

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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 Strengthen the State Home Care Program Workforce.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/13/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to Strengthen the State Home Care Program 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 19A of the General Laws, as appearing in the 2024 Official
2 Edition, is hereby amended by inserting after section 4D the following section:-

3 Section 4E (a) As used in this section, the following terms shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Covered employee”, a home care worker employed by a covered employer and
6 providing services under the home care program established in section 4 of this chapter.

7 “Covered employer”, a home care agency employing one or more home care workers
8 providing services under the home care program established in section 4 of this chapter.

9 “Department”, the department of elder affairs as established in section 1 of this chapter or
10 any successor department or agency.

11 “Home Care Program”, the department of elder affairs state home care program as
12 established in section 4 of this chapter.

13 "Home care worker", a person employed by a home care agency to provide personal care,
14 homemaker, companion or chore services under the home care program established in section 4.

15 "Home care agency", an entity employing home care workers to provide services under
16 the state home care program established in section 4 of this chapter under contract or subcontract
17 either with an aging services access point (ASAP) established in section 4B of this chapter or
18 with or any successor entity serving as a care manager for state home care program services.

19 "Labor organization", any organization in which employees participate and which exists
20 for the purpose, in whole or in part, of facilitating collective bargaining with employers or the
21 resolution of disputes concerning grievances, wages, rates of pay, hours of employment, or
22 conditions of work.

23 "Labor peace agreement", an agreement between a covered employer and a labor
24 organization that seeks to represent covered employees, where such agreement requires that the
25 covered employer and the labor organization both agree to the uninterrupted delivery of home
26 care services and to refrain from actions intended to or having the effect of interrupting such
27 services. Such an agreement may also include other terms agreed upon by the parties, pursuant to
28 department rules and regulations promulgated relative to this section.

29 (b) The department shall require each covered employer contracting with the state,
30 subcontracting with an ASAP, or subcontracting with any successor entity serving as a care
31 manager for state home care program services, to provide services to an individual under the
32 state home care program, to enter into a labor peace agreement pursuant to the provisions
33 outlined in subsections (c) through (f) of this section and where required by such subsections.

34 The department shall review and approve each such labor peace agreement and shall require that

35 each such labor peace agreement is incorporated into the covered employer's contract or
36 subcontract specifications.

37 (c) Upon the award or renewal of a contract or subcontract to provide services under the
38 state home care program, a covered employer, shall either:

39 (1) submit an attestation to the department, signed by the covered employer and by one
40 or more labor organizations, stating that the covered employer has entered into one or more labor
41 peace agreements with such labor organizations, and that identifies: (a) the classes of covered
42 employees covered by the labor peace agreements, (b) the classes of covered employees not
43 currently represented by a labor organization and that no labor organization has sought to
44 represent, and (c) the classes of covered employees for which labor peace agreement negotiations
45 have commenced but not yet concluded; or

46 (2) submit an attestation to the applicable contracting agency stating that the covered
47 employer's covered employees are not currently represented by a labor organization and that no
48 labor organization has sought to represent such covered employees.

49 (d) If a labor organization seeks to represent covered employees of a covered employer
50 after the award or renewal of a contract or subcontract to provide services under the state home
51 care program, and the labor organization has provided notice to the department and the covered
52 employer regarding such interest, the covered employer will enter into a labor peace agreement
53 with the labor organization. The covered employer shall submit an attestation signed by the labor
54 organization to the department no later than 90 days after the date of notice stating: (1) that it has
55 entered into a labor peace agreement with such labor organization or (2) that the covered
56 employer and the labor organization have commenced negotiations for a labor peace agreement

57 but that such negotiations have not yet concluded. A labor organization that has provided notice
58 pursuant to this subsection may also provide the department with notice that a covered employer
59 has failed to enter a labor peace agreement.

60 (e) Prior to the award or renewal of a contract or subcontract to provide services under
61 the state home care program, a covered employer seeking such award or renewal shall provide
62 the department a certification containing the following information:

63 (1) The name, address and telephone number of the chief executive officer of covered
64 employer;

65 (2) A statement that, if the contract is awarded or renewed, the covered employer agrees
66 to comply with the requirements of this section, and with all applicable federal, state and local
67 laws; and

68 (3) A record of any instances during the preceding five years in which the covered
69 employer has been found by a court or government agency to have violated state or local laws
70 regulating labor relations, the payment of wages, the provision of earned time off, or the
71 scheduling of employees.

72 Such certification shall be signed under penalty of perjury by the covered employer and
73 shall be annexed to and form a part of the contract or subcontract to provide services under the
74 state home care program. Such certification and the underlying contract or subcontract shall be
75 public documents and the department shall make such documents available to the public upon
76 request.

77 (f) Failure to comply with the requirements of this section, including the failure reach a
78 labor peace agreement with a labor organization pursuant to subsection (d), may be deemed to
79 constitute a material breach by the covered employer of the terms of their contract or
80 subcontract. Such failure shall be determined by the department, which shall issue a written
81 notice upon such determination. Upon failure to cure such breach within 60 days of such notice,
82 the department shall have the right to pursue any rights or remedies available under the terms of
83 the contract or subcontract, or under applicable state law, including termination of the contract.

84 (g) When, pursuant to the provisions of this section, a final disposition has been entered
85 against a covered employer in two instances within any consecutive four year period and
86 determining that such covered employer has failed to comply with the requirements of this
87 section, such covered employer, and any principal or officer of such covered employer who
88 knowingly participated in such failure, shall be ineligible to submit a bid or proposal on or be
89 awarded any contract with the department for a period of four years from the date of the second
90 disposition.

91 (h) The department shall promulgate rules and regulations, establish compliance
92 timelines and deadlines, and shall provide such forms and notifications, as may be necessary to
93 implement and enforce this section; provided, however, that the department shall minimize any
94 duplicative reporting requirements.