



City of Quincy
Massachusetts

OFFICE OF THE CITY COUNCIL
1305 HANCOCK STREET
QUINCY, MA 02169

Ian C. Cain
Noel T. DiBona
William P. Harris
Kirsten L. Hughes, President

Brad L. Croall
Joseph G. Finn
Margaret E. Laforest
Nina X. Liang
Brian Palmucci

Nicole L. Crispo, City Clerk
Jennifer L. Manning, Clerk of Committees
Susan M. O'Connor, Auditor

City Council Meeting
City Council
Monday, May 23, 2016 - 7:30 PM
The Great Hall – City Hall

1. Presentation – 2016 – 133 - Urban Revitalization and Development Plan Amendment #4 Mayor Koch
2. Appropriation – 2016 – 134 - \$1,075,478.99 School Project Unexpended Funds Repurposing Mayor Koch
3. Appropriation – 2016 – 135 - \$4,240,000 Woodward School for Girls Civil Judgement Mayor Koch
4. Update – 2016 - 122 - Five Year Capital Improvement Plan Mayor Koch
5. Land – 2016 – 136 - Conveyance – Land from MBTA in the vicinity of the former Saville Street & City Hall for Municipal Purposes Mayor Koch
6. Ordinance – 2016 – 137 - Amending Title 15 to add a New Section, Section 15.28 Entitled Wage Theft Prevention Councillor Palmucci
7. Gift – 2016 – 138 - \$2,350 from Various Donors to D.A.R.E. Mayor Koch
8. Gift – 2016 – 139 - \$4,080 from Various Donors to D.A.R.E. Camp Mayor Koch
9. Gift – 2016 – 140 - \$9,000 from Various Donors to Mayor's Cup Charity Golf Tournament Fund Mayor Koch
10. Resolve – 2016 – 141 - In Support of Massachusetts Senate Bill 966 - An Act to Prevent Wage Theft and Promote Employer Accountability Councillor Palmucci
11. Resolve – 2016 – 142 - For Administration to review and evaluate MGL 121A tax incentives for the Quincy Center District re-vitalization Councillor Palmucci

It is anticipated that one or more matters contained within the City Council Calendar, including any or all listed items pending in Committee, may be discussed and acted upon at this meeting. For a full Council Calendar, go to www.quincyma.gov

Tel. (617) 376-1341, FAX (617) 376-1345 TTY (617) 376-1375

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-134

ORDERED:

May 23, 2016

Upon the request of the Director of Municipal Finance, and with the approval of his Honor the Mayor, the unexpended sum of \$1,075,478.99 (One million seventy-five thousand four hundred seventy-eight dollars and ninety-nine cents), now retained in the accounts listed below (into which they were deposited for purposes of window and door replacement) is transferred into a capital project account for purposes of bleacher and gymnasium upgrades and other building improvements at North Quincy High School and for roof replacement and roof mechanical repairs at City Hall Annex.

The specific accounts are the following:

Merrymount Elementary School	Fund # 6087	\$	29,845.00
Wollaston School	Fund # 6086	\$	17,973.80
North Quincy High School	Fund # 6088	\$	157,129.51
Parker Elementary School	Fund # 6091	\$	161,011.00
Lincoln-Hancock Community School	Fund # 6092	\$	709,519.68
	Total	\$	1,075,478.99

The remaining balances represent retained contingency funds not necessary or expended for the projects at each school, all of which are now complete.

The amount transferred shall be used for payment of all costs incidental and related to the North Quincy High School bleacher and gymnasium upgrades and other building improvements, and City Hall Annex roof replacement and mechanicals projects.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-135

ORDERED:

May 23, 2016

In order to satisfy a court-ordered civil judgment which legally obligates the City to make certain payments for awarded damages and post-judgment interest in the case *The Woodward School for Girls, Inc. v. City of Quincy*, the City of Quincy may issue temporary notes under section 17 of chapter 44 of the General Laws in an amount not to exceed \$4,240,000.00 which shall be payable for a period not to exceed 1 year from the date of issuance. Debt may be incurred under this act by the Treasurer of the City with the approval of the Mayor, and the proceeds may be expended without further authorization or appropriation by the City.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-136

ORDERED:

May 23, 2016

The City Council does hereby authorize the Mayor to accept from the Massachusetts Bay Transportation Authority a conveyance of certain land in the vicinity of the former Saville Street and City Hall to be held for municipal purposes.

