

SENATE No.

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:

Richard R. Tisei

DISTRICT/ADDRESS:

Middlesex and Essex

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

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4 "If, however, an employer shows by clear and convincing evidence to the court that the act or omission
5 giving rise to such action was in good faith and that the employer had reasonable grounds for believing
6 that its act or omission was not a violation, the court, may in its sound discretion, award no liquidated
7 damages or award any amount thereof not to exceed three times the amount of the employee's lost
8 wages and benefits."

9

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

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12 "If, however, an employer shows by clear and convincing evidence to the court that the act or omission
13 giving rise to such action was in good faith and that the employer had reasonable grounds for believing
14 that its act or omission was not a violation, the court, may in its sound discretion, award no liquidated
15 damages or award any amount thereof not to exceed three times the amount of the employee's lost
16 overtime and compensation."

17

18 And be it further amended by inserting at the end of section 7 the following sentence:-

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20 “If, however, an employer shows by clear and convincing evidence to the court that the act or omission
21 giving rise to such action was in good faith and that the employer had reasonable grounds for believing
22 that its act or omission was not a violation, the court, may in its sound discretion, award no liquidated
23 damages or award any amount thereof not to exceed three times the amount of the loss of minimum
24 wage.”

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