

HOUSE No. 1869

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue

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 updating overtime protections to protect the Commonwealth's middle class workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/19/2023</i>

HOUSE No. 1869

By Representative Donahue of Worcester, a petition (accompanied by bill, House, No. 1869) of Daniel M. Donahue relative to updating overtime protections for middle class workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act updating overtime protections to protect the Commonwealth's middle class workers.

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. The second paragraph of section 1A of chapter 151 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out clauses (1), (7), (9),
3 (12), (13), (14), (15), (16) and (17), and renumbering the remaining clauses in consecutive order.

4 SECTION 2. Section 1A of chapter 151 of the General Laws, as so appearing, is hereby
5 amended by striking out, in line 29, the words “eighty dollars per week” and by inserting in place
6 thereof the following words:-

7 the salary threshold established by section 1C of this chapter; provided, however, that an
8 employee who teaches as an adjunct or non-tenure-track faculty member at a college or
9 university shall not qualify as an exempt executive, administrative or professional person or
10 qualified trainee for such position.

11 SECTION 3. Chapter 151 of the General Laws is hereby amended by inserting after
12 section 1B the following section:-

13 Section 1C. Overtime pay salary threshold for executive, administrative or professional
14 exemption.

15 For purposes of section 1A of this chapter, the salary threshold below which a bona fide
16 executive, or administrative or professional person or qualified trainee for such position shall
17 automatically be subject to the overtime pay requirements of said section shall be regular
18 compensation that, when converted to an annual, full-time equivalent rate, equals the overtime
19 threshold rate established by the second paragraph of this section, any higher rate that the
20 commissioner shall establish by regulation, or the annualized rate established by the United
21 States Department of Labor under the federal Fair Labor Standards Act, whichever is higher.

22 Beginning January 1, 2024, the overtime threshold rate shall be no less than \$63,000;
23 beginning January 1, 2025, the overtime threshold rate shall be no less than \$73,000; beginning
24 January 1, 2026, the overtime threshold rate shall be no less than \$83,000; Beginning January 1,
25 2027 and each January 1 thereafter, the overtime threshold rate shall be no less than the higher of
26 the following rates: the annual earnings of a full-time employee employed for 2080 hours per
27 year at 2 times the minimum wage established under section 1 of this chapter, or the overtime
28 threshold rate from the preceding year increased by the percentage annual increase, if any, in the
29 second quartile of the usual weekly earnings for full-time wage and salary workers, or its
30 successor index, as published by the United States Department of Labor, Bureau of Labor
31 Statistics, or its successor agency, with the amount of the overtime threshold rate increase
32 rounded to the nearest dollar.