

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 commissioned employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/14/2025</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1901 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to commissioned 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, as appearing in the 2022
2 Official Edition, is hereby amended by adding the following paragraph:- An employer shall not
3 be subject to any liability or punishment for or on account of its failure to pay for work on a
4 Sunday or a recognized holiday under sections 6, 13 or 16 of chapter 136, if the employer pleads
5 and proves by a preponderance of the evidence that it acted in good faith in conformity with a
6 written opinion letter of the department or of an agency of the commonwealth which has or had
7 at the time the authority to administer or interpret said law. Such a defense, if established, shall
8 be a bar to the action if the administrative interpretation was in effect at the time of the violation,
9 even if it is later modified, rescinded, or determined by judicial authority to be invalid or of no
10 legal effect. For purposes of this paragraph, the term "employer" shall extend to the persons
11 described in the sixth paragraph of section 148.

12

13 SECTION 2. The first paragraph of section 1B of said chapter 151, as so appearing, is
14 hereby amended by inserting after the second sentence, the following two sentences:- An
15 employer or the officer or agent of any domestic or foreign corporation shall not be subject to
16 any liability or punishment for or on account of its failure to pay overtime compensation in
17 violation of this section if the employer or the officer or agent of any such corporation pleads and
18 proves by a preponderance of the evidence that it acted in good faith in conformity with a written
19 opinion letter of the department or of an agency of the commonwealth which has or had at the
20 time the authority to administer or interpret said law. Such a defense, if established, shall be a bar
21 to the action if the administrative interpretation was in effect at the time of the violation, even if
22 it is later modified, rescinded, or determined by judicial authority to be invalid or of no legal
23 effect.

24 SECTION 3. Sections 1 and 2 shall be effective for all causes of action accruing before,
25 on, or after the date of enactment, including any cause of action now pending.