Such land is shown as Parcel 1 containing 35,925 square feet of land and shown on a plan of land consisting of two sheets and entitled "Conveyance Plan Adams Green, Quincy MA, prepared for Howard/Stein- Hudson Associates, Inc." dated May 3, 2016 and prepared by A-Plus Construction Services Corporation, Michael A. Coleman, PLS, scale 1"=20', subject to the reserved access easement to the MBTA as shown as Parcel 2 on said Plan.

The acceptance of such conveyance shall be subject to such terms and conditions required by the Mayor as he deems to be in the best interest of the City and by law.

The Mayor is hereby authorized, on behalf of the City of Quincy, to execute any instrument necessary or convenient to effectuate such conveyance.

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-137

ORDERED:

May 23, 2016

BE IT ORDAINED by the City Council of the City of Quincy Title 15, as amended be further amended to add a new section, Section 15.28 entitled Wage Theft Prevention:

I. Definitions

For the purpose of this Ordinance, the following definitions apply:

- A. “Employee” – a natural person who performs work for an employer operating within the geographic boundaries of Quincy, but shall not include any bona fide independent contractor as defined by G.L. c. 149 § 148B;
- B. “Employer” – any natural person or business, whether or not incorporated or unincorporated, who suffers or permits another to work (1) in the City of Quincy, (2) under a contract to which the City of Quincy or one of its Departments is signatory, or (3) who otherwise maintains a commercial presence in the City of Quincy. This definition excludes:
 - 1) The United States or a corporation wholly owned by the government of the United States; and
 - 2) The Commonwealth of Massachusetts, its subdivisions, and corporate bodies.
- C. “Employ,” including as used in the term “employment” – to suffer or permit to work.
- D. “Independent contractor” – as defined in G.L. c. 149, § 148B (“Massachusetts Independent Contractor Law”) and any applicable regulations or advisory guidance implementing that statute.

- E. “Minimum wage” – as defined in G.L. c. 151 § 1.
- F. “Overtime” – as defined in G.L. c. 151 § 1A.
- G. “Prevailing wage” – as defined in G.L. c. 149 §§ 26-27H.
- H. “Timely Payment of Wages” – as defined by G.L. c. 149 § 148.
- I. “Wage” – as defined by G.L. c. 149, §148.
- J. “Wage Theft” – any action by an Employer, his officers, agents, or employees causing Employer not to make a timely and /or complete payment of wages, prevailing wage, or overtime earned and owing to an employee.
- K. “Application” – an initial application or a renewal of a license or permit.
- L. “City Contractor” – an Employer who holds or seeks to hold a contract for goods, services, or labor with the City of Quincy.

II. City Procurement, City Contracts And Debarment

A. RFP/Bid and Successful Bidder Requirements

1. Every RFP or bid issued by the Purchasing Agent or other City department shall include the certification and disclosure requirements required by this Ordinance.
2. Every RFP or bid issued by the Purchasing Agent or other City department shall notify bidders that they have an affirmative duty to report any criminal or civil judgment, administrative citation, final administrative determination, or debarment against the bidder or any of their subcontractors occurring while their bid is pending to the City, and, if they are the successful bidder, while their contract with the City is in effect, within five (5) business days of receipt. The RFP or bid will identify the City department and individual to whom this must be reported.
3. Every RFP or bid issued by the Purchasing Agent or other City department shall notify bidders that they may not contract with the City during any part of the debarment by the City of State if they have been debarred by the Commonwealth of Massachusetts or the City of Quincy, either voluntarily or

involuntarily, for the entire term of the debarment. Such RFPs or bids shall also notify bidders that they may not use any subcontractor who has been debarred by the City or the State during the period of that subcontractor's debarment.

