



ATTORNEY GENERAL ANDREA JOY CAMPBELL

LABOR DAY REPORT

||||| 2025 |||||



2025 Labor Day Report
Office of Attorney General Andrea Joy Campbell

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A NOTE FROM ATTORNEY GENERAL CAMPBELL

Work touches every aspect of our lives. It shapes how we provide for our families, how we contribute to our communities, and often, how we define our sense of purpose and dignity. Unfortunately, for too many workers, it can also be exploitative and dangerous. The staff of the Fair Labor Division – attorneys, investigators, paralegals, hotline staff, administrators, and others - work tirelessly to ensure that all workers in the Commonwealth receive the wages they are due and have their rights protected. They do this without regard for workers’ nationality, profession, language, or immigration status.

The importance of the Fair Labor Division’s work to protect workers from exploitation and wage theft has become especially evident in the past six months. Changes at the federal level leave workers more susceptible to illegal working conditions and threats of retaliation. The U.S. Department of Labor (DOL) has faced cuts to its staff that will undermine its capacity to take action against employers who violate federal Wage and Hour laws. The administration has rolled back worker protections, including prohibiting the DOL from making employers pay penalties called “liquidated damages” in wage theft cases and ending protections for undocumented workers who report illegal employer practices.

With the federal government abdicating its responsibility to protect workers, states must step into the breach. Supreme Court Justice Louis Brandeis famously called U.S. states the “laboratories of democracy.” But in 2025, the states are called upon not just to be democracy’s laboratories, but its protectors as well. My office has partnered with attorneys general in dozens of other states to bring over 33 lawsuits challenging illegal and unconstitutional actions taken by the Trump Administration, to file “friend of the Court” briefs in countless others, and to coordinate and share best practices between our offices so that we can continue to protect our states’ residents when the federal government won’t – or when it is the very federal government from which protection is needed.

This is the climate in which our Fair Labor Division continues to shine. Each year, our Fair Labor hotline answers thousands of calls and the Division reviews thousands of complaints of possible wage and workers’ rights violations. In the past year, our attorneys and investigators investigated and issued 1,562 citations and assessments, totaling nearly **\$197 million** in restitution and penalties. This includes a historic settlement with Uber and Lyft, under which more than 70,000 drivers will receive restitution checks totaling **\$145 million** this Fall. The wages we recover go back into the pockets of the workers who earned them, fueling our state’s economy through reinvestment in our communities.

In this tumultuous time, the Fair Labor Division also takes particular care to protect our most vulnerable communities, including teen, low-income, and immigrant workers. The team assists workers without regard for their immigration status and does not participate in or assist federal immigration enforcement efforts. The Division’s staff speaks 10 languages other than English. They publish educational materials in numerous languages. They offer multilingual workshops and trainings around the state and hold regular Workers’ Rights Clinics where we they connect workers with legal representation.

I could not be prouder of the work that the Fair Labor Division has done in the past year. I am honored to present that work in this year’s Labor Day Report.



Andrea Joy Campbell
Massachusetts Attorney General



TABLE OF CONTENTS

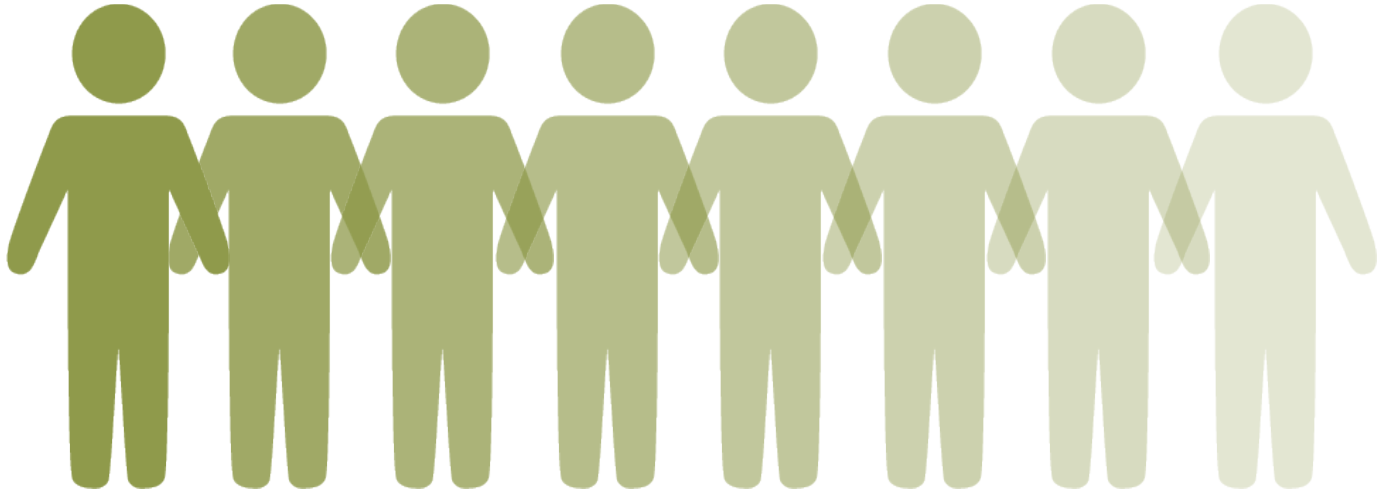
OUR YEAR BY THE NUMBERS	6
YOUNG WORKERS	11
CLEANING AND JANITORIAL	14
CONSTRUCTION	16
HEALTH CARE	18
INDEPENDENT CONTRACTOR MISCLASSIFICATION	20
TEMPORARY STAFFING AGENCIES	23
RESTAURANT AND HOSPITALITY	24
OTHER CIVIL ENFORCEMENT	26
IMMIGRANT WORKERS	29
BID UNIT	32

