

**SENATE . . . . . No. 995**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Viriato M. deMacedo***

*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 regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/2/2017</i>

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By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 995) of Viriato M. deMacedo, Thomas J. Calter and Donald F. Humason, Jr. for legislation to provide treble damages to employees for employer violations of certain labor laws. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 963 OF 2015-2016.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act regarding treble damages.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to revise employee claims and awards for damages, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2012  
2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place  
3 thereof the following paragraph:-

4           Any employee claiming to be aggrieved by a violation of this section may, at the  
5 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the  
6 attorney general assents in writing, and within 3 years after the violation, institute and prosecute  
7 in the employee's own name and on the employee's own behalf, or for the employee and for

8 others similarly situated, a civil action for injunctive relief, for any damages incurred, and for  
9 any lost wages and other benefits. Any employee so aggrieved who prevails in such an action  
10 shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost  
11 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
12 attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an  
13 action shall, if the violation is not willful, be awarded damages as determined by the court for  
14 any lost wages and other benefits and may also be awarded the costs of the litigation and  
15 reasonable attorneys' fees.

16 SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by  
17 striking out the last paragraph and inserting in place thereof the following paragraph:-

18 Any employee claiming to be aggrieved by a violation of this section may, at the  
19 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the  
20 attorney general assents in writing, and within 3 years after the violation, institute and prosecute  
21 in the employee's own name and on the employee's own behalf, or for the employee and for  
22 others similarly situated, a civil action for injunctive relief, for any damages incurred, and for  
23 any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action  
24 shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost  
25 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
26 attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an  
27 action shall, if the violation is not willful, be awarded damages as determined by the court for  
28 any lost wages and other benefits and may also be awarded the costs of the litigation and  
29 reasonable attorneys' fees.

30 SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by  
31 striking out the last paragraph and inserting in place thereof the following paragraph:-

32 Any employee claiming to be aggrieved by a violation of this section may, at the  
33 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the  
34 attorney general assents in writing, and within 3 years after the violation, institute and prosecute  
35 in the employee's own name and on the employee's own behalf, or for the employee and for  
36 others similarly situated, a civil action for injunctive relief, for any damages incurred, and for  
37 any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action  
38 shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost  
39 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
40 attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an  
41 action shall, if the violation is not willful, be awarded damages as determined by the court for  
42 any lost wages and other benefits and may also be awarded the costs of the litigation and  
43 reasonable attorneys' fees.

44 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by  
45 striking out the last paragraph and inserting in place thereof the following paragraph:-

46 Any employee claiming to be aggrieved by a violation of this section may, at the  
47 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the  
48 attorney general assents in writing, and within 3 years after the violation, institute and prosecute  
49 in the employee's own name and on the employee's own behalf, or for the employee and for  
50 others similarly situated, a civil action for injunctive relief, for any damages incurred, and for  
51 any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action

52 shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost  
53 wages and other benefits and shall also be awarded the costs of the litigation and reasonable  
54 attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an  
55 action shall, if the violation is not willful, be awarded damages as determined by the court for  
56 any lost wages and other benefits and may also be awarded the costs of the litigation and  
57 reasonable attorneys' fees.

58 SECTION 5. Section 150 of said chapter 149, as so appearing, is hereby amended by  
59 striking out the last paragraph and inserting in place thereof the following paragraph:-

60 Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B,  
61 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the  
62 filing of a complaint with the attorney general, or sooner if the attorney general assents in  
63 writing, and within 3 years after the violation, institute and prosecute in the employee's own  
64 name and on the employee's own behalf, or for the employee and for others similarly situated, a  
65 civil action for injunctive relief, for any damages incurred, and for any loss of wages and other  
66 benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is  
67 willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits  
68 and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided,  
69 however, that any employee so aggrieved who prevails in such an action shall, if the violation is  
70 not willful, be awarded damages as determined by the court for any lost wages and other benefits  
71 and may also be awarded the costs of the litigation and reasonable attorneys' fees.