

**HOUSE . . . . . No. 2094**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Daniel M. Donahue***

*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 prevent wage theft, promote employer accountability, and enhance public enforcement.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/15/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/5/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/20/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/20/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>2/20/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/20/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/20/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/20/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/20/2025</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/20/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/20/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/20/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/20/2025</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>5/28/2025</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>5/28/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>5/28/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>5/28/2025</i>

<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>5/28/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>5/28/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>5/28/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>5/28/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>5/28/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>5/28/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>5/28/2025</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>5/28/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>5/28/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>5/28/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/28/2025</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>5/28/2025</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>5/28/2025</i>
<i>Mark D. Sylvia</i>	<i>10th Bristol</i>	<i>5/28/2025</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>5/28/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>5/28/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/28/2025</i>
<i>Dennis C. Gallagher</i>	<i>8th Plymouth</i>	<i>5/28/2025</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>5/28/2025</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>5/28/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>5/28/2025</i>
<i>Bridget Plouffe</i>	<i>9th Plymouth</i>	<i>5/28/2025</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>6/2/2025</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>6/2/2025</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>9/4/2025</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>9/4/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>9/4/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>9/4/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>9/4/2025</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>9/4/2025</i>
<i>Lisa Field</i>	<i>3rd Bristol</i>	<i>9/4/2025</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>12/18/2025</i>
<i>Amy Mah Sangiolo</i>	<i>11th Middlesex</i>	<i>12/18/2025</i>
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>12/18/2025</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>12/18/2025</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>12/18/2025</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/28/2026</i>

**HOUSE . . . . . No. 2094**

By Representative Donahue of Worcester, a petition (accompanied by bill, House, No. 2094) of Daniel M. Donahue and others relative to wage theft, employer accountability, and public enforcement. Labor and Workforce Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act to prevent wage theft, promote employer accountability, and enhance public enforcement.

*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 27C of chapter 149 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the words “subsection (a)”, in line 58, the  
3 following words:- , or section 100, 148E or 150C.

4 SECTION 2. Said section 27C of said chapter 149, as so appearing, is hereby further  
5 amended by striking out, in line 159, the words “Civil and criminal” and inserting in place  
6 thereof the following word:- Criminal.

7 SECTION 3. Said section 27C of said chapter 149, as so appearing, is hereby further  
8 amended by adding the following subsection:-

9 (d) As a further alternative to initiating criminal proceedings pursuant to subsection (a) or  
10 civil proceedings pursuant to subsection (b), the attorney general may file a civil action for  
11 injunctive relief, for any damages incurred, and for any lost wages and other benefits on behalf

12 of an employee or multiple, similarly situated employees. If the attorney general prevails in such  
13 an action, the employee or employees on whose behalf the attorney general brought the civil  
14 action shall be awarded treble damages, for any lost wages and other benefits, and the attorney  
15 general shall also be awarded the costs of the litigation and reasonable attorneys' fees.

16 SECTION 4. Chapter 149 of the General Laws is hereby amended by inserting after  
17 section 148D the following 3 sections:-

18 Section 148E. (a) As used in this section and sections 148F to 148H, inclusive, the  
19 following words shall have the following meanings unless the context clearly indicates  
20 otherwise:-

21 "Labor contractor:, (1) an individual who is not an employee of a lead contractor, as  
22 defined by section 148B of chapter 149, or a corporation, partnership, firm or other business  
23 entity, (2) who obtains, engage or provides 1 or more individuals to perform labor services, with  
24 or without a written contract, directly or indirectly, to a lead contractor or from a labor  
25 subcontractor for the benefit of the lead contractor's business activities, operations, or purposes.

26 "Labor subcontractor", (1) an individual who is not an employee of a labor contractor or  
27 lead contractor, as defined by section 148B of chapter 149, or a corporation, partnership, firm or  
28 other business entity, (2) who engages or provides 1 or more individuals to perform labor or  
29 services, with or without a written contract, directly or indirectly, to a labor contractor for the  
30 benefit of the lead contractor's business activities, operations, or purposes.

31 "Lead contractor", a person, regardless of form, that obtains, engages or is provided with  
32 1 or more individuals, directly from a labor contractor or indirectly from a labor subcontractor, to

33 perform labor or services that have a significant nexus with the lead contractor’s business  
34 activities, operations, or purposes.