OUR YEAR BY THE NUMBERS



1,542 ENFORCEMENTS

137,890 WORKERS
IMPACTED



TOTAL AMOUNT ASSESSED: \$196,643,429.92

Restitution: \$158,107,610.76

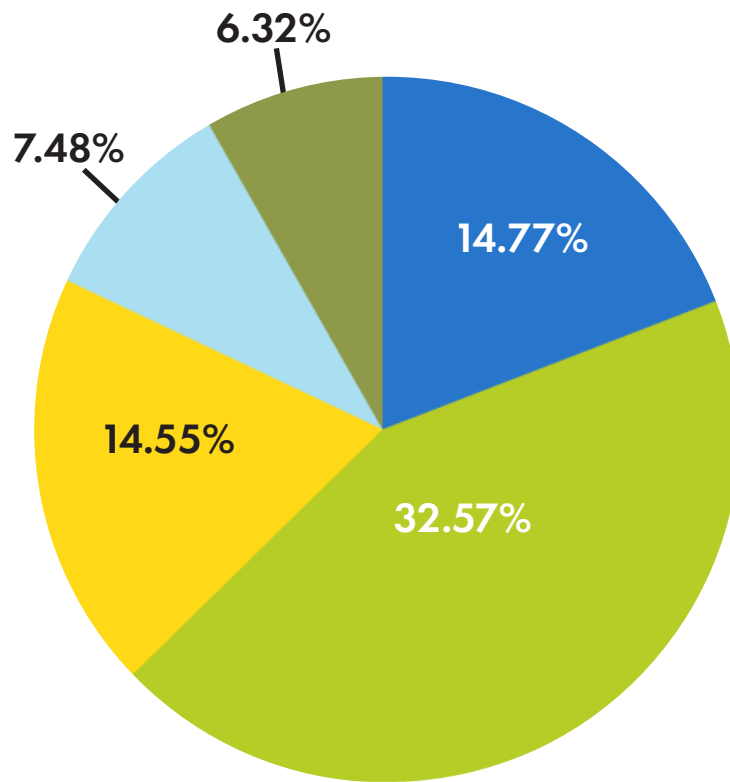
Penalties: \$25,913,569.16



Other: \$12,622,250.00

\$175 million of our total amount assessed was from the settlement of our litigation against Uber and Lyft