4. Successful bidders must either:
 - a. Provide a certification of compliance as required by this Ordinance below. To the extent the bidder has been in business for less than three years, it shall provide a certification certifying compliance for the entire period of time for which the entity has been in existence.
 - b. To the extent a judgment, citation, or final administrative order has issued against a bidder within 3 years prior to its bid, provide a copy of the same, in addition to documentation demonstrating that all damages, fines, costs, and fees have been paid to all aggrieved complainants. In addition, the bidder must post a bond, to be maintained for the life of the contract, as specified below.
5. Successful bidders must agree to post the notice available at <http://www.mass.gov/ago/docs/workplace/wage/wagehourposter.pdf> in a conspicuous location accessible to all of their employees. To the extent not all employees would have reasonable access to the notice if posted in a single location by the successful bidder, the successful bidder must inform the Purchasing Agent or other City department of the number and location of postings in order to ensure that the successful bidder provides reasonable notice to all of their employees and agree to make those additional postings.

B. Certification And Disclosures

The Purchasing Agent and any other City department entering into contracts on behalf of the City shall adopt the attached certification and disclosure requirement for all applicants providing:

1. That an applicant certify to the Purchasing Agent or other City department that neither they nor any of their subcontractors have been subject to a Federal or State criminal or civil judgment, administrative citation, final administrative determination, or debarment resulting from a violation of G.L. c. 149, G.L. c. 151 or 29 U.S.C. 201 et seq. within three (3) years of their application;

2. In the alternative, the applicant shall disclose to the Purchasing Agent or other City department any such criminal or civil judgment, administrative citation, final administrative determination, or debarment and include a copy of the same in their applications.
3. Every City department issuing a Request for Proposals or bids shall notify applicants that they have an affirmative duty to report any criminal or civil judgment, administrative citation, final administrative determination, or debarment occurring while the contract is in effect to the department within five (5) business days of receipt.

C. Reporting and Notice Requirements during the Contract Term

1. Upon request by the Purchasing Agent or other City department, all City Contractors shall furnish their monthly certified payrolls to the City's Purchasing Agent for all employees working on City contracts.
2. To the extent a contract is for a term of one year or more, a City Contractor will provide the Purchasing Agent or other City department with a certification compliant with this Ordinance on the effective date of the contract and at each anniversary thereof until the contract expires.
3. All City Contractors will furnish to the Purchasing Agent or other City department any criminal or civil judgment, administrative citation, final administrative determination, or debarment issued during the term of their contract(s) with the City against the City Contractor or its sub-contractors within five (5) business days of receipt.
4. To the extent required as set forth below, all City Contractors shall maintain a wage bond for the term of the contract(s) with the City.

D. Wage Bonds

Any Successful Bidder or City Contractor admitting in writing to or determined by the Purchasing Agent to have committed a wage theft violation or subject to a criminal or civil judgment, administrative citation, final administrative determination or debarment as a result of a violation of G.L. c. 149, G.L. c. 151 or 29 U.S.C. 201 et seq. within the three (3) year period prior to the date of its bid to contract with the City, shall be required to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of one year's gross wages, or for the term of the contract, whichever is less, for all employees, based on an average of its total labor costs for the past two years. Such bond must be maintained for the entire term of the contract(s) and for all contracts of one year or more, proof of maintenance must be provided annually or upon request of the Purchasing Agent or other City department.

E. Suspension or Revocation of Contract/Wage Theft as Material Breach as Conditions in RFP or Bid

If a City Contractor is found to be in violation of G.L. c. 149, G.L. c. 151 or 29 U.S.C. 201 et seq. or this Ordinance, and therefore in breach of its contract with the City, the City may take one or more of the following actions:

1. Revocation of City Contractor's contract with the City;
2. Suspension of the City Contractor's contract with the City;
3. Debarment from all City contracts for a period of up to three years;
4. Imposing conditions on any future contracts with the City, including but not limited to, the posting of a wage bond and other reasonable requirements.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-138

ORDERED:

May 23, 2016

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

DONOR	GIFT	PURPOSE
Various Donors	\$2,350.00	D.A.R.E. Program

Deposit To: 31194 - 484000

D.A.R.E. Donor's

Donor	Check#	Date	Amount
Jay Cashman	8363	4/21/2016	\$ 1,000.00
Curry Hardware Inc.	67323	4/25/2016	\$ 500.00
Fuji at Assembly	2636	5/3/2016	\$ 500.00
South Shore Bank	089013	5/10/2016	\$ 250.00
L & H Corp Wollaston Wine & Spirits	040530	4/22/2016	\$ 100.00
			\$ 2,350.00

