

SENATE No. 1649

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 provide retirement security to care workers.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No. 1649

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1649) of Sal N. DiDomenico for legislation to provide retirement security to care workers. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1694 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to provide retirement security to care workers.

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. Chapter 32 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 106. (a) The executive office of health and human services and the department of
4 early education and care, in consultation with MassHealth, the Personal Care Attendant
5 Workforce Council, 1199SEIU, and SEIU 509, shall develop and establish a 403(b) account, or
6 another substantially similar individual retirement account program, for personal care attendants,
7 as defined in section 70 of said chapter 118E, and for family child care providers, as defined in
8 subsection (a) of section 17 of chapter 15D. Notwithstanding section 17 of chapter 15D, sections
9 70-75 of chapter 118E, or any other special or general law to the contrary, the department of
10 medical assistance shall be deemed the employer of said personal care attendants for purposes of

11 making contributions under this Act and the PCA Quality Workforce Council shall be deemed
12 the employer for purposes of collective bargaining under this Act, and the department of early
13 education and care shall be deemed the employer of all family child care providers, as defined in
14 section 17(a) of chapter 15D, for purposes of this Act.

15 (b) In developing such individual retirement account program, the executive office of
16 health and human services and the department of early education and care shall ensure at a
17 minimum that the retirement security program: (i) Allows all eligible individuals to contribute to
18 the individual retirement account established under the program through payroll deductions and
19 other means; (ii) Allows for collective bargaining over and an ongoing stakeholder and
20 governance role for labor organizations representing eligible workers on the establishment,
21 implementation, operations, and adjustments of the individual retirement account program; (iii)
22 Includes an appointed 9-member governance board that shall include at least two representatives
23 for the labor organization representing personal care attendants and two representatives for the
24 labor organization representing family child care providers; (iv) Establishes a minimum state
25 employer contribution to an eligible individual's retirement account, whereby an eligible
26 individual's state employer will contribute a set amount with each paycheck that is over and
27 above regular wages but that may be a percentage of the employee's wages; (v) Establishes a
28 minimum state employer matching contribution rate that provides a dollar-for-dollar matching
29 state employer contribution equaling 100% of an employee's contribution but that may be
30 capped as a percentage of the employee's own contribution; (vi) Is professionally managed and
31 administered in an efficient and cost-effective manner, and with no or limited fees charged to
32 participating individuals; and (vii) Establishes a union run retirement benefit orientation,
33 including access to financial literacy programs.

34 SECTION 2. The executive office of health and human services and the department of
35 early education and care shall establish the individual retirement account program as outlined
36 above and procedures for enrollment of personal care attendants, as defined in section 70 of said
37 chapter 118E and family child care providers, as defined in subsection (a) of section 17 of
38 chapter 15D, no later than one year from passage of this Act.