TOP 5 ENFORCEMENT AMOUNTS BY INDUSTRY



 Transportation/Delivery

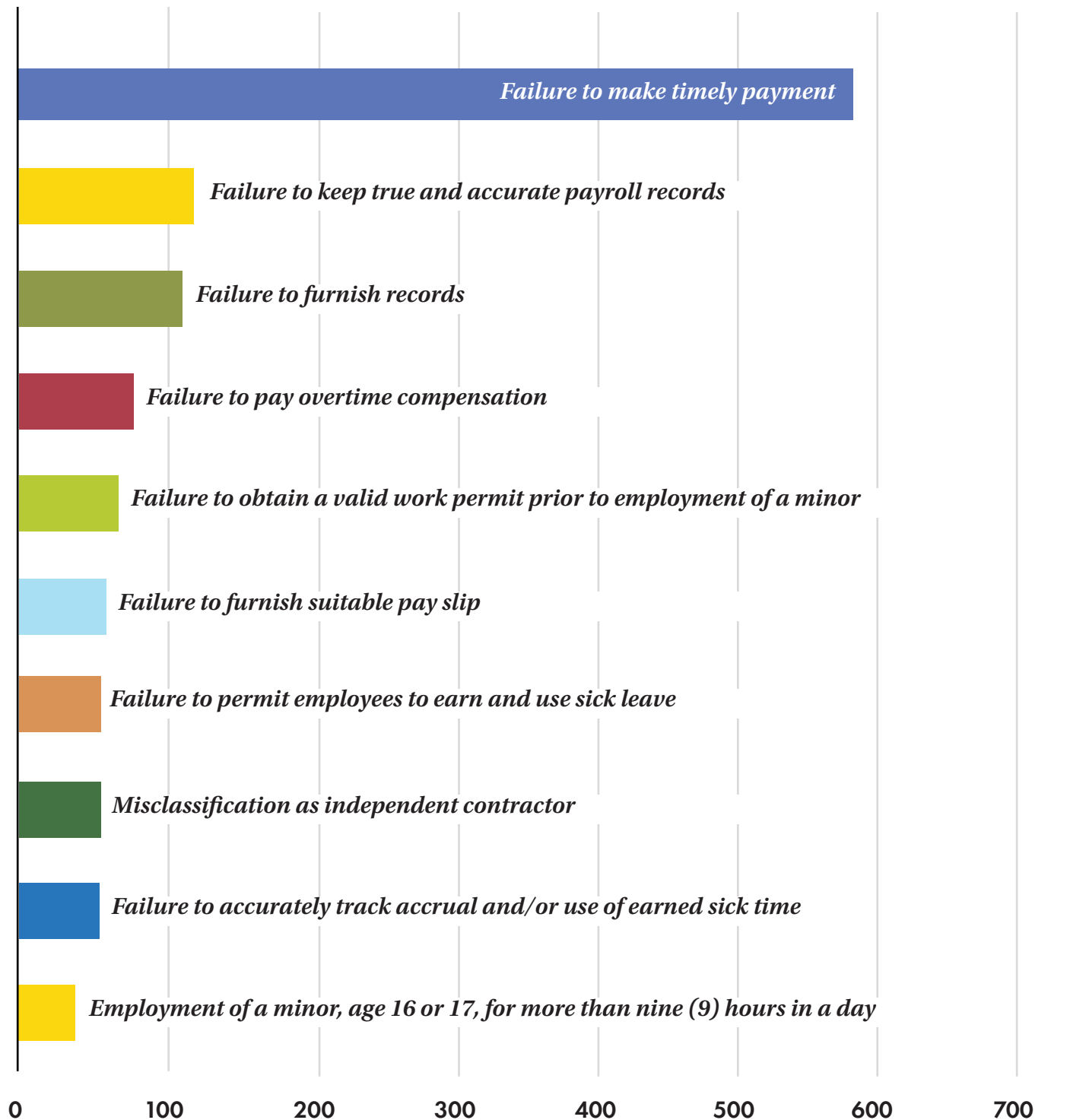
 Construction

 Hospitals/Nursing Home/Healthcare

 Restaurant/Hotel

 Cleaning/Janitorial

TOP 10 ENFORCEMENTS BY VIOLATION





At Neighbor to Neighbor, we believe deeply in building a Massachusetts where everyone can live with dignity and purpose in spite of their zip code, background, or immigration status. Our organization works alongside marginalized groups, people who are up against wage theft, exploitation, and deepening inequality. That's why we're so grateful for Attorney General Andrea Campbell and her team, who bring not only legal and political, but their lived experience, to this work. The Attorney General understands struggle, resilience, and the urgency of justice because she has lived it. Standing up for workers through the Fair Labor Division, her leadership makes a real difference for people across this state. Our fight for justice will never be won alone. We need partnership, accountability, and heart. And that's exactly what the Attorney General brings to the work."

— Dálida Rocha,
Executive Director,
Neighbor to Neighbor
Massachusetts





YOUNG WORKERS

Protecting and Empowering Young Workers

Young workers remain an important part of the Massachusetts workforce, and Fair Labor has continued its robust enforcement of the child labor laws that ensure proper protections and benefits. Fair Labor enforces state laws that control when, how much, and in what kinds of work minors may be employed.

In FY 2025, Fair Labor assessed more than **\$2.6 million** against employers who violated the Commonwealth's child labor laws. This enforcement affected **more than 2,200 minors**. Fair Labor has also continued to prioritize outreach and education efforts to young workers and encouraged employers to adopt practices that protect them.