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

APRIL 27, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.
TOTAL AMOUNT \$1,000.00

ACCOUNT # 31194-484000

DONOR: CASHMAN INDUSTRIES

CONTACT: MR. JAY CASHMAN

 ADDRESS: 549 SOUTH ST.
QUINCY MA 02169



Paul Keenan
Chief Of Police

D.A.R.E.[™]

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 1000.00

Contact: Mr. Jay Cashman
Cashman Industries
549 South St.
Quincy MA 02169

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

APRIL 29, 2016

TO: The Quincy City Council

Please accept the following gift

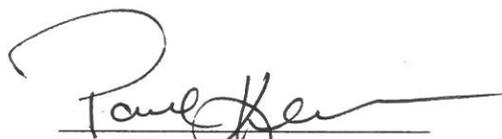
PURPOSE: DONATION FOR DARE PROGRAM.
TOTAL AMOUNT \$500.00

ACCOUNT # 31194-484000

DONOR: CURRY HARDWARE, INC.

CONTACT: MR. SEAN CURRY

 ADDRESS: 370 COPELAND ST
QUINCY MA 02169


Paul Keenan
Chief Of Police

D.A.R.E.

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 500.00

Contact: Mr. Sean Curry
Curry Hardware
370 Copeland St.
Quincy MA 02169

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 13, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.
TOTAL AMOUNT \$500.00

ACCOUNT # 31194-484000

DONOR: FUJI AT ASSEMBLY

CONTACT: BLAIR LI

 ADDRESS: 696 HANCOCK ST
QUINCY MA 02170


Paul Keenan
Chief Of Police

D.A.R.E.

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 500.00

Contact: Blair Li
JP Fuji Group
696 Hancock St.
Quincy MA 02170

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 16, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.

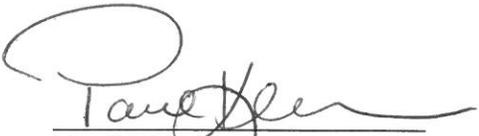
TOTAL AMOUNT \$250.00

ACCOUNT # 31194-484000

DONOR: SOUTH SHORE BANK

CONTACT: MS. KIM WALTERS

 ADDRESS: 1530 MAIN ST
S. WEYMOUTH MA 02190


Paul Keenan
Chief Of Police

D.A.R.E.

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 250.00

Contact: Ms. Kim Walters
South Shore Bank
1530 Main St
S. Weymouth, MA 02190

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 4, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE PROGRAM.
TOTAL AMOUNT \$100.00

ACCOUNT # 31194-484000

DONOR: WOLLASTON WINE AND SPIRITS

CONTACT: MR. GEORGE HAIVAINIS

JK

ADDRESS: 60 BEALE ST
QUINCY MA 02170



Paul Keenan
Chief Of Police

D.A.R.E.[™]

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 100.00

Contact: Mr. George Haivainis
Wollaston Wine and Spirits
60 Beale St.
Quincy MA 02170

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-139

ORDERED:

May 23, 2016

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

DONOR	GIFT	PURPOSE
Various Donors	\$4,080.00	D.A.R.E. Camp

Deposit To: 31194 - 484000

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 3, 2016

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR DARE CAMP.
TOTAL AMOUNT \$1,800.00

ACCOUNT # 31194-484000

DONOR: VARIOUS PARENTS FOR DARE SUMMER CAMP

CONTACT: OFFICER JOHN GRAZIOSO

 ADDRESS: QPD


Paul Keenan
Chief Of Police

D.A.R.E.[™]

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 1800.00

Contact: Various Parents for DARE Summer Camp.

