

SENATE No. 719

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

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 passage of the accompanying bill:

An Act Relative to Willfull Violations of the Wage Law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard R. Tisei	Middlesex and Essex
Bruce E. Tarr	First Essex and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO WILLFULL VIOLATIONS OF THE WAGE LAW.

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, as amended by chapter 80 of the acts of 2008, is

2 hereby amended by inserting at the end of sections 1, 2, 3, 4 and 5 the following sentence: -

3 “If, however, an employer shows by clear and convincing evidence to the court that the act or

4 omission giving rise to such action was in good faith and that the employer had reasonable

5 grounds for believing that its act or omission was not a violation, the court, may in its sound

6 discretion, award no liquidated damages or award any amount thereof not to exceed three times

7 the amount of the employee’s lost wages and benefits.”

8 And be it further amended by inserting at the end of section 6 the following sentence:-

9 “If, however, an employer shows by clear and convincing evidence to the court that the act or

10 omission giving rise to such action was in good faith and that the employer had reasonable

11 grounds for believing that its act or omission was not a violation, the court, may in its sound

12 discretion, award no liquidated damages or award any amount thereof not to exceed three times

13 the amount of the employee’s lost overtime and compensation.”

14 And be it further amended by inserting at the end of section 7 the following sentence:-
15 “If, however, an employer shows by clear and convincing evidence to the court that the act or
16 omission giving rise to such action was in good faith and that the employer had reasonable
17 grounds for believing that its act or omission was not a violation, the court, may in its sound
18 discretion, award no liquidated damages or award any amount thereof not to exceed three times
19 the amount of the loss of minimum wage.”