

SENATE No. 996

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 to improve the Commonwealth's economy with a strong minimum wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>

SENATE No. 996

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 996) of Marc R. Pacheco, Jennifer E. Benson, Marjorie C. Decker, Benjamin Swan and other members of the General Court for legislation to improve the Commonwealth's economy with a strong minimum wage. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 878 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to improve the Commonwealth's economy with a strong minimum wage.

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 151 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 5, the figure “\$11.00” and inserting in
3 place thereof the following figure: - \$12.00.

4 SECTION 2. Said section 1 of said chapter 151 is hereby amended by inserting, in line
5 10, after the word “nine”, the following words:-

6 Beginning in 2018, and in each year thereafter, the minimum wage shall be adjusted
7 based upon the twelve-month percentage increase, if any, in the Consumer Price Index for all
8 Urban Consumers (or a successor index, if any) as published by the Bureau of Labor Statistics of
9 the United States Department of Labor, based on the most recent twelve-month period for which

10 data is available at the time that the adjustment is made, and rounded up to the nearest five cents.
11 The adjusted minimum wage shall be calculated and announced by April 1 of each year, and
12 shall become effective as the new minimum wage on July 1 of each year.

13 SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking
14 out, in line 12, the figure “\$.50” and inserting in place thereof the following figure:- \$1.50.

15 SECTION 4. Said chapter 151, as so appearing, is hereby further amended by striking out
16 section 1A, as appearing in the 2014 Official Edition, and inserting in place thereof the following
17 section:-.

18 Except as otherwise provided in this section, no employer in the commonwealth shall
19 employ any of his employees in an occupation, as defined in section two, for a work week longer
20 than forty hours, unless such employee receives compensation for his employment in excess of
21 forty hours at a rate not less than one and one half times the regular rate at which he is employed.
22 Sums paid as commissions, drawing accounts, bonuses, or other incentive pay based on sales or
23 production, shall be excluded in computing the regular rate and the overtime rate of
24 compensation under the provisions of this section. In any work week in which an employee of a
25 retail business is employed on a Sunday or certain holidays at a rate of one and one-half times
26 the regular rate of compensation at which he is employed as provided in chapter 136, the hours
27 so worked on Sunday or certain holidays shall be excluded from the calculation of overtime pay
28 as required by this section, unless a collectively bargained labor agreement provides otherwise.
29 Except as otherwise provided in the second sentence, nothing in this section shall be construed to
30 otherwise limit an employee’s right to receive one and one-half times the regular rate of

31 compensation for an employee on Sundays or certain holidays or to limit the voluntary nature of
32 work on Sundays or certain holidays, as provided for in said chapter 136.

33 This section shall not be applicable to any employee who is employed:—

34 (1) as a janitor or caretaker of residential property, who when furnished with living
35 quarters is paid a wage of not less than thirty dollars per week.

36 (2) as a golf caddy, newsboy or child actor or performer.

37 (3) as a bona fide executive, or administrative or professional person or qualified trainee
38 for such position earning more than eighty dollars per week.

39 (4) as an outside salesman or outside buyer.

40 (5) as a learner, apprentice or handicapped person under a special license as provided in
41 section nine.

42 (6) as a fisherman or as a person employed in the catching or taking of any kind of fish,
43 shellfish or other aquatic forms of animal and vegetable life.

44 (7) as a switchboard operator in a public telephone exchange.

45 (8) as a driver or helper on a truck with respect to whom the Interstate Commerce
46 Commission has power to establish qualifications and maximum hours of service pursuant to the
47 provisions of section two hundred and four of the motor carrier act of nineteen hundred and
48 thirty-five, or as employee of an employer subject to the provisions of Part 1 of the Interstate
49 Commerce Act or subject to title II of the Railway Labor Act.

50 (9) in a business or specified operation of a business which is carried on during a period
51 or accumulated periods not in excess of one hundred and twenty days in any year, and
52 determined by the commissioner to be seasonal in nature.

53 (10) as a seaman.

54 (11) by an employer licensed and regulated pursuant to chapter one hundred and fifty-
55 nine A.

56 (12) as a garageman, which term shall not include a parking lot attendant.

57 (13) in a non-profit school or college.

58 (14) in a summer camp operated by a non-profit charitable corporation.

59 (15) as a laborer engaged in agriculture and farming on a farm.

60 (16) in an amusement park containing a permanent aggregation of amusement devices,
61 games, shows, and other attractions operated during a period or accumulated periods not in
62 excess of one hundred and fifty days in any one year.

63 SECTION 6. Section 2 of said chapter 151, as so appearing, is hereby amended by
64 striking out, in line 27, the words “agricultural and farm work”.

65 SECTION 7. Section 7 of said chapter 151, as so appearing, is hereby amended by
66 striking out the words “the cash wage paid such employee which for purposes of such
67 determination shall be not less than \$3.75” and inserting in place thereof the words:- 70 percent
68 of the wage in effect under section 1 of this chapter

69 SECTION 8. Section 20A of said chapter 151, as so appearing, is hereby amended by
70 striking out, in line 2, the word “two” and inserting in place thereof the word:- Three

71 SECTION 9. Section 1 shall take effect on January 1, 2018.