Enforcement Highlights

Fair Labor resolved allegations of child labor against **Shake Shack** for over **\$244,000**. An investigation into the company revealed violations of several child labor laws including, failure to obtain a work permit, employment of minors after the latest permissible hour, employing minors for too many hours in a day.

Fair Labor issued nine citations against **Northeast Foods, LLC dba Burger King** for violations of the untimely payment of wages, child labor, minimum wage, record keeping, and sick leave statutes. During the course of the investigation, the employer operated 44 Burger King locations in Massachusetts. These citations totaled over **\$2 million**.

Fair Labor also settled a matter with **Cafua Management Company**, which operates over **80 Dunkin** franchise locations across Massachusetts, for multiple violations of the child labor laws, including failing to obtain work permits prior to employing minors, hours and supervision violations. As part of the settlement, the AGO issued **\$140,000** in penalties against the employer.



Our child labor laws exist to protect young workers and prioritize their safety and education as they learn new skills, earn income, and contribute to their communities. My office will continue to enforce these laws to empower our youth and remind employers that Massachusetts is serious about protecting its workforce.”

— Attorney General Andrea Joy Campbell



Healthy Summer Youth Jobs Program

Created in 2015, the Healthy Summer Youth Jobs program has provided **over 1,000 young people** across the state with an opportunity to positively impact public health in their communities and gain important on-the-job skills.

The annual grant program uses funds received by the AG's Office through health care and child labor settlements to provide grants to fund health-focused employment for young people. These grants fund jobs across Massachusetts - in cities and towns, government offices, and non-profit organizations. Applicants may apply for grants to fund jobs that benefit public health and provide professional development opportunities for young people.

To date, the AG's Office has provided more than **\$2.6 million** in funding through **635 grants to 205 organizations in 81 cities and towns** across the state. The resulting jobs have addressed important community needs such as food security, intergenerational wellness, and local conservation efforts.



CLEANING AND JANITORIAL

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Fair Labor continues to prioritize cases involving janitorial and cleaning workers because of the prevalence of wage and hour violations in this industry. Cleaners frequently work on their own and are paid a flat rate per location, which may be insufficient to satisfy minimum wage and overtime requirements. During FY25, Fair Labor issued citations totaling nearly **\$1.3 million** in restitution and penalties related to cases involving cleaning and janitorial employers.

Enforcement Highlights

Fair Labor issued citations totaling nearly **\$208,000** in restitution and penalties against **Paxaio, Inc.**, a cleaning and janitorial company that operates under the name **KleenRite** in western Massachusetts. The company offers cleaning services to both private and public entities. An investigation revealed violations of the record keeping, earned sick time, pay stubs, timely pay, minimum wage, overtime and prevailing wage laws. The restitution represents money owed to **over 100 employees** of the company.

Soleil Personnel dba Sunshine Cleaning, a company that provides housekeeping services to Vacation Village in the Berkshires was cited for shaving time from payroll, taking tips left for housekeeping employees and retaliation. As a result of the investigation Fair Labor issued citations totaling nearly **\$255,000**.

Danvers-based cleaning company, **SJ Services, Inc**, agreed to pay nearly **\$1 million** in citations, including restitution for unpaid wages and penalties. The company failed to make timely payments to workers and failed to pay employees minimum wage, overtime rates for hours worked in excess of forty hours per week, and prevailing wage for cleaning and maintenance work. The company employs approximately **450 workers** across the Commonwealth, including many who perform cleaning services in state-owned or occupied buildings.



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The Brazilian Worker Center is deeply grateful to Attorney General Andrea Joy Campbell for her unwavering commitment to protecting vulnerable workers and enforcing labor laws. Her leadership and the dedication of the AGO team has been essential in advancing fundamental rights for immigrant and low-wage workers across the Commonwealth, and pushing back against harmful policies at the federal level that threaten our communities.”

— Lenita Reason, Executive Director,
Brazilian Worker Center



CONSTRUCTION

Workers in the construction industry continue to experience exploitation by some employers who shirk their wage and hour law responsibilities, illegally undermining fair competition for employers who follow the laws. For these reasons, Fair Labor continued to prioritize compliance and enforcement efforts in this industry in FY 25 by issuing nearly **300 citations** against employers assessing penalties and restitution totaling over **\$3.1 million**.

Enforcement Highlights

After a visit by Fair Labor’s Construction Field Team to a hotel renovation project in Hyannis, an investigation into Virginia-based **Remby Contractors LLC** commenced. The investigation revealed that employees were paid a daily rate which did not always meet or exceed the minimum wage because they worked so many hours. It also uncovered that the employer did not provide pay stubs to workers, did not track usage and accrual of sick time, misclassified employees as independent contractors, and did not pay overtime. As a result of the investigation, the company agreed to pay nearly **\$370,000** in restitution and penalties.

