

HOUSE No. 1855

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

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 relative to protecting wages of deceased employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/9/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/24/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/2/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/20/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/27/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>2/28/2023</i>

HOUSE No. 1855

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 1855) of Josh S. Cutler and others relative to protecting wages of deceased employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to protecting wages of deceased employees.

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 178A of Chapter 149 of the General Laws, as appearing in the 2020
2 official edition, is hereby amended by striking the entire section and inserting in place thereof the
3 following section:-

4 Section 178A.

5 (a) In the event of the death of an employee all wages due the deceased employee at the
6 time of death, may, upon proper demand on the employer, be paid, in the absence of actual
7 notice of the pendency of probate proceedings, without requiring letters testamentary or of
8 administration in the following order of preference to decedent's:

9 (i) surviving spouse;

10 (ii) children 18 years of age and over in equal shares, or to the guardian of children under
11 18 years of age;

12 (iii) father and mother;

13 (iv) sibling; or

14 (v) another person not otherwise identified above who pays the funeral expenses.

15 (b) Payments under subsection (a) of this section shall constitute a full discharge of all
16 obligations of the employer with respect to such wages and shall hold the employer harmless
17 from any liability in any legal action brought after the payment of these wages.

18 (c) Any employer receiving a proper demand for wages under the statute shall retain the
19 demand and any supporting documentation, as well as proof of payment, as part of the
20 employee's personnel record as provided in chapter 149, section 52C.

21 (d) Definitions

22 "Proper demand" shall consist of a written request in the form of an affidavit sworn to
23 under penalty of perjury by the individual or individuals identified in subsection (a) above,
24 indicating that the individual or individuals are entitled to the wages under subsection (a), and
25 with the following supporting documentation:

26 (i) written notice of the employee's death such as an obituary or death notice;

27 (ii) written evidence of the relationship between the deceased employee and the
28 individual requesting the payment of final wages; and

29 (iii) in the event that the demand is from a person who is not next of kin as described in
30 subsection (a), evidence that the claimant paid for the decedent employee's funeral.

31 "Wages" shall have the same meaning as defined in chapter 149, section 148.