2 * 240 =	480
11 * 120 =	1320
Total	1800

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 11, 2016

TO: The Quincy City Council

Please accept the following gift

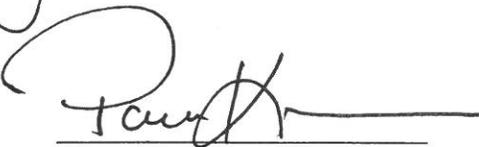
PURPOSE: DONATION FOR DARE SUMMER CAMP
TOTAL AMOUNT \$2,280.00

ACCOUNT # 31194-484000

DONOR: VARIOUS DONORS

CONTACT: OFFICER JOHN GRAZIOSO

 ADDRESS: QPD



Paul Keenan
Chief Of Police

D.A.R.E.SM

Quincy Police Department
1 Sea St.
Quincy, MA 02169
617-745-5735

To Resist Drugs and Violence

Donation to DARE: 2280.00

Contact: Various parents for Summer DARE Camp

19*120=2280.00

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-140

ORDERED:

May 23, 2016

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

DONOR	GIFT	PURPOSE
Various Donors	\$9,000.00	Various Local Charities - Mayor's Charity Cup Golf Tournament

Deposit To: 83494 - 484000

<u>VENDOR</u>	<u>AMOUNT</u>
Quincy College	\$500.00
AI3 Architects LLC	\$2,500.00
Zero Penn Street LLC	\$2,500.00
Local 103 IBEW	\$500.00
BETA Group, Inc.	\$500.00
Coastal Heritage Bank	\$2,500.00
Total	\$9,000.00

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-141

ORDERED:

May 23, 2016

RESOLUTION IN SUPPORT OF MASSACHUSETTS SENATE BILL 966
An Act to Prevent Wage Theft and Promote Employer Accountability

WHEREAS, Massachusetts employers increasingly subcontract and outsource labor, distancing themselves from their responsibilities; and

WHEREAS, Subcontracted and outsourced workers are more likely to live in poverty than their directly and permanently employed counterparts; and

WHEREAS, workers misclassified as part-time, temporary, independent contractors and/or contracted employees are not offered health insurance or other benefits; and

WHEREAS, by misclassifying their workers they are not covered by OSHA safety regulations and employers avoid contributing to workers' compensation insurance; and

WHEREAS, responsible employers struggle to compete with companies using these illegal business practices to reduce their labor costs; and

WHEREAS, misclassification costs the State of Massachusetts as much as \$259 million annually in payroll taxes and \$87 million annually in unemployment insurance taxes; and

THEREFORE BE IT RESOLVED that the Quincy City Council strongly supports Senate Bill 966 and urges the Massachusetts Legislature to take action to support this measure to protect workers from wage theft and promote employer accountability

BE IT FURTHER RESOLVED, that the Quincy City Council forwards an engrossed copy of this resolution to the elected Quincy delegation in the House and the Senate as well as House Speaker Robert A. DeLeo and Senate president Stanley C. Rosenberg and to the Governor on behalf of the Quincy City Council.

SENATE No. 966

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 prevent wage theft and promote employer accountability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>

<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Diana DiZoglio</i>	<i>14th Essex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/25/2015</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>	<i>3/4/2015</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>6/24/2015</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>7/14/2015</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>7/29/2015</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>7/29/2015</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>9/8/2015</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>9/14/2015</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>9/14/2015</i>

SENATE No. 966

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 prevent wage theft and promote employer accountability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>

<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Diana DiZoglio</i>	<i>14th Essex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/25/2015</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>	<i>3/4/2015</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>6/24/2015</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>7/14/2015</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>7/29/2015</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>7/29/2015</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>9/8/2015</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>9/14/2015</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>9/14/2015</i>

SENATE No. 966

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 966) of Sal N. DiDomenico, Chris Walsh, Kenneth J. Donnelly, Michael F. Rush and other members of the General Court for legislation to prevent wage theft and promote employer accountability. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to prevent wage theft and promote employer accountability.

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 149 of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby amended by inserting after section 148B, the following sections:-

3 Section 148C. Additional definitions

4 For purposes of this chapter and chapter 151, except as otherwise defined with respect to
5 any particular section, the following words shall have the following meanings:

6 “Person” means an individual, partnership, association, corporation, business trust, or any
7 organized group of persons.

8 “Employer” includes any person acting directly or indirectly in the interest of an
9 employer in relation to an employee and includes a public employer.

