

**HOUSE . . . . . No. 01411**

---

The Commonwealth of Massachusetts

PRESENTED BY:

***Martha M. Walz***

*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 passage of the accompanying bill:

An Act regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>

# HOUSE . . . . . No. 01411

By Ms. Marty Walz of Boston, petition (accompanied by bill, House, No. 01411) of Alice Hanlon Peisch and others for legislation to provide treble damages to employees for employer violations of certain labor laws. Joint Committee on Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
 HOUSE  
 , NO. 3583 OF 2009-2010.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act regarding treble damages.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to revise employee claims and awards for damages, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 appearing in the 2008 Official
- 2 Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the
- 3 following paragraph:

4 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90  
5 days after the filing of a complaint with the attorney general, or sooner if the attorney general  
6 assents in writing, and within 3 years after the said violation, institute and prosecute in his own  
7 name and on his own behalf, or for himself and for others similarly situated, a civil action for  
8 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any  
9 employee so aggrieved and who prevails in such an action shall if said violation be willful, be  
10 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the  
11 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;  
12 provided, further, that any employee so aggrieved and who prevails in such an action if said  
13 violation is not willful, shall be awarded damages as determined by the court for any loss of  
14 wages and other benefits; and the employee may also be awarded the costs of the litigation and  
15 reasonable attorneys' fees

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

18 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90  
19 days after the filing of a complaint with the attorney general, or sooner if the attorney general  
20 assents in writing, and within 3 years after the said violation, institute and prosecute in his own  
21 name and on his own behalf, or for himself and for others similarly situated, a civil action for  
22 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any  
23 employee so aggrieved and who prevails in such an action shall if said violation be willful, be  
24 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the  
25 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;  
26 provided, further, that any employee so aggrieved and who prevails in such an action if said

27 violation is not willful, shall be awarded damages as determined by the court for any loss of  
28 wages and other benefits; and the employee may also be awarded the costs of the litigation and  
29 reasonable attorneys' fees

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

32 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90  
33 days after the filing of a complaint with the attorney general, or sooner if the attorney general  
34 assents in writing, and within 3 years after the said violation, institute and prosecute in his own  
35 name and on his own behalf, or for himself and for others similarly situated, a civil action for  
36 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any  
37 employee so aggrieved and who prevails in such an action shall if said violation be willful, be  
38 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the  
39 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;  
40 provided, further, that any employee so aggrieved and who prevails in such an action if said  
41 violation is not willful, shall be awarded damages as determined by the court for any loss of  
42 wages and other benefits; and the employee may also be awarded the costs of the litigation and  
43 reasonable attorneys' fees

44 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by striking  
45 out the last paragraph and inserting in place thereof the following paragraph:

46 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90  
47 days after the filing of a complaint with the attorney general, or sooner if the attorney general  
48 assents in writing, and within 3 years after the said violation, institute and prosecute in his own

49 name and on his own behalf, or for himself and for others similarly situated, a civil action for  
50 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any  
51 employee so aggrieved and who prevails in such an action shall if said violation be willful, be  
52 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the  
53 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;  
54 provided, further, that any employee so aggrieved and who prevails in such an action if said  
55 violation is not willful, shall be awarded damages as determined by the court for any loss of  
56 wages and other benefits; and the employee may also be awarded the costs of the litigation and  
57 reasonable attorneys' fees

58 SECTION 5. Section 150 of said chapter 149, as so appearing is hereby amended by striking  
59 out the last paragraph and inserting in place thereof the following paragraph:

60 Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C,  
61 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing  
62 of a complaint with the attorney general, or sooner if the attorney general assents in writing, and  
63 within 3 years after the said violation, institute and prosecute in his own name and on his own  
64 behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any  
65 damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and  
66 who prevails in such an action shall if said violation be willful, be awarded triple damages, as  
67 liquidated damages, for any loss of wages and other benefits; and the employee shall also be  
68 awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any  
69 employee so aggrieved and who prevails in such an action if said violation is not willful, shall be  
70 awarded damages as determined by the court for any loss of wages and other benefits; and the  
71 employee may also be awarded the costs of the litigation and reasonable attorneys' fees.