35 “Wage theft”, a violation of sections 27, 27F, 27G or 27H, the first and third sentences  
36 and the fourth paragraph of section 148, sections 148B or 148C, the fourth sentence of section  
37 150, section 152A, subsections (c) or (d) of section 159C, sections 1, 1A, 1B, 2A or 7 of chapter  
38 151, clauses (4) or (5) of section 19 of chapter 151 or section 20 of chapter 151.

39 (b) An employer, except a staffing agency as defined by section 159C that is licensed or  
40 registered pursuant to sections 46A to 46R, inclusive, of chapter 140, shall provide each  
41 employee, not later than 10 days after the commencement of employment, with written notice in  
42 the language the employer normally uses to communicate employment-related information to the  
43 employee, of the following information: (i) the rate or rates of pay and the basis for those rates,  
44 whether paid by the hour, shift, day, week, salary, piece, commission or otherwise, including  
45 methods of calculation for overtime, if applicable; (ii) allowances, if any, claimed as part of the  
46 minimum wage, including meal, tip or lodging allowances; (iii) the regular pay day designated  
47 by the employer; (iv) the name of the employer, including any “doing business as” names used  
48 by the employer; (v) the physical address of the employer’s main office or principal place of  
49 business and mailing address, if different; (vi) the telephone number of the employer; and (vii)  
50 the name, address, and telephone number of the employer’s workers’ compensation insurance  
51 carrier.

52 (c) A lead contractor shall be subject to joint and several liability with a labor contractor  
53 and a labor subcontractor. For purposes of this section, the president and treasurer of a

54 corporation and any officers or agents having the management of such corporation shall also be  
55 deemed civilly liable for a wage theft violation hereunder.

56 (d) Nothing in this section shall limit the availability of other civil claims and remedies at  
57 law or in equity whether provided under the general laws or common law.

58 (e) A successor entity to any lead contractor, labor contractor or labor subcontractor  
59 subject to liability under this section shall also be liable under this section if that entity: (i) has 1  
60 or more of the same principals or officers as the person or entity subject to liability; and (ii) is  
61 engaged in the same or equivalent trade or activity as the person or entity subject to liability.

62 (f) A person or entity that has been found to have committed wage theft in the previous 3  
63 years shall notify a lead contractor or labor contractor prior to entering into an agreement to  
64 engage or provide 1 or more individuals, directly or indirectly, to a lead contractor or labor  
65 contractor. A lead contractor or labor contractor that was jointly and severally liable under  
66 subsection (c) but was not the entity that committed the wage theft shall not be required to  
67 provide notice under this subsection.

68 (g) When an individual applies for unemployment benefits pursuant to chapter 151A, and  
69 wage theft occurred during the base period as determined based on credible evidence, the  
70 individual's unemployment benefits shall be calculated as if wages had been timely and lawfully  
71 paid.

72 (h) The attorney general shall enforce this section, and may obtain injunctive or  
73 declaratory relief. Violation of this section shall be subject to paragraphs (1), (2), (4) and (7) of  
74 subsection (b) of section 27C, and subsection (d) of section 27C, except in cases where the lead

75 contractor, labor contractor or labor subcontractor provides payment in full during the 15-day  
76 notice period for any wages allegedly owed, as described in subsection (c).

77 (i) No person or entity shall by contract or any other means be exempted from  
78 subsections (a), (b), (c), (e), (f), (g), (h), or (i) or from sections 148F or 148G. Nothing in this  
79 chapter shall limit the availability of other civil claims remedies at law or equity whether  
80 provided under the General Laws or by common law.

81 (j) The attorney general may promulgate regulations to implement this section.

82 Section 148F. (a) The attorney general may investigate an employer's failure to obtain  
83 unemployment insurance as required under chapter 151A. Upon finding a violation of section 15  
84 or section 47 of chapter 151A, the attorney general may issue a stop work order to an employing  
85 unit and the officer or agent of the employing unit, requiring the cessation of all business  
86 operations of the violating person or entity as to the specific place of business and employment  
87 for which the violation exists.

88 Not less than 5 days before the commencement of a stop work order under this section,  
89 the attorney general shall notify the violating person or entity of the intended action and give the  
90 person or entity an opportunity to confer with the attorney general in person or through counsel  
91 or other representative as to the proposed action. Notice shall be given to the person or entity by  
92 mail, postage prepaid, to the usual place of business or, if there is no usual place of business, to  
93 the last known address.

