guardian of children under
10 18 years of age;

11 (iii) father and mother;

12 (iv) sibling; or

13 (v) another person not otherwise identified above who pays the funeral expenses.

14 (b) Payments under subsection (a) of this section shall constitute a full discharge of all
15 obligations of the employer with respect to such wages and shall hold the employer harmless
16 from any liability in any legal action brought after the payment of these wages.

17 (c) Any employer receiving a proper demand for wages under the statute shall retain the
18 demand and any supporting documentation, as well as proof of payment, as part of the
19 employee's personnel record as provided in chapter 149, section 52C.

20 (d) Definitions

21 "Proper demand" shall consist of a written request in the form of an affidavit sworn to
22 under penalty of perjury by the individual or individuals identified in subsection (a) above,
23 indicating that the individual or individuals are entitled to the wages under subsection (a), and
24 with the following supporting documentation:

25 (i) written notice of the employee's death such as an obituary or death notice;

26 (ii) written evidence of the relationship between the deceased employee and the
27 individual requesting the payment of final wages; and

28 (iii) in the event that the demand is from a person who is not next of kin as described in
29 subsection (a), evidence that the claimant paid for the decedent employee's funeral.

30 "Wages" shall have the same meaning as defined in chapter 149, section 148.