The Office of the Massachusetts Attorney General reached a settlement with Watertown based **Avatar Construction Corporation (Avatar)** to resolve a lawsuit alleging that the company violated the Massachusetts False Claims Act in connection with prevailing wage theft when it and a subcontractor allegedly underpaid workers on five municipal construction projects in Cambridge, Lawrence, Saugus, and Watertown. In accordance with the settlement, Avatar has paid **\$320,000** to the Commonwealth, allowing the state to pay approximately **\$172,000** in restitution to impacted workers. The Office’s lawsuit alleged that on five municipal public construction projects, Avatar used 68 fraudulent payroll forms, prepared by its subcontractor, **Gonza Construction, Inc.** of Worcester, to certify compliance with the Massachusetts Prevailing Wage Law, when in fact, workers on the projects were paid less than half of what they were owed.

Construction Field Team

Fair Labor's Construction Field Team conducts weekly unannounced visits to construction sites throughout the Commonwealth, engaging workers and employers about compliance with state wage and hours laws. The multilingual, dedicated team of investigators visited more than **60 project sites** and engaged **more than 550 workers** about their rights on the job.

In January, Fair Labor issued over **\$100,000** in citations against **Earth Evolution Inc.** and its repeat offender owner. The business, a Lawrence-based asbestos removal and demolition company, was cited for misclassifying employees as independent contractors, failing to make timely payments to workers, and failing to provide accurate payroll records to investigators during its investigation.

Misclassification of employees as independent contractors continues to be a serious problem within the construction industry. Acting on a referral from Greater Boston Legal Services, in June Fair Labor issued citations totaling more than **\$106,000 to Anthony Contracting**, a construction company in Brockton, for misclassifying its employees and failing to pay overtime, provide paystubs and keep accurate records.



HEALTH CARE

Health care workers and nursing home workers provide essential services to thousands of Massachusetts residents every day, including elders and people with disabilities. Fair Labor continues to prioritize cases involving this workforce to ensure compliance with the state's wage and hour laws and maintain a safe and dignified environment for residents and care givers.

Enforcement Highlights

Allied Health Systems, LLC, a home health care company providing at-home nursing, home health aide care and physical therapy, was cited by Fair Labor for violating the state's record keeping, earned sick time, timely payment of wages and pay stub laws. Citations totaling **\$80,000** were issued requiring the employer to pay penalties to the Commonwealth and restitution to the affected workers.

Alpha Healthcare LLC, a Swansea-based skilled nursing rehabilitation company that operates multiple facilities across Massachusetts, was cited for failing to make timely wage payments to nearly 500 employees. The citation, totaling nearly **\$1.1 million**, included penalties and restitution for unpaid wages.





INDEPENDENT CONTRACTOR MISCLASSIFICATION

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Fair Labor continues to combat misclassification in all industries. When workers are misclassified as independent contractors, they are denied the protection of wage and hour laws and essential benefits available to employees. Misclassified workers do not have earned sick leave or other job protections. Fair Labor enforcement focuses on recovering wages and other benefits that misclassified employees should have accrued. When workers are misclassified, it puts a great strain on those businesses playing by the rules, workers attempting to earn an honest day's pay for an honest day's work, and community resources. In FY 2025, Fair Labor assessed a total of **\$175,500,287.38** in restitution and penalties related to independent contractor misclassification cases against **1,405 employers**. This impacted **111,390 employees**.

Enforcement Highlights

In July 2024, Fair Labor entered into a settlement agreement with **Uber and Lyft** to resolve the Office's multi-year misclassification litigation against these companies. This settlement put a stop to the companies' efforts to rewrite state employment law via a ballot initiative, which would have resulted in drivers receiving inadequate protections and an earnings standard that would not guarantee minimum wage.

As part of the agreement, **Uber and Lyft** paid a combined total of **\$175 million** to the state in 2025 to resolve the allegations that the companies violated Massachusetts wage and hour laws by misclassifying their drivers. **\$145 million** will be distributed to current and former drivers this Fall.

In addition, the companies are now required to pay drivers a minimum wage per hour (presently \$33.48), an amount that will increase each year. Drivers are also entitled to a wide range of benefits including paid sick leave, a healthcare stipend, occupational accident insurance, information about the rides they are offered and complete, and protections against discrimination and retaliation. The companies are also required to offer drivers in-app chat support with a live person in English, Spanish, Portuguese, and French and provide an appeal process for drivers who are deactivated.

