

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H 1810

TITLE: An Act protecting honest employers by creating construction private attorney general actions.

SPONSOR: Rep. Patrick Joseph Kearney

COSPONSOR(S): Rep. William F. MacGregor Rep. Sean Reid
Rep. Thomas W. Moakley Rep. James C. Arena-DeRosa
Rep. Christopher Hendricks Rep. Adam J. Scanlon
Rep. Tara T. Hong

HEARING DATE: July 29, 2025

PRIOR HISTORY: None

SENATE BILL: S1229 (O'Connor)

REPORTING DEADLINE: September 27, 2025 (subject extensions, in accordance with House Rule 27)

CURRENT LAW: Section 148 of Chapter 149 of the General Laws requires employers pay their employees' earned wages weekly or bi-weekly. Wages include any holiday or vacation payments due an employee under an oral or written agreement. It imposes strict liability on employers and threatens both fines and imprisonment for violations.

Section 150 of Chapter 149 provides parallel enforcement mechanisms for the wage requirements of the Chapter. It gives an employee the right to institute and prosecute a civil action for damages incurred, including treble damages for any loss of wages and other benefits and an award of the costs of litigation and reasonable attorneys' fees. It further gives the Attorney General the right to enforce the Wage Act on behalf of the Commonwealth.

BILL SUMMARY: Section 1 – Adds a new Section in Chapter 149 that creates a private action against construction industry employers. This is assertable by:

- any Construction Industry Employer
- Any trustee acting on behalf of an organization or trust established for the purposes of the Labor Management Cooperation Act of 1978, 29 U.S.C. section 175a, where

contributions are made by at least five Construction Industry Employers

- any labor organization which has as members, or is authorized to represent, employees and which exists in whole or part for the purposes of negotiating with Construction Industry Employers,
- any organization that represents five or more member firms that are Construction Industry Employers that employed labor on public works project
- or any affected employee.

This action permits these parties to recover damages and penalties from employers who show that an employer has caused wage non-payments. The asserting party must provide a copy of the complaint to the Attorney General's Office (AGO). That office is awarded a 20% tax on the total amount of damages and penalties to a wage enforcement fund which the AGO uses to enforce wage laws, educate the public about wage laws and pay affected employees showing urgent need to obtain unpaid wages to pay housing, heat, or food costs. The Attorney General may as a matter of right intervene as a plaintiff at any time, including post-trial, in these actions. If they choose to do so, the AGO will represent the Commonwealth as a plaintiff, with the original party able to remain party to action if they wish.