

SENATE No. 1161

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 clarifying the prevailing wage act to protect actions by the attorney general.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No. 1161

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1161) of Sal N. DiDomenico for legislation to clarify the prevailing wage act to protect actions by the attorney general. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act clarifying the prevailing wage act to protect actions by the attorney general.

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 2020
2 Official Edition, is hereby amended striking the fourth paragraph, and replacing it thereof with
3 the following:-

4 "An employee claiming to be aggrieved by a violation of this section may, 90 days after
5 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
6 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
7 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
8 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3
9 year limitation period shall be tolled from the date that the employee or a similarly situated
10 employee files a complaint with the attorney general alleging a violation of any of these sections
11 until the date that the attorney general issues a letter authorizing a private right of action or the
12 date that an enforcement action by the attorney general becomes final. An employee so

13 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated
14 damages, for any lost wages and other benefits and shall also be awarded the costs of the
15 litigation and reasonable attorneys' fees."

16 SECTION 2. Section 27F of Chapter 149 of the General Laws, as appearing in the 2020
17 Official Edition, is hereby amended striking the third paragraph, and replacing it thereof with the
18 following:-

19 "An employee claiming to be aggrieved by a violation of this section may, 90 days after
20 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
21 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
22 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
23 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3
24 year limitation period shall be tolled from the date that the employee or a similarly situated
25 employee files a complaint with the attorney general alleging a violation of any of these sections
26 until the date that the attorney general issues a letter authorizing a private right of action or the
27 date that an enforcement action by the attorney general becomes final. An employee so
28 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated
29 damages, for any lost wages and other benefits and shall also be awarded the costs of the
30 litigation and reasonable attorneys' fees."

31 SECTION 2. Section 27G of Chapter 149 of the General Laws, as appearing in the 2020
32 Official Edition, is hereby amended striking the second paragraph, and replacing it thereof with
33 the following:-

34 "An employee claiming to be aggrieved by a violation of this section may, 90 days after
35 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
36 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
37 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
38 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3
39 year limitation period shall be tolled from the date that the employee or a similarly situated
40 employee files a complaint with the attorney general alleging a violation of any of these sections
41 until the date that the attorney general issues a letter authorizing a private right of action or the
42 date that an enforcement action by the attorney general becomes final. An employee so
43 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated
44 damages, for any lost wages and other benefits and shall also be awarded the costs of the
45 litigation and reasonable attorneys' fees."

46 SECTION 3. Section 27H of Chapter 149 of the General Laws, as appearing in the 2020
47 Official Edition, is hereby amended striking the second paragraph, and replacing it thereof with
48 the following:-

49 "An employee claiming to be aggrieved by a violation of this section may, 90 days after
50 the filing of a complaint with the attorney general, or sooner if the attorney general assents in
51 writing, and within 3 years after the violation, institute and prosecute in his own name and on his
52 own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for
53 any damages incurred, and for any lost wages and other benefits; provided, however, that the 3
54 year limitation period shall be tolled from the date that the employee or a similarly situated
55 employee files a complaint with the attorney general alleging a violation of any of these sections
56 until the date that the attorney general issues a letter authorizing a private right of action or the

57 date that an enforcement action by the attorney general becomes final. An employee so
58 aggrieved who prevails in such an action shall be awarded treble damages, as liquidated
59 damages, for any lost wages and other benefits and shall also be awarded the costs of the
60 litigation and reasonable attorneys' fees."

61 SECTION 4. Section 27 of Chapter 149 of the General Laws, as appearing in the 2020
62 Official Edition, is hereby amended striking the word "27B" and replacing it thereof with the
63 following:- "27H".