

HOUSE No. 4745

The Commonwealth of Massachusetts

PRESENTED BY:

Maria Duaine Robinson

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 providing hazard pay for essential workers in the COVID-19 emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>

<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Nick Collins</i>	<i>First Suffolk</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>

HOUSE No. 4745

By Ms. Robinson of Framingham, a petition (subject to Joint Rule 12) of Maria Duaine Robinson and others for legislation to provide hazard pay for essential workers in the COVID-19 emergency. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing hazard pay for essential workers in the COVID-19 emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide hazard pay for workers considered essential under the COVID-19 emergency order of 2020, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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. Notwithstanding chapter 149 of the General Laws or any other special or
2 general law to the contrary, any employer that that provides "COVID-19 Essential Services" as
3 defined in the Governor's March 23, 2020 emergency order ("COVID-19 Order No. 13") or in
4 the Governor's March 31, 2020 extension order ("COVID-19 Order No. 21"), or under any order
5 further extending these orders, shall provide hazard pay, as further defined in the following
6 section, if it employs at least six individuals, including the proprietor. This law shall not apply to
7 any employee employed by the Commonwealth or any of its political subdivisions.

8

9 Section 2. “Hazard pay” shall be paid for any day that the employee performs work for an
10 employer providing COVID-19 Essential Services outside her or his home, and it shall be
11 calculated by as one and a half times the employee’s actual earnings for any day they were
12 required to work. This section shall not apply to a bona fide executive, administrative, or
13 professional person exempt from overtime under the federal Fair Labor Standards Act.

14

15 Section 3. No employee shall be required to perform “COVID-19 Essential Services”
16 work, and refusal to work for any establishment shall not be grounds for discrimination,
17 dismissal, discharge, reduction in hours, or any other penalty.

18

19 Section 4. The provisions of this law shall be enforced by the office of the attorney
20 general pursuant to her authority under Section 150 of Chapter 149. However, an employee’s
21 right to receive all wages due under any other statute shall not be impaired by this statute, nor
22 shall an employee’s ability to enforce their rights under any other statute.

23

24 Section 5. This law shall be retroactively applied from the hour of the Governor's
25 emergency order on March 23, 2020.