10 “Employee” means any individual employed by an employer.

11 "Employ" includes to suffer or permit to work.

12 Section 148D. Accountability in labor contracting and subcontracting

13 (a) As used in this section, the following words have the following meanings:-

14 (1) "Lead company" means a business entity, regardless of its form, that obtains or is
15 provided workers, directly from a labor contractor or indirectly from a subcontractor, to perform
16 labor or services that have a nexus with the lead company's business activities, operations, or
17 purposes.

18 (2) "Labor contractor" means an individual or entity that supplies, either with or without
19 a written contract, directly or indirectly, a lead company with workers to perform labor or
20 services.

21 (b) A lead company shall be subject to joint and several civil liability and shall share civil
22 legal responsibility for any violations of sections 27, 27F, 27G, 27H, 52D, 56 through 105, 148,
23 148A, 148B, 150, 150C, 152, 152A, 159C, and 190 of this chapter, chapter 151, chapter 151A,
24 and chapter 152 with a labor contractor and any subcontractor for all workers whose labor or
25 services are supplied to it by that labor contractor or subcontractor.

26 (c) The provisions of subsection (b) of this section are in addition to, and shall be
27 supplemental of, any other basis of liability or requirement established by statute or common
28 law.

29 (d) This section does not prohibit any person from establishing, exercising, or enforcing
30 any otherwise lawful rights or remedies.

31 Section 148E. Stop Work Order

32 (a) On determination by the attorney general or director of department of unemployment
33 assistance, or a designee, that any person or entity is employing an employee in violation of
34 sections 27, 27F, 27G, 27H, 52D, 56 through 105, 148, 148A, 148B, 148D, 150, 150C, 152,
35 152A, 159C, and 190 of this chapter, chapter 151, or chapter 151A, the attorney general,
36 director, or designee may issue a stop work order against the violator requiring the cessation of
37 all business operations of the violator. The stop work order may be issued only against the
38 individual or entity found to be in violation, and only as to the specific place of business or
39 employment for which the violation exists. The stop work order shall be effective when served
40 upon the violator or at the place of business or employment. A stop work order may be served at
41 a place of business or employment by posting a copy of the stop work order in a conspicuous
42 location at the place of business or employment. The stop work order shall remain in effect until
43 the attorney general, director, or designee issues an order releasing the stop work order upon a
44 finding that the violation has been corrected.

45 (b) Any violator against which a stop work order is issued pursuant to subsection (a) of
46 this section may request a hearing. Such request shall be made in writing not more than ten days
47 after the issuance of such order.

48 (c) Stop work orders and any penalties imposed thereunder against a corporation,
49 partnership, or sole proprietorship shall be effective against any successor entity that has one or
50 more of the same principals or officers as the corporation, partnership, or sole proprietorship
51 against which the stop work order was issued and that is engaged in the same or equivalent trade
52 or activity.

53 (d) Any employee affected by a stop work order pursuant to this section shall be paid for
54 the first ten days lost pursuant to the stop work order, and any time lost pursuant to this section
55 not exceeding ten days shall be considered time worked under chapter 149.

56 (d) The attorney general shall adopt regulations necessary to carry out this subsection.

57 SECTION 2. Section 27C of chapter 149 of the General Laws, as appearing in the 2012
58 Official Edition, is hereby amended by inserting after the word "148B," in line 4, and after the
59 word "148B," in line 14, the following word:-, 148D

60 SECTION 3. Section 150 of chapter 149 of the General Laws, as appearing in the 2012
61 Official Edition, is hereby amended by inserting after the word "148B," in line 21, the following
62 word:- , 148D

63 SECTION 4. Section 150 of chapter 149 of the General Laws, as appearing in the 2012
64 Official Edition, is hereby further amended by inserting after the word "fees," in line 30, the
65 following words:-

66 The attorney general may bring a civil action for injunctive relief and to collect the claim
67 of any employee or employees, including any similarly situated employees, aggrieved by a
68 violation of sections 33E, 148, 148A, 148B, 148D, 150C, 152, 152A, 159C, or 190 or section 19
69 of chapter 151, including any damages incurred, and lost wages and other benefits. If the
70 attorney general prevails in such an action, the employee or employees shall be awarded treble
71 damages, as liquidated damages, and the attorney general shall be awarded the costs of the
72 litigation and reasonable attorneys' fees. The attorney general shall not be required to pay a
73 filing fee in connection with any such action.

