

**SENATE . . . . . No. 1161**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Sal N. DiDomenico***

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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 prevailing wage act to protect actions by the attorney general.

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PETITION OF:

NAME:

*Sal N. DiDomenico*

DISTRICT/ADDRESS:

*Middlesex and Suffolk*

**SENATE . . . . . No. 1161**

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1161) of Sal N. DiDomenico for legislation to clarify the prevailing wage act to protect actions by the attorney general. Labor and Workforce Development.

**The Commonwealth of Massachusetts**

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

An Act clarifying the prevailing wage act to protect actions by the attorney general.

*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 27 of Chapter 149 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended striking the fourth paragraph, and replacing it thereof with  
3 the following:-

4 "An employee claiming to be aggrieved by a violation of this section may, 90 days after  
5 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
6 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
7 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
8 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3  
9 year limitation period shall be tolled from the date that the employee or a similarly situated  
10 employee files a complaint with the attorney general alleging a violation of any of these sections  
11 until the date that the attorney general issues a letter authorizing a private right of action or the  
12 date that an enforcement action by the attorney general becomes final. An employee so

13 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated  
14 damages, for any lost wages and other benefits and shall also be awarded the costs of the  
15 litigation and reasonable attorneys' fees."

16 SECTION 2. Section 27F of Chapter 149 of the General Laws, as appearing in the 2020  
17 Official Edition, is hereby amended striking the third paragraph, and replacing it thereof with the  
18 following:-

19 "An employee claiming to be aggrieved by a violation of this section may, 90 days after  
20 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
21 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
22 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
23 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3  
24 year limitation period shall be tolled from the date that the employee or a similarly situated  
25 employee files a complaint with the attorney general alleging a violation of any of these sections  
26 until the date that the attorney general issues a letter authorizing a private right of action or the  
27 date that an enforcement action by the attorney general becomes final. An employee so  
28 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated  
29 damages, for any lost wages and other benefits and shall also be awarded the costs of the  
30 litigation and reasonable attorneys' fees."

31 SECTION 2. Section 27G of Chapter 149 of the General Laws, as appearing in the 2020  
32 Official Edition, is hereby amended striking the second paragraph, and replacing it thereof with  
33 the following:-

34 "An employee claiming to be aggrieved by a violation of this section may, 90 days after  
35 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
36 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
37 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
38 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3  
39 year limitation period shall be tolled from the date that the employee or a similarly situated  
40 employee files a complaint with the attorney general alleging a violation of any of these sections  
41 until the date that the attorney general issues a letter authorizing a private right of action or the  
42 date that an enforcement action by the attorney general becomes final. An employee so  
43 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated  
44 damages, for any lost wages and other benefits and shall also be awarded the costs of the  
45 litigation and reasonable attorneys' fees."

46 SECTION 3. Section 27H of Chapter 149 of the General Laws, as appearing in the 2020  
47 Official Edition, is hereby amended striking the second paragraph, and replacing it thereof with  
48 the following:-

49 "An employee claiming to be aggrieved by a violation of this section may, 90 days after  
50 the filing of a complaint with the attorney general, or sooner if the attorney general assents in  
51 writing, and within 3 years after the violation, institute and prosecute in his own name and on his  
52 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for  
53 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3  
54 year limitation period shall be tolled from the date that the employee or a similarly situated  
55 employee files a complaint with the attorney general alleging a violation of any of these sections  
56 until the date that the attorney general issues a letter authorizing a private right of action or the

57 date that an enforcement action by the attorney general becomes final. An employee so  
58 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated  
59 damages, for any lost wages and other benefits and shall also be awarded the costs of the  
60 litigation and reasonable attorneys' fees."

61 SECTION 4. Section 27 of Chapter 149 of the General Laws, as appearing in the 2020  
62 Official Edition, is hereby amended striking the word "27B" and replacing it thereof with the  
63 following:- "27H".