

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John A. Hart, Jr.

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 Workers Right To Know.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John A. Hart, Jr.	First Suffolk
Thomas M. McGee	Third Essex and Middlesex
Marc R. Pacheco	First Plymouth and Bristol
Susan C. Tucker	Second Essex and Middlesex
Patricia D. Jehlen	Second Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A TEMPORARY WORKERS 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
2 Official Edition, is hereby amended by adding, after line 57, the following words:-

3

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
6 to them by section 159C of chapter 149 of the General Laws.

7

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 and
18 the worksite address for the employee’s assignment; the kind and character of the employment,

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

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

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

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

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Section 46S. Exemptions of Certain Staffing Agencies

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54 Staffing agencies are exempt from complying with the provisions of sections 46B(b) and 46P of
55 this chapter if their employees are placed in jobs that pay an hourly wage that is equal to or
56 greater than three times the minimum wage as set forth in section 1 of chapter 151 of the General
57 Laws, or notwithstanding the hourly wage, place all of their employees in jobs designated by the
58 North American Industry Classification System, Revisions for 2002 as Professional, Scientific,
59 or Technical Services, 541.