74 SECTION 5. Section 27 of chapter 149 of the General Laws, as appearing in the 2012
75 Official Edition, is hereby amended by inserting after the word “fees,” in line 98, the following
76 words:-

77 The attorney general may bring a civil action for injunctive relief and to collect the claim
78 of any employee or employees, including any similarly situated employees, aggrieved by a
79 violation of sections 27, 27F, 27G, or 27H, including any damages incurred, and lost wages and
80 other benefits. If the attorney general prevails in such an action, the employee or employees
81 shall be awarded treble damages, as liquidated damages, and the attorney general shall be
82 awarded the costs of the litigation and reasonable attorneys’ fees. The attorney general shall not
83 be required to pay a filing fee in connection with any such action.

84 SECTION 6. Section 20 of chapter 151 of the General Laws, as appearing in the 2012
85 Official Edition, is hereby amended by striking out, in line 14, the following words:-

86 At the request of any employee paid less than the minimum wage to which he or she is
87 entitled the attorney general may take an assignment of such wage claim in trust for the assigning
88 employee and may bring any legal action necessary to collect such claim, and the employer shall
89 be required to pay the costs and such reasonable attorney’s fees as may be allowed by the court.

90 SECTION 7. Section 20 of chapter 151 of the General Laws, as appearing in the 2012
91 Official Edition, is hereby further amended by inserting after the word “fees,” in line 14, the
92 following words:-

93 The attorney general may bring a civil action for injunctive relief and to collect the claim
94 of any employee or employees, including any similarly situated employees, aggrieved by a
95 violation of this chapter, including any damages incurred, and lost wages and other benefits. If

96 the attorney general prevails in such an action, the employee or employees shall be awarded
97 treble damages, as liquidated damages, and the attorney general shall be awarded the costs of the
98 litigation and reasonable attorneys' fees.

99 SECTION 8. Section 1B of chapter 151 of the General Laws, as appearing in the 2012
100 Official Edition, is hereby amended by striking out, in line 18, the following words:-

101 At the request of any employee paid less than such overtime rate of compensation, the
102 attorney general may take an assignment of such wage claim in trust for the assigning employee
103 and may bring any legal action necessary to collect such claim, and the employer shall be
104 required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

105 SECTION 9. Section 1B of chapter 151 of the General Laws, as appearing in the 2012
106 Official Edition, is hereby further amended by inserting after the word "fees," in line 18, the
107 following words:-

108 The attorney general may bring a civil action for injunctive relief and to collect the claim
109 of any employee or employees, including any similarly situated employees, aggrieved by a
110 violation of this section, including any damages incurred, and lost wages and other benefits. If
111 the attorney general prevails in such an action, the employee or employees shall be awarded
112 treble damages, as liquidated damages, and the attorney general shall be awarded the costs of the
113 litigation and reasonable attorneys' fees.

CITY OF QUINCY
IN COUNCIL

ORDER NO. 2016-142

ORDERED:

May 23, 2016

WHEREAS, the City of Quincy has enacted a policy to re-vitalize the Quincy Center district; and

WHEREAS, the City of Quincy has expended at least \$40 million dollars towards that policy already; and

WHEREAS, in March of 2015 the City Council was presented with a plan by the Administration that calls for spending approximately \$116 million more on the Quincy Center District re-vitalization; and

WHEREAS, the monies that have been spent and are proposed to be spent call for an investment prior to the full re-development plan is completed; and

WHEREAS, the City Council has long supported the re-vitalization of the Quincy Center District; and

WHEREAS, Massachusetts state statute allows for tax incentives to be provided to encourage re-development under MGL 121A;

NOW THEREFORE BE IT RESOLVED, that the Administration review and evaluate MGL 121A tax incentives and provide the City Council with an analysis of how such incentives may be used in the Quincy Center District re-vitalization, and the advisability of same.