

HOUSE No. 3989

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 27, 2014.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 1705) of Tackey Chan for legislation to protect wages of employees who receive wages through an electronic wage card, reports recommending that the accompanying bill (House, No. 3989) ought to pass.

For the committee,

THOMAS P. CONROY.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to protect wages of employees who receive wages through an electronic wage card.

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 1 of chapter 149 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the definition of “discrimination” the
3 following definition:-

4 “Electronic wage card” is a card or other similar medium issued by an employer to an
5 employee in order for an employee to receive payment of wages from an employer and where
6 said employee’s wages are deposited into an account that is established and controlled by the
7 employer or third party designated by the employer.

8 SECTION 2. Section 148 of said chapter 149, as so appearing, is hereby amended by
9 inserting after the seventh paragraph, the following three paragraphs:-

10 Any employer paying wages by electronic wage card shall provide facilities for the
11 employee to withdraw or transfer the employee’s wages in full without fee on or after the
12 employee’s pay day and shall provide that any fees associated with usage of the card after the
13 card’s initial transaction are disclosed in advance to the employee.

14 An employer shall not deliver payment of wages by electronic wage card unless the
15 employer obtains the employee’s advance written consent to receive wages by electronic wage
16 card. When offering an employee the option of being paid wages by electronic wage card, the
17 employer shall provide a written disclosure to the employee, in plain language, of all wage
18 payment options. The written disclosure shall state the terms and conditions of the electronic
19 wage card option, including, but not limited to, a complete itemized list of all fees that may be
20 deducted from the employee’s electronic wage card by the employer or third party; the methods
21 available to the employee for checking his or her balances on the electronic wage card without
22 cost; a statement as to whether third parties may assess additional fees; the means, other than an

23 electronic wage card, by which an employee is entitled to receive payment of wages, salary or
24 other compensation. Consent to payment of wages by electronic wage card shall not be a
25 condition of hire or of continued employment and must be obtained without intimidation,
26 coercion, or fear of retaliation for refusal to accept an electronic wage card.

27 The department of labor and workforce development shall promulgate rules in
28 accordance with this section, including but not limited to, creating a model notice on electronic
29 wage card for employer use.