94 The stop work order may be issues only against the person or entity found to be in  
95 violation of section 15 or section 47 of chapter 151A and only as to the specific place of business  
96 or employment for which the violation exists. The stop work order shall be effective 24 hours

97 after it is served upon the violator or the place of business or employment. A stop work order  
98 may be served in hand or at a place of business, employment or job site by posting a copy of the  
99 stop work order in a conspicuous location. The stop work order shall be in effect, subject to an  
100 appeal under subsection (b), until the attorney general issues an order to release the stop work  
101 order upon a finding that the violation has been corrected.

102 (b) A person or entity aggrieved by the imposition of a stop work order shall have 10  
103 days from the date of its service to make a request for a hearing to be held in a manner  
104 determined by the attorney general. A person or entity that timely files such an appeal shall be  
105 granted a hearing in accordance with chapter 30A not later than 21 days after receipt of the  
106 appeal. The stop work order shall not be in effect during the pendency of a timely filed appeal.

107 (c) A stop work order imposed against a person or entity shall be effective against any  
108 successor person or entity that: (i) has at least 1 of the same principals or officers as the person or  
109 entity against whom the stop work order was issued; and (ii) is engaged in the same or equivalent  
110 trade or activity as the person or entity for which the stop work order was imposed.

111 (d) An employee affected by a stop work order pursuant to this section shall be paid for  
112 the period the stop work order is in place or the first 10 days the employee would have been  
113 scheduled to work if the stop work order had not been issued, whichever is less, by the person or  
114 entity that was served the stop work order. Time lost by an employee affected by a stop work  
115 order pursuant to this section, not exceeding 10 days, shall be considered time worked under  
116 chapters 149 and 151. Subsection (c) of section 148E shall not apply to wages due and payable  
117 under this subsection.

118 (e) The attorney general may promulgate regulations to implement this section.

119           Section 148G. (a) Upon finding that any person or entity has engaged in a wage theft  
120 violation, the attorney general may issue a stop work order to an employing unit and the officer  
121 or agent of the employing unit, requiring the cessation of all business operations of the violating  
122 person or entity as to the specific place of business and employment for which the violation  
123 exists.

124           Not less than 5 days before the commencement of a stop work order under this section,  
125 the attorney general shall notify the violating person or entity of the intended action and give the  
126 person or entity an opportunity to confer with the attorney general in person or through counsel  
127 or other representative as to the proposed action. Notice shall be given to the person or entity by  
128 mail, postage prepaid, to the usual place of business, or if there is no usual place of business, to  
129 the last known address.

130           The stop work order may be issued only against the person or entity found to be in  
131 violation, and only as to the specific place of business and employment for which the violation  
132 exists. The stop work order shall be effective 24 hours after it has been served upon the violator  
133 or the place of business and employment. A stop work order may be served in hand or at a place  
134 of business, employment or job site by posting a copy of the stop work order in a conspicuous  
135 location. The stop work order shall be in effect, subject to an appeal under subsection (b), until  
136 the attorney general issues an order to release the stop work order upon a finding that the  
137 violation has been corrected.

138           (b) A person or entity aggrieved by the imposition of a stop work order shall have 10  
139 days from the date of its service to make a request for a hearing to be held in a manner  
140 determined by the attorney general. A person or entity that timely files such an appeal shall be

141 granted a hearing in accordance with chapter 30A not later than 21 days after receipt of the  
142 appeal. The stop work order shall not be in effect during the pendency of a timely field appeal.

143 (c) A stop work order imposed under this section against a person or entity shall be  
144 effective against any successor person or entity that: (i) has at least 1 of the same principals or  
145 officers as the person or entity against whom the stop work order was issued; and (ii) is engaged  
146 in the same or equivalent trade or activity as the person or entity for which the stop work order  
147 was imposed.

148 (d) An employee affected by a stop work order pursuant to this section shall be paid for  
149 the period the stop work order is in place or the first 10 days the employee would have been  
150 scheduled to work if the stop work order had not been issued, whichever is less, by the person or  
151 entity that was served the stop work order. Time lost by an employee affected by a stop work  
152 order issued pursuant to this section, not exceeding 10 days, shall be considered time worked  
153 under chapters 149 and 151. Subsection (c) of section 148E shall not apply to wages due and  
154 payable under this subsection.

155 (e) The attorney general may promulgate regulations to implement this section.

156 SECTION 5. Section 150 of said chapter 149, as appearing in the 2022 Official Edition,  
157 is hereby amended by inserting, in line 22, after the word “148C” the following word:- , 148E.

