

SENATE No. 1104

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters.

PETITION OF:

NAME:

Marc R. Pacheco

DISTRICT/ADDRESS:

First Plymouth and Bristol

SENATE No. 1104

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1104) of Marc R. Pacheco for legislation relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1034 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters.

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. Chapter 149 of the Massachusetts General Laws is hereby amended by
2 striking Section 27F and inserting in place thereof the following section:

3 Section 27F: Wages of operators of rented equipment; agreements; penalty; civil action

4 Section 27F. No agreement of lease, rental or other arrangement, and no order or
5 requisition under which a truck or any automotive or other vehicle or equipment is to be engaged
6 in public works by the Commonwealth or by a county, city, town or district, shall be entered into
7 or given by any public official or public body unless said agreement, order or requisition
8 contains a stipulation requiring prescribed rates of wages, as determined by the commissioner, to
9 be paid to the operators of said trucks, vehicles or equipment. Any such agreement, order or

10 requisition which does not contain said stipulation shall be invalid, and no payment shall be
11 made thereunder. Said rates of wages shall be requested of said commissioner by said public
12 official or public body, and shall be furnished by the commissioner in a schedule containing the
13 classifications of jobs, and the rate of wages to be paid for each job. Said rates of wages shall
14 include payments to health and welfare plans, pension plans, or, if no such plan is in effect
15 between employers and employees, the amount of such payments shall be paid directly to said
16 operators.

17 Whoever pays less than said rates of wages, including payments to health and welfare
18 funds, pension plans or the equivalent in wages, on said works, and whoever accepts for his own
19 use, or for the use of any other person, as a rebate, gratuity or in any other guise, any part or
20 portion of said wages or health and welfare funds, pension plans shall have violated this section
21 and shall be punished or shall be subject to a civil citation or order as provided in section 27C.

22 An employee claiming to be aggrieved by a violation of this section may, 90 days after
23 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
24 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
25 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
26 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who
27 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost
28 wages and other benefits and shall also be awarded the costs of the litigation and reasonable
29 attorneys' fees.

30 SECTION 2. Chapter 149 of the Massachusetts General Laws is hereby amended by
31 striking Section 27G and inserting in place thereof the following section:

32 Section 27G: Wages of employees of moving contractors; contracts; injunctive relief;
33 damages

34 Section 27G. No contract for the moving of office furniture and fixtures shall be entered
35 into or given by the commonwealth or by a county, city, town or district unless said contract
36 contains a stipulation requiring prescribed rates of wages, as determined by the commissioner, to
37 be paid to the employees of a moving contractor. Any such contract which does not contain said
38 stipulation shall be invalid, and no payment shall be made thereunder. Said rates of wages shall
39 be requested of the commissioner by the commonwealth or by a county, city, town or district,
40 and shall be furnished by the commissioner in a schedule containing the classifications of jobs
41 and the rate of wages to be paid for each job. Said rates of wages shall include payments to
42 health and welfare plans, pension plans or, if no such plan is in effect between employers and
43 employees, the amount of such payments shall be paid directly to said employees.

44 An employee claiming to be aggrieved by a violation of this section may, 90 days after
45 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
46 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
47 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
48 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who
49 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost
50 wages and other benefits and shall also be awarded the costs of the litigation and reasonable
51 attorneys' fees.

52 SECTION 3. Chapter 149 of the Massachusetts General Laws is hereby amended by
53 inserting the following section:

54 Section 27I: Wages of school bus drivers; contracts; injunctive relief; damages

55 Section 27I. No contract for the transportation of pupils in the Commonwealth shall be
56 entered into or given by a county, city, town or school district unless said contract contains a
57 stipulation requiring prescribed rates of wages, as determined by the commissioner, to be paid to
58 the employees of a motor bus company as defined by Section 7A of Chapter 71 of the
59 Massachusetts General Laws. Any such contract which does not contain said stipulation shall be
60 invalid, and no payment shall be made thereunder. Said rates of wages shall be requested of the
61 commissioner by the Commonwealth or by a county, city, town or school district, and shall be
62 furnished by the commissioner in a schedule containing the classifications of jobs and the rate of
63 wages to be paid for each job. Said rates of wages shall include payments to health and welfare
64 plans, pension plans or, if no such plan is in effect between employers and employees, the
65 amount of such payments shall be paid directly to said employees.

66 An employee claiming to be aggrieved by a violation of this section may, 90 days after
67 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
68 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
69 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
70 any damages incurred, and for any lost wages and other benefits. An employee so aggrieved who
71 prevails in such an action shall be awarded treble damages, as liquidated damages, for any lost
72 wages and other benefits and shall also be awarded the costs of the litigation and reasonable
73 attorneys' fees.