

HOUSE No. 2714

By Messrs. Rodrigues of Westport and Koutoujian of Waltham,
petition of Michael J. Rodrigues and others for legislation to clarify the
law protecting employee compensation. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Michael J. Rodrigues	Frank I. Smizik
Lida E. Harkins	George N. Peterson, Jr.
Douglas W. Petersen	Kathi-Anne Reinstein
David B. Sullivan	Anne M. Gobi
Peter J. Koutoujian	Thomas M. McGee
Paul J. P. Loscocco	James B. Eldridge

In the Year Two Thousand and Seven.

AN ACT TO CLARIFY THE LAW PROTECTING EMPLOYEE COMPENSATION.

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 27 of Chapter 149 of the General Laws, as
2 appearing in the 2004 Official Edition is hereby amended by striking
3 out the last paragraph and inserting in place thereof the following
4 paragraph:—
5 Any employee claiming to be aggrieved by a violation of this
6 section may, at the expiration of 90 days after the filing of a com-
7 plaint with the attorney general, or sooner if the attorney general
8 assents in writing, and within 3 years after the violation, institute and
9 prosecute in his own name and on his own behalf, or for himself and
10 for others similarly situated, a civil action for injunctive relief, for
11 any damages incurred, and for any loss of wages and other benefits.
12 Any employee so aggrieved and who prevails in such an action shall
13 be awarded triple damages, as liquidated damages, for any loss of
14 wages and other benefits; and the employee shall also be awarded
15 the costs of the litigation and reasonable attorneys’ fees.

1 SECTION 2. Section 27F of said Chapter 149, as so appearing, is
2 hereby amended by striking out the last paragraph and inserting in
3 place thereof the following paragraph:—

4 Any employee claiming to be aggrieved by a violation of this
5 section may, at the expiration of 90 days after the filing of a com-
6 plaint with the attorney general, or sooner if the attorney general
7 assents in writing, and within 3 years after the violation, institute and
8 prosecute in his own name and on his own behalf, or for himself and
9 for others similarly situated, a civil action for injunctive relief, for
10 any damages incurred, and for any loss of wages and other benefits
11 Any employee so aggrieved and who prevails in such an action shall
12 be awarded triple damages, as liquidated damages, for any loss of
13 wages and other benefits; and the employee shall also be awarded
14 the costs of the litigation and reasonable attorneys' fees.

1 SECTION 3. Section 27G of said Chapter 149, as so appearing, is
2 hereby amended by striking out the last paragraph and inserting in
3 place thereof the following paragraph:—

4 Any employee claiming to be aggrieved by a violation of this
5 section may, at the expiration of 90 days after the filing of a com-
6 plaint with the attorney general, or sooner if the attorney general
7 assents in writing, and within 3 years after the violation, institute and
8 prosecute in his own name and on his own behalf, or for himself and
9 for others similarly situated, a civil action for injunctive relief, for
10 any damages incurred, and for any loss of wages and other benefits.
11 Any employee so aggrieved and who prevails in such an action shall
12 be awarded triple damages, as liquidated damages, for any loss of
13 wages and other benefits; and the employee shall also be awarded
14 the costs of the litigation and reasonable attorneys' fees.

1 SECTION 4. Section 27H of said Chapter 149, as so appearing, is
2 hereby amended by striking out the last paragraph and inserting in
3 place thereof the following paragraph:—

4 Any employee claiming to be aggrieved by a violation of this
5 section may, at the expiration of 90 days after the filing of a com-
6 plaint with the attorney general, or sooner if the attorney general
7 assents in writing, and within 3 years after the violation, institute and
8 prosecute in his own name and on his own behalf, or for himself and
9 for others similarly situated, a civil action for injunctive relief, for

10 any damages incurred, and for any loss of wages and other benefits.
11 Any employee so aggrieved and who prevails in such an action shall
12 be awarded triple damages, as liquidated damages, for any loss of
13 wages and other benefits; and the employee shall also be awarded
14 the costs of the litigation and reasonable attorneys' fees.

1 SECTION 5. Section 150 of said Chapter 149, as amended by
2 Section 2 of chapter 99 of the acts of 2005, is hereby further
3 amended by striking out the last paragraph and inserting in place
4 thereof the following paragraph:—

5 Any employee claiming to be aggrieved by a violation of Sections
6 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or Section 19 of
7 chapter 151 may, at the expiration of 90 days after the filing of a
8 complaint with the attorney general, or sooner if the attorney general
9 assents in writing, and within 3 years after the violation, institute and
10 prosecute in his own name and on his own behalf, or for himself and
11 for others similarly situated, a civil action for injunctive relief, for
12 any damages incurred, and for any loss of wages and other benefits.
13 Any employee so aggrieved and who prevails in such an action shall
14 be awarded triple damages, as liquidated damages, for any loss of
15 wages and other benefits; and the employee shall also be awarded
16 the costs of the litigation and reasonable attorneys' fees.

1 SECTION 6. The first paragraph of Section 1B of Chapter 151 of
2 the General Laws, as appearing in the 2004 Official Edition, is
3 hereby amended by striking out the second sentence and inserting in
4 place thereof the following 3 sentences:—

5 In addition, if any person is paid by an employer less than the
6 overtime rate of compensation, the person may institute and prose-
7 cute in his own name and on his own behalf, or for himself and for
8 others similarly situated, a civil action for injunctive relief, for any
9 damages incurred, and for the full amount of the overtime rate of
10 compensation less any amount actually paid to him by the employer.
11 Any agreement between that person and the employer to work for
12 less than the overtime rate of compensation shall be no defense in
13 such an action. Any employee so aggrieved and who prevails in such
14 an action shall be awarded triple damages, as liquidated damages,
15 for any loss of overtime compensation; and the employee shall also
16 be awarded the costs of the litigation and reasonable attorneys' fees.

1 SECTION 7. The first paragraph of Section 20 of said Chapter
2 151, as so appearing, is hereby amended by striking out the first sen-
3 tence and inserting in place thereof the following 3 sentences:—
4 If any person is paid by an employer less than the minimum fair
5 wage to which the person is entitled under or by virtue of a min-
6 imum fair wage regulation, or less than \$1.85 per hour in any manu-
7 facturing occupation or in any other occupation not covered by a
8 minimum fair wage regulation; the person may institute and prose-
9 cute in his own name and on his own behalf, or for himself and for
10 others similarly situated, a civil action for injunctive relief, for any
11 damages incurred, and for the full amount of the minimum wages
12 less any amount actually paid to him by the employer. Any agree-
13 ment between the person and the employer to work for less than the
14 minimum wage shall be no defense in such an action. Any employee
15 so aggrieved and who prevails in such an action shall be awarded
16 triple damages, as liquidated damages, for any loss of minimum
17 wage; and the employee shall also be awarded the costs of the litiga-
18 tion and reasonable attorneys' fees.

1 SECTION 8. This act is intended to clarify the existing law and to
2 reiterate the original intention of the general court that triple dam-
3 ages are mandatory.