158 SECTION 6. Section 150C of said chapter 149, as appearing in the 2022 Official Edition,  
159 is hereby amended by striking out, in line 9, the workers “one thousand dollars,” and inserting in  
160 place thereof the following words:- \$1,000 or shall be subject to a civil citation or order as  
161 provided in subsection (b) of section 27C.

162 SECTION 7. Said section of 150C of said chapter 149, as so appearing, is hereby further  
163 amended by adding the following sentence:- The president and treasurer of a corporation and any  
164 officers or agents having the management of such corporation shall be considered the employers  
165 of the employees of the corporation for the purposes of this section.

166 Nothing in this section shall limit parties aggrieved by an employer's failure to make  
167 insurance benefit contributions utilizing other remedies at law or equity afforded by other  
168 chapters of the general laws, the common law, or federal law.

169 SECTION 8. Said chapter 149 of the General Laws is hereby amended by striking out  
170 section 148A and inserting in place thereof the following section:-

171 Section 148A. (a) Any person or entity, including an employer or its agent, who in any  
172 manner discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
173 against any person because that person has opposed a violation of this chapter, complained to the  
174 attorney general or to any other person of a violation of this chapter, assisted any other person in  
175 exercising rights under this chapter, informed any other person of rights under this chapter, or  
176 instituted, assisted in, or testified in any investigation or proceedings under or related to this  
177 chapter, or because of a belief that the person may in the future engage in any such actions, shall  
178 have violated this section and shall be punished or subject to civil proceedings as provided in  
179 subsection (b) or subsection (d) of section 27C, or section 150, and shall recover actual damages,  
180 compensatory damages, punitive damages, injunctive relief or any other appropriate relief.

181 (b) There shall be a rebuttable presumption of a violation of this section is a person or  
182 entity discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
183 against any person within 90 days of that person's exercise of rights under this chapter, including

184 activity protected by this section. This presumption may be rebutted by clear and convincing  
185 evidence that the action was taken for a permissible purpose and that it would have been taken in  
186 the absence of the protected activity.

187 SECTION 9. Section 19 of chapter 151 of the General Laws, as appearing in the 2022  
188 Official Edition, is hereby amended by striking out subsection (1) and inserting in place thereof  
189 the following subsection:-

190 (1)(a) Any person or entity, including an employer or its agent, who in any manner  
191 discriminates or takes adverse action, or threatens to discriminate or take adverse action, against  
192 any person because that person has opposed a violation of this chapter, complained to the  
193 attorney general or any other person of a violation of this chapter, assisted any other person in  
194 exercising rights under this chapter, informed any other person of rights under this chapter, or  
195 instituted, assisted in, or testified in any investigation or proceedings under or related to this  
196 chapter, or because of a belief that the person may in the future engage in any such actions, shall  
197 have violated this section and shall be punished or subject to civil proceedings as provided in  
198 subsection (b) or subsection (d) of section 27C, or section 150, and shall recover actual damages,  
199 compensatory damages, punitive damages, injunctive relief or any other appropriate relief.

200 (b) There shall be a rebuttable presumption of a violation of this subsection if a person or  
201 entity discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
202 against any person within 90 days of that person's exercise of rights under this chapter, including  
203 activity protected by this subsection. This presumption may be rebutted by clear and convincing  
204 evidence that the action was taken for a permissible purpose and that it would have been taken in  
205 the absence of the protected activity.

206 SECTION 10. Chapter 149 of the General Laws, as so appearing, is hereby amended by  
207 inserting after section 148G the following section 148H:-

208 (a) For purposes of this section, the following terms shall have the following meanings:

209 (1) “Aggrieved person”, any employee, prospective or former employee, or person  
210 providing services for remuneration to another against whom one or more of the alleged  
211 violations was committed by the alleged violator, whether or not employed by the violator at the  
212 time an action is filed, including any person who is not classified by an employer as an employee  
213 but who claims to be an employee and whose claims against the purported employer related to  
214 such alleged misclassification.

215 (2) “Public enforcement action”, a civil action brought by a relator under this section to  
216 enforce protections enforceable by the attorney general.

217 (3) “Relator”, a whistleblower or representative organization that acts as a plaintiff in a  
218 public enforcement action under this section.