“Thanks to Attorney General Campbell, Uber and Lyft’s free ride is over. This settlement includes a comprehensive package of strong wages, benefits and protections for the drivers that these corporations have been exploiting for years. We deeply appreciate AG Campbell’s hard work holding these corporations rightfully accountable to Massachusetts employment laws.”

**— Chrissy Lynch, President,
Massachusetts AFL-CIO**





TEMPORARY STAFFING AGENCIES



Massachusetts is one of a handful of states with added labor standards for temporary workers. With tens of thousands of workers accessing jobs through the more than 1,200 employment and placement agencies each day across the Commonwealth, Fair Labor prioritizes compliance and enforcement within this industry.

Enforcement Highlights

Upon receiving a referral from the Council on the Underground Economy about labor practices at **Romanow Packaging, LLC** in Westwood, Fair Labor investigated and entered into a settlement agreement with Romanow. Fair Labor also issued citations against Marlborough-based temporary staffing agency, **Rose Temporary Employment Agency**, for failure to make timely payment of wages and the failure to furnish employment notices (job orders) for work performed at Romanow's facility in Westwood. As a result of the investigation, the companies will pay a total of over **\$158,5000** in penalties and restitution.

Tesco, Inc., a cleaning company, was cited over **\$365,000** for violations related to earned sick time, misclassification of employees as independent contractors, inadequate pay slips, payroll recordkeeping, and failure to provide new work assignment notices to temporary employees under the Temporary Workers' Right to Know Law. The violations occurred during an eighteen-month period during the COVID-19 pandemic and involved **more than 530 workers** placed in hospitals to provide cleaning services.

Acting on a tip about minors working outside permissible hours at the DCU Center in Worcester, Fair Labor found that **Mundyal, LLC d/b/a Today's Staff**, a temporary staffing agency sub-subcontracted to provide workers for banquets at the venue was operating in violation of child labor, earned sick time, and temporary workers' right to know laws. Today's Staff was cited more than **\$56,000** in penalties for violating five different child labor laws including failure to obtain work permits for **just under 100 minors**, impermissible hours for minors under the age of 16 (including working during school hours) and 18, failing to provide job assignment notices, and failing to administer a legally-compliant earned sick time policy for its employees.

Outreach

As part of an affirmative messaging campaign, Fair Labor raised awareness with nursing homes that operate in Massachusetts and hire temporary workers to run their facilities. In response to an earned sick time complaint, a letter was mailed out to **923 employers** with information about the law and how to be sure they remain in compliance.

RESTAURANT AND HOSPITALITY

During FY25, Fair Labor issued over 500 citations, assessing nearly **\$4.2 million** in restitution and penalties in the restaurant/hospitality industries. This enforcement impacted **5,250 workers** in the industry. Many workers in these service industries rely on tips from customers which employers may, under certain circumstances, use to count as credit toward the obligation to pay at least the minimum wage rate for all hours worked. Fair Labor continues to see noncompliance with tips and record-keeping requirements among many employers within these industries.

Enforcement Highlights

Sura BBQ is an all you can eat Korean barbeque restaurant located in Medford. In October, Fair Labor issued 5 citations totaling nearly **\$133,000** against the company for failing to keep true and accurate records, failure to accurately track sick time, minimum wage, tips and independent contractor misclassification violations.

After a worker reported that managers were taking part in a tip pool, Fair Labor investigated **Azumi, LLC d/b/a Zuma**, a Boston restaurant, and found the allegation to be true. In June, the restaurant agreed to pay citations totaling more than **\$1.8 million**.

Fair Labor issued five citations for more than **\$102,000** to Falmouth restaurant against **The Tasty Oyster Inc. d/b/a Epic Oyster**, for failing to pay the service minimum wage rate to more than a dozen workers, maintaining an improper tip pool, failing to keep true and accurate payroll records, issue paystubs, and manage a compliant earned sick time program.



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|----------------|------------|
| Coffee Flavors | Cinnamon |
| Vanilla | Peppermint |
| Hazelnut | Amaretto |
| Caramel | Blueberry |
| Mocha | Sugar Free |
| Irish Cream | Vanilla |
| Pumpkin | Hazelnut |
| Coconut | Caramel |



OTHER CIVIL ENFORCEMENT

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Fair Labor continues to investigate employers of all sizes across a variety of industries in municipalities throughout the Commonwealth.

