

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

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 Establishing A Temporary Worker's Right To Know.

PETITION OF:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A TEMPORARY WORKER'S RIGHT TO KNOW.

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 46A of chapter 140 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding, after line 57, the following words:-

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4 As used in this section, and sections 46B(b), 46P, and 46R, the terms "employee," "employer,"
5 "employment," "staffing agency," and "work site employer," shall have the meanings assigned to
6 them by section 159C of chapter 149 of the General Laws.

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8 SECTION 2. Section 46B of chapter 140 of the General Laws, as so appearing, is amended by
9 adding, in line 1, after the words "Section 46B," the following letter:- (a)

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11 SECTION 3. Section 46B of chapter 140 of the General Laws, as so appearing, is amended by
12 inserting after the first paragraph the following paragraph:-

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14 (b) Notwithstanding the other provisions of this chapter, a staffing agency which is excluded
15 from the definition of "employment agency" under section 46A, shall furnish in writing for each
16 employee on the date of hire the following information: (1) the name of the staffing agency and
17 the address of the staffing agency's principal location; (2) the name of the worksite employer
18 and the worksite address for the employee's assignment; the kind and character of the
19 employment, including any requirement for special attire, accessories, tools, safety equipment,
20 or licenses and any costs charged to the employee as allowed by law; the protective equipment

21 including personal protective equipment that will be provided at no charge by the staffing
22 agency or worksite employer; whether the employee must receive special training as required
23 by law; the rate of wages or compensation, including any benefits to be paid for the work and
24 the overtime rate of pay; whether such employment is temporary; the expected duration of the
25 work to be performed by the employee, including daily starting time, anticipated end time, and
26 anticipated overtime, if any; a statement of the employee's right to workers' compensation
27 benefits and the employer's workers' compensation carrier name and number; a complete and
28 accurate description of work site hazards to which the employee may become exposed or the
29 name of a contact person at the worksite who can provide a complete and accurate description
30 of work site hazards to which the employee may become exposed; any meal(s) to be provided
31 by the staffing agency or the worksite employer and the cost of such meal(s), as allowed by law,
32 if any; the total fee to be exacted by the staffing agency from the employee, if any; and the
33 provisions set out in this section; provided that, nothing in this paragraph shall be construed to
34 prohibit a staffing agency from hiring an employee by telephone, but such telephone message
35 shall comply with the disclosure requirements of this paragraph and shall be, confirmed in
36 writing by the staffing agency and included with the employee's first paycheck or first payment
37 of wages; a copy of such confirmation shall be kept by the staffing agency for a period of at
38 least one year; (3) the name and address of the division of occupational safety; and (4) a
39 receipt for every charge made by the staffing agency the employee has paid. A copy of said
40 receipt shall be kept by the staffing agency for three years and shall be made available for
41 inspection by the employee, commissioner or his or her duly authorized agent or inspector,
42 upon their request.

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44 SECTION 4. Section 46P of chapter 140 of the General Laws, as so appearing, is amended by
45 adding, in line 3, after the word "inclusive," the following words:-

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47 and each staffing agency shall post in a conspicuous place in such agency a copy of section
48 46B (b).

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50 SECTION 5. Chapter 140 of the General Laws is amended by inserting after section 49R the
51 following section:-

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53 *Section 46S. Exemptions of Certain Staffing Agencies*

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55 Staffing agencies are exempt from complying with the provisions of sections 46B(b) and 46P of
56 this chapter if their employees are placed in jobs that pay an hourly wage that is equal to or
57 greater than three times the minimum wage as set forth in section 1 of chapter 151 of the

58 General Laws, or notwithstanding the hourly wage, place all of their employees in jobs
59 designated by the North American Industry Classification System, Revisions for 2002 as
60 Professional, Scientific, or Technical Services, 541.

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