219 (4) “Representative organization”, an organization that is tax-exempt under subsection  
220 (c)(3), (c)(4) or (c)(5) of the federal Internal Revenue Code, 26 U.S.C. section 501, and that  
221 regularly advocates on behalf of employees or that regularly assists in enforcement of this  
222 chapter or chapter 151 and that has been selected by an aggrieved individual to initiate a public  
223 enforcement action on the aggrieved person’s behalf, in writing in a form prescribed by the  
224 attorney general. In such cases, the aggrieved party’s name and personal identifying information  
225 shall be kept confidential if the aggrieved party so chooses.

226 (5) “Whistleblower”, an aggrieved individual or any current or former employee,  
227 contractor, subcontractor, employee of a contractor or subcontractor of the defendant, vendor, or  
228 client with knowledge of the alleged violations that is independent of and materially adds to any  
229 publicly disclosed information about the alleged violations.

230 (b)(1) A relator, on behalf of the attorney general, may initiate a public enforcement  
231 action pursuant to the procedures and subject to the limitations specified in subsection (e) of this  
232 section. Such action may be brought in any court of competent jurisdiction. Such an action may  
233 allege multiple violations that have affected different parties aggrieved by the same defendant.

234 (2) For purposes of public enforcement actions brough pursuant to this section, whenever  
235 the attorney general is authorized to assess or seek civil remedies, including penalties, equitable  
236 and declaratory relief, and other civil relief, for a violation of section 21, 26-27H, 52D, 100, 148,  
237 148A, 148B, 148C, 148E, 150A, 150C, 152, 152A, 159C, or 190 of this chapter, or of chapter  
238 151, a court is hereby authorized to assess the same civil remedies. Where the section of chapter  
239 149 or chapter 151 establishes an employer’s obligation to maintain certain working conditions,  
240 but no civil penalty is specifically provided for a breach of that obligation, there is hereby  
241 established a civil penalty of \$500 for each aggrieved person per two-week period in which the  
242 breach occurred. All civil penalties shall be awarded for each person aggrieved by the violation  
243 during each two-week period in which the violation occurred.

244 (3) When a civil remedy is recovered pursuant to decision or settlement in any public  
245 enforcement action, the relator shall be awarded reasonable attorneys’ fees and costs.

246 (4) Nothing in this section shall operate to limit an aggrieved party’s right to pursue a  
247 private action based on the same violation or injury.

248 (5) Nothing in this section shall operate to limit the attorney general’s right to seek  
249 restitution and damages, where available, for aggrieved parties as part of a public enforcement  
250 action in which it has intervened.

251 (6) Civil remedies recovered in a public enforcement action or settlement of a proposed  
252 action shall be distributed as follows:

253 (i) Where the attorney general has not intervened, 30 percent to the relator and 70 percent  
254 to the attorney general for enforcement of and education about the rights and obligations  
255 enforceable under this chapter and chapter 151. Twenty-five percent of the attorney general’s  
256 share shall be reserved for providing funding to community-based outreach and enforcement  
257 activities under subsection (f) of this section. The attorney general shall promulgate regulations  
258 relative to further distribution and disbursal of recoveries. Any funding received by the attorney  
259 general under this section shall be continuously appropriated to supplement, and not supplant,  
260 other funding for those purposes;

261 (ii) Where the attorney general has intervened, 20 percent to the relator and 80 percent to  
262 the attorney general for enforcement of and education about the rights and obligations  
263 enforceable under this chapter and chapter 151. Twenty-five percent of the attorney general’s  
264 share shall be reserved for providing funding to community-based outreach and enforcement  
265 activities under subsection (f) of this section. The attorney general shall promulgate regulations  
266 relative to further distribution and disbursal of recoveries. Any funding received by the attorney  
267 general under this section shall be continuously appropriated to supplement, and not supplant,  
268 other funding for those purposes;

269 (7) The right to bring a public enforcement action under this section shall not be impaired  
270 by any special contract.

271 (8) Notwithstanding any other provision of law, a public enforcement action authorized  
272 by this section shall be commenced within the same period of time that the attorney general has  
273 to take enforcement action under this chapter or chapter 151. The statute of limitations for  
274 bringing a public enforcement action under this section shall be tolled from the date that a relator  
275 files a notice pursuant to subsection (e) of this section with the attorney general, or the date that  
276 the attorney general commences an investigation, whichever is earlier.