Enforcement Highlights

A Florida-based corporation sub-contracted by **Honeywell Intelligrated Systems** to install conveyor belts in Amazon's new North Andover warehouse brought workers to Massachusetts from multiple other states. The workers went weeks without being paid and were routinely only paid a small "per diem" rather than their owed wages. More than **70 workers** were denied paychecks. Fair Labor issued **\$396,000** in citations and penalties against the company for failure to make timely payment of wages, failure to pay overtime, and failure to furnish true and accurate payroll records to the Attorney General.

Smart Green Solar LLC is a Rhode Island based company which provides solar energy services in Massachusetts. FLD's investigation into the company revealed that Smart Green Solar did not pay minimum wage, did not provide access to earned sick time and did not comply with record keeping laws for its canvasser employees. FLD issued citations totaling over **\$203,000** in citations and penalties for these violations.

In violation of Massachusetts' wage and hour laws, **Swissport USA, Inc. Swissport Cargo Services, LP, and Swissport Fueling, Inc.**, a North Carolina-based airport services company that employs workers at Boston's Logan International Airport, failed to make timely payments to workers, failed to pay employees overtime rates for hours worked in excess of forty hours per week, and failed to maintain accurate employee payroll records. The company agreed to pay over **\$3.1 million** in citations, including restitution for unpaid wages and penalties.

// Amazon brought in out-of-state contractors to build their facility so they can skirt the strong worker protection laws we have in Massachusetts and as a result, their workers ended up being the victims of wage theft. Amazon is ultimately responsible for all their contractors. I want to thank Attorney General Campbell for holding corporations accountable to the laws in Massachusetts and for always standing up for my members and workers all across the Commonwealth.”

—Mike Gagliardi, Business Manager,
Laborers’ Local 175





IMMIGRANT WORKERS

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Roughly one in five Massachusetts residents were born in another country. Nearly one-third of new businesses in the U.S. are started by immigrants. Immigrants form a vital backbone of our communities and our economy, infusing our state with new ideas, bringing rich cultural traditions, filling crucial jobs in our economy in industries like healthcare, construction, childcare, life sciences, and agriculture, and boosting our economic well-being with their spending and the economic activity generated by the businesses they start.

Unfortunately, 2025 has been a fearful year for immigrant communities, filled with instability. Under the Trump administration, Immigration and Customs Enforcement (ICE) has terrorized immigrants, both documented and undocumented, with raids carried out by armed and masked agents. Immigrants, even with legal status and pending immigration cases, have been rounded up, detained for weeks to months in inhumane and unsanitary conditions, separated from their families, denied due process and access to legal representation, and summarily deported, even to countries they are not from.

In this environment, protecting the rights of immigrant workers is more important than ever. All workers, regardless of national origin or immigration status, are protected by the Commonwealth's labor and employment laws. Unscrupulous employers take advantage of immigrant workers' fear and vulnerability to deny them their rights and their wages, counting on them to be too fearful to report violations and at times threatening to contact ICE. This harms not only those workers but law-abiding employers who follow the rules.

Fair Labor and the Attorney General's Office is committed to protecting the rights of our immigrant neighbors, friends, and family members. The AGO has brought and joined numerous lawsuits challenging the Trump administration's illegal and unconstitutional attempts to infringe on the rights of immigrants, has signed on to "friend of the court" briefs in lawsuits brought by advocates, and continues to coordinate with other state attorneys general and community partners to protect our immigrant residents.

Resources and assistance for immigrant workers

Fair Labor works to ensure that immigrant workers are able to learn about their rights and get assistance from us.

Some of the ways we do that include providing assistance in 10 different languages spoken by FLD staff: Spanish, Portuguese, Haitian Creole, Mandarin, Cantonese, Toisanese, Vietnamese, Urdu, Hindi, and Serbo-Croatian. We can assist workers in most other languages with the assistance of other AGO staff or a telephone Language Line, making educational materials on workplace rights available in 12 languages: Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, Khmer, Arabic, Russian, Lao, Italian, French, and Korean. Additionally, Fair Labor has published alerts and materials on Massachusetts' protections for immigrants, including an AGO Advisory titled "All Workers Are Entitled to Employment Protections Irrespective of Immigration Status". The Attorney General's Office has also created a dedicated website, titled "[Resources for Immigrants in Massachusetts](https://www.mass.gov/info-details/resources-for-immigrants-in-massachusetts)" with information on civil rights/anti-discrimination, workers' rights, and education, and continues to work with various community partners and immigrant rights organizations to offer workshops and educational sessions in numerous languages.

www.mass.gov/info-details/resources-for-immigrants-in-massachusetts



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We are deeply grateful for Attorney General Andrea Campbell's unwavering commitment to the working people of Massachusetts. Her bold leadership ensures our workplaces and homes are safe, fair, and healthy.

