

HOUSE No. 2104

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey and Simon Cataldo

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 meeting human service demand by modernizing incentives for the direct care workforce.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/16/2025</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>1/16/2025</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>1/31/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/5/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/7/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/10/2025</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/10/2025</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/10/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>
<i>John J. Marsi</i>	<i>6th Worcester</i>	<i>2/13/2025</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/14/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/14/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/18/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/19/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/24/2025</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/26/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/26/2025</i>

<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/26/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/28/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/28/2025</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/5/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/6/2025</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>3/7/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/7/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/10/2025</i>
<i>William F. MacGregor</i>	<i>10th Suffolk</i>	<i>3/11/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/14/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/17/2025</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>3/21/2025</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/31/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>3/31/2025</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>4/2/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>4/7/2025</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>4/8/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/8/2025</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>4/14/2025</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>5/13/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>6/25/2025</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>10/8/2025</i>

HOUSE No. 2104

By Representatives Garballey of Arlington and Cataldo of Concord, a petition (accompanied by bill, House, No. 2104) of Sean Garballey, Simon Cataldo and others relative to wage rates for human services providers. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to meeting human service demand by modernizing incentives for the direct care workforce.

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 General Laws is hereby amended by adding the
2 following sections: -

3 Section 204. (a) As used in sections 204 to 205, inclusive, the following words shall,
4 unless the context clearly requires otherwise, have the following meanings:

5 “Secretary or assistant secretary”, of the executive office of health and human services;

6 “Direct Care Staff or Direct Support Professional”, a worker classified by the executive
7 office of health and human services that meets any one or more of the following criteria:

8 (1) supports one or more individuals in a service setting; or

9 (2) does not have front line supervisor or management responsibilities.

10 “Other Direct Care Staff or Direct Support Professional” a worker classified by the
11 executive office of health and human services that meets any one or more of the following
12 criteria:

13 (1) supports one or more individuals in a service setting or supervises staff;

14 (2) may have front line supervisor or management responsibilities; or

15 (3) has relevant experience or credentials such as a degree from an institution of higher
16 education or certifications which reflect advanced training.

17 “Wage rate”, the hourly wage paid by a human services provider or a state agency to a
18 human services worker.

19 (b) When establishing rates of payment through chapter 257 of the acts of 2008 for
20 department programs and contracts, the secretary shall require that:

21 (i) the salary allowance for a direct care staff or direct support professionals shall be
22 consistent with the bureau of labor statistics at a minimum of the 75th percentile of positions in
23 the commonwealth which have job codes of similar responsibilities;

24 (ii) the salary increases determined for front-line supervisors, directors, clinicians,
25 caseworkers, employment specialists, case managers, and other direct care staff or direct support
26 professionals shall increase in proportion with the increases described in clause (i) of this
27 subsection;

28 (iii) said salary increases shall not be incorporated for those in positions of chief
29 executive officer, chief financial officer, comptroller, chief operating officer or related executive
30 staff;

31 (iv) the formula for determining the reimbursement in calculating the employer's portion
32 of fringe benefits and payroll taxes including, but not limited to those pursuant to the federal
33 Insurance Contributions Act as defined in 26 U.S.C. 21, Medicare, workers' compensation,
34 employer-provided health insurance, unemployment insurance, retirement contribution, or paid
35 family medical leave pursuant to chapter 175M will be benchmarked to changes in the same
36 costs in the health or education sector, as applicable; provided that said allowance shall be
37 separate from an allocation dedicated to costs associated with employer mandates for services
38 promulgated by the commonwealth, which include, but are not limited to, employee
39 fingerprinting and required registries.

40 Section 205. (a) Prior to awarding a contract for a human services program, a state
41 agency shall submit to the secretary or assistant secretary a list of the jobs upon which human
42 services workers are to be employed, and shall request the secretary to determine the wage rate
43 to be paid by the human services provider subject to section 204 and this section.

44 (b) The wage rate in the schedule of wage rates shall include human services providers
45 fringe rate calculations, which shall include fringe benefits, payrolls taxes, retirement benefits,
46 and any present or future government promulgated employer mandates, which include but are
47 not limited to health care premiums, FMLA costs, payroll taxes, Employer Medical Assistance
48 Contribution, employee fingerprinting, and other required costs. The secretary shall reflect the
49 most current cost data available and transparently document such rate calculations for these other
50 costs. All other non-personnel rate calculations for costs in purchase of service programs and
51 state plan programs shall be subject to the most current Consumer Price Index data.

52 SECTION 2. Notwithstanding the provisions of any general or special law to the
53 contrary, compliance with the provisions set forth in this act shall not result in a reduction,
54 deferment or non-payment of any other costs associated with social service programs or long-
55 term services and supports programs in the Commonwealth.

56 SECTION 3: Sections 1 through 4 shall take effect 180 days after enactment.

57 SECTION 4. Effective July 1, 2025, the executive office of health and human services
58 shall begin an 8-month planning process to address human services wage rate through a
59 methodology that will justify the use of the 75th percentile of the Bureau of Labor Statistics.