277 (c)(1) Notwithstanding the provisions of subsection (b) of this section, no public  
278 enforcement action may be brought by a relator:

279 (i) If the attorney general, on the same facts and theories, cites a person or entity within  
280 the time periods set forth in subsection (e) of this section for a violation of the same section or  
281 sections of the General Laws under which such relator is attempting to recover a civil penalty or  
282 other remedy on behalf of aggrieved employees or others, or files a proceeding to assess  
283 penalties or to enforce other remedies available to the attorney general, provided that the attorney  
284 general serves notice to the relator pursuant to subsection (e) of this section. Public enforcement  
285 actions belong to the attorney general and preclude subsequent attorney general enforcement  
286 efforts based on the same facts and law, whether brought by the attorney general or a relator  
287 under this section. However, nothing in this section shall operate to limit the attorney general's  
288 right to seek additional civil remedies for aggrieved parties as part of a public enforcement action  
289 in which it has intervened.

290 (ii) For any violation of a posting, notice, agency reporting, or filing requirement, except  
291 where the filing or reporting requirement involves mandatory payroll reporting.

292 (2) The attorney general shall establish a publicly available online database of public  
293 enforcement actions brought pursuant to this section, which shall include the names of the parties,  
294 the date filed, the disposition, and any other information that the attorney general shall by  
295 regulation prescribe.

296 (d) (1) No one shall retaliate or take adverse action in any manner against an aggrieved  
297 person or whistleblower, or threaten to retaliate or take adverse action, because:

298 (i) the aggrieved person or whistleblower has brought a public enforcement action;

299 (ii) the aggrieved person or whistleblower has cooperated with a relator in a public  
300 enforcement action or the attorney general in investigating, prosecuting, or intervening in a  
301 public enforcement action; or

302 (iii) it is believed that the aggrieved person or whistleblower may bring a public  
303 enforcement action or cooperate with one.

304 (2) Any person aggrieved by a violation of this subsection may enforce it as provided by  
305 section 27C or section 150 of this chapter, or as provided by section 19 of chapter 151.

306 (e) (1) No public enforcement action pursuant to this section may be commenced prior to  
307 60 days after written notice of the claim has been filed by the relator with the attorney general.

308 (2) The relator shall submit a filing fee of 75 dollars with each filing of notice subject to  
309 waiver in accordance with regulations promulgated by the attorney general. Notice and

310 submission of the filing fee shall toll the statute of limitations on the enforcement action for  
311 which notice has been provided.

312 (3) The attorney general shall establish an online portal to provide for efficient electronic  
313 filing of the notice.

314 (4) The notice shall be construed in the light most favorable to the relator, and shall  
315 include:

316 (i) The name, address and contact information of the alleged violator.

317 (ii) The name and contact information of the relator.

318 (iii) The name, address, and contact information of the relator's legal counsel, should one  
319 exist.

320 (iv) A concise statement of the underlying claim reasonably calculated to apprise the  
321 attorney general of the substance and nature of the claim.

322 (5) The attorney general shall, by regulation, provide for the right of a relator to furnish  
323 an amended notice, if the attorney general determine that the relator's original notice pursuant to  
324 paragraph (1) of this subsection was not in compliance with this section or the regulations issued  
325 thereunder. Such determination by the attorney general shall identify with particularity the  
326 deficiencies in the original notice. If such determination and the opportunity to amend are not  
327 provided by the attorney general within thirty days of the original notice, the original notice shall  
328 be deemed to comply with this section. The relator shall have thirty days from receiving the  
329 determination of the attorney general of noncompliance with this section to amend the notice.  
330 The amended notice with relate back to the original notice.

331 (6) If the attorney general intends to investigate the alleged violation, it shall notify the  
332 relator of its decision within 30 calendar days of the date of the notice received pursuant to  
333 paragraph (1) of this subsection. Within 120 calendar days of that decision, the attorney general  
334 may investigate the alleged violation and issue any appropriate citation. If the attorney general,  
335 during the course of its investigation, determines that additional time is necessary to complete  
336 the investigation, it may extend the time by not more than 30 additional calendar days and shall  
337 issue a notice of the extension. If the attorney general determines that a citation shall not be  
338 issues, it shall notify the relator of that decision within five business days thereof by certified  
339 mail.

340 (7) Upon receipt of notice that no citation will be issues, or if no citation is issued by the  
341 attorney general within the time limits prescribed herein, or if the attorney general fails to  
342 provide timely or any notification, the relator may commence a public enforcement action.