As a champion for justice and the people of Massachusetts, AG Campbell and her dedicated team worked tirelessly to combat wage theft, exploitation, and deceptive consumer practices — standing up every day for the dignity and rights of all our communities."

—Karen Y. Chen, Executive Director,
Chinese Progressive Association



BID UNIT

Fair Labor enforces the public construction bidding laws and decides appeals brought by contractors challenging certification decisions by the Division of Capital Asset Management and Maintenance. Our Bid Unit hears allegations of violations and renders decisions regarding its findings.

On March 2, 2025, the Massachusetts legal community lost a legend. **Debbie Anderson, who served honorably as an Assistant Attorney General in Fair Labor Division for twenty years**, passed away suddenly. Deb was a brilliant lawyer and the state's foremost expert on public construction bidding laws. A fierce advocate for fighting fraud and ensuring transparency in the spending of taxpayer dollars, Debbie ensured fairness and adherence to the law in the utilization of billions of public dollars funding state and municipal infrastructure and building projects.

Through sheer innovation, Deb built and sustained our bid protest hearings process allowing disputes to be adjudicated out of court. This expedited review of adherence to Massachusetts' construction bidding laws resulted in her **presiding over hundreds of hearings, reviewing tens of thousands of documents, drafting, and issuing over 625 decisions over the course of her career in the AGO**. This is the only known system of its kind in the entire country, saving Massachusetts taxpayers hundreds of millions of dollars by avoiding costly litigation.

Lauded by the legal community, procurement officials, and colleagues in both state and municipal government, when Deb spoke, public officials, contractors, and courts listened. Just three weeks before her passing, one of her recent decisions was upheld in Suffolk Superior Court, with the presiding associate justice citing her decision as, "well-reasoned and persuasive."

Over the course of her career in Fair Labor, Debbie taught thousands of professionals about state public construction bidding laws through formal and informal trainings, most recently leaving her mark in raising awareness of legally required workforce participation goals to advance women and workers of color skilled in various building trades. She mentored dozens of law students, AAsG, investigators, paralegals, and assistants. While the depth of her knowledge, experience, expertise, and intellect will never be replicated, her colleagues in Fair Labor have been enriched by working under her direction.

Her commitment to justice and fairness in being entrusted with public money and the building of public works were second-to-none. A person of integrity, her work touched every one of the Commonwealth's 351 communities several times over. Deb's mastery of an area of law that required nothing less than the highest ethical character is an inspiration to lawyers and public servants everywhere. Her impact on the Commonwealth of Massachusetts will live on for generations to come. We will miss her deeply.



Notable Decisions

Last September, the Bid Unit held a bid protest hearing and issued a decision on a novel issue. In *Foundation for Fair Contracting of MA v. North Shore Community College*, the protester asserted that the college violated the public bidding laws by failing to consider the cost of materials when it determined that the project could be bid pursuant to G.L. c. 149, § 44A(2)(B), which is reserved for public construction contracts estimated to cost between \$10,000 and \$50,000. The college asserted that it relied on guidance from the Operational Services Division that stated that only construction labor costs counted toward the \$50,000 threshold when determining whether a statewide contract could be used to solicit quotes pursuant to G.L. c. 149, § 44A(2)(B). The protest was allowed, and the decision was issued prospectively as of September 6, 2024. The decision clarified that when estimating the cost of a construction contract for a project utilizing an Operational Services Division statewide contract, awarding authorities must consider all costs when estimating the total value of the contract including, but not limited to, construction labor, materials, and non-construction labor.

In *Collins Construction Co., Inc. v. Bridgewater-Raynham Regional School District*, the lowest bidder protested that the contract award of a shade replacement project to the second lowest bidder was improper because the Invitation for Bid (IFB) did not contain any meaningful specifications or plans. The school district argued that the lowest bid was bypassed because it was incomplete, and the contract had been awarded based on “quality requirements and price.” The Bid Unit also raised a foundational issue of whether the District procured the work under the correct statute. Following an investigation and hearing, Fair Labor found that the project had to be rebid. First, it should have been bid under Chapter 149, since it was construction, not under 30B, which is limited to contracts for goods and services. Second, the IFB did not contain sufficient specifications to allow for equal footing. Third, “quality requirements and price” is not the proper standard for evaluating bids, but rather, the awarding authority should have awarded the work to the “lowest eligible and responsible bidder.” The decision highlighted an important matter for all public entities that failure to include sufficiently detailed specifications can be fatal to a bid.