343 (8) If the attorney general does not object to the filing of a public enforcement action  
344 pursuant to this section, but objects to the attorney general represented by a particular attorney  
345 proposed by the relator, the attorney general may, within the time limits set forth in paragraph (6)  
346 of this subsection, may put the relator on notice of the attorney general's objection. The attorney  
347 general will establish regulations for notice and a hearing, for purposes of reviewing the attorney  
348 general's objection to counsel. Upon finding, after notice and hearing, that, based on the  
349 attorney's past conduct while representing a client or clients, the attorney does not meet the  
350 required professional standards of representatives, or, alternatively, if the attorney fails to  
351 zealously pursue the remedies available under this section, the attorney general may order that  
352 the public enforcement shall not be filed by the particular attorney on behalf of the relator.

353 (9) The attorney general may intervene in a public enforcement action and proceed with  
354 any and all claims in the action:

355 (i) As of right within 30 days after the filing of the action;

356 (ii) For good cause shown, as determined by the court, after the expiration of the 30 day  
357 period after the filing of the action.

358 (10) If the attorney general intervenes in an action it shall have primary responsibility for  
359 prosecuting the action and shall not be bound by an act of the relator bringing the action. In such  
360 cases, the relator shall remain a party to the action. The attorney general may move to dismiss or  
361 settle the action after the relator has been notified of the filing of the motion and has been  
362 provided with an opportunity to be heard, and the court determines that such dismissal or  
363 settlement is fair, adequate, reasonable, and in the public interest. Any disposition by the attorney  
364 general shall provide compensation for reasonable attorneys' fees and costs expended on behalf  
365 of the relator in instituting the action.

366 (11) If the attorney general does not intervene in the action, the relator shall have the  
367 right to conduct such an action subject to the following limitations:

368 (i) The court shall review and approve any settlement of any action filed pursuant to this  
369 section. The proposed settlement shall be submitted to the attorney general concurrent with  
370 submission to the court. The court shall approve a settlement of the action only upon a  
371 determination that such settlement or voluntary dismissal is fair, adequate, reasonable, and in the  
372 public interest.

373 (ii) If the attorney general so requests, it shall be served with copies of all pleadings filed  
374 in the action and shall be supplied with copies of all deposition transcripts. The attorney general  
375 shall bear any costs associated with service of such pleadings and depositions.

376 (12) No public enforcement action brought pursuant to this section shall be subject to the  
377 requirements of rule 23 of the Massachusetts rules of civil procedure.

378 (f) (1) The Community Outreach and Labor Education Fund is established as a special  
379 fund, separate and distinct from the general fund. Interest earned by the Community Outreach  
380 and Labor Education Fund shall be credited to the same fund. All moneys in the Community  
381 Outreach and Labor Education Fund shall be continuously appropriated for the purpose of  
382 awarding grants as provided in paragraph (3) of this subsection.

383 (2) The 25 percent of the attorney general's share of recoveries reserved for providing  
384 funding to community-based outreach and enforcement activities pursuant to paragraph (6) of  
385 subsection (b) of this section shall be reported to the treasurer of the commonwealth, who shall  
386 credit such amount to the Community Outreach and Labor Education Fund.

387 (3) Money in the Community Outreach and Labor Fund shall be granted from time to  
388 time by the attorney general to organizations that are tax-exempt under subsection (c)(3), (c)(4)  
389 or (c)(5) of the federal Internal Revenue Code, 26 U.S.C. section 50, for purposes of funding  
390 outreach, education, and technical assistance to Massachusetts workers pertaining to workplace  
391 rights.

392 (4) Grants provided from the Community Outreach and Labor Education fund shall be  
393 used for activities to assist workers in enforcing employment rights, including outreach,

394 community-based education events, training materials, technical assistance, counseling, research  
395 and referral services.

396 (5) When considering applications for grants, the attorney general shall give priority to  
397 projects that provide services to especially vulnerable workers.

398 (g) (1) If any word, phrase, clause, sentence, paragraph, section or part of this section or  
399 the application thereof to any person or circumstances shall be adjudged invalid by a court of  
400 competent jurisdiction, such order or judgment shall be confined in its operation to the  
401 controversy in which it was rendered, and shall not affect or invalidate the remainder of this  
402 section, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph,  
403 section or part thereof directly involved in the controversy in which such judgment shall have  
404 been rendered.

405 (2) This section shall be liberally construed in light of its remedial purposes to expand the  
406 enforcement of statutes protecting workers in the commonwealth.