

HOUSE No. 1940

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers and Christine P. Barber

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 relative to transparency in the workplace.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/20/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/20/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/26/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/27/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/27/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/28/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/30/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/30/2023</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/30/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>2/1/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>2/2/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/2/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/2/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/2/2023</i>

<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/3/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/6/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/6/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/6/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/8/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/8/2023</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/8/2023</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>2/9/2023</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>2/10/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/13/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/14/2023</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/14/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/19/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/22/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/22/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/28/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>2/28/2023</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>3/1/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/5/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/6/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/7/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>3/8/2023</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>3/9/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/10/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/11/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/12/2023</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>3/14/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/14/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/14/2023</i>

HOUSE No. 1940

By Representatives Rogers of Cambridge and Barber of Somerville, a petition (accompanied by bill, House, No. 1940) of David M. Rogers, Christine P. Barber and others relative to the publishing of aggregate wage data reports. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to transparency in the workplace.

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 23 of the General Laws is hereby amended by inserting
2 after section 25 the following section:-

3 Section 26. (a) As used in this section, the following words, unless the context clearly
4 requires otherwise, shall have the following meanings:

5 “Aggregate wage data report,” shall mean an industry-based wage data report reflecting
6 aggregate data from annual wage data reports, provided by the Secretary of State, pursuant to
7 chapter 149 section 105E(c), separated by the following industries:

- 8 1. Agriculture, Forestry, Fishing and Hunting
- 9 2. Mining
- 10 3. Utilities

- | | | |
|----|----------|---|
| 11 | 4. | Construction |
| 12 | 5. | Manufacturing |
| 13 | 6. | Wholesale Trade |
| 14 | 7. | Retail Trade |
| 15 | 8. | Transportation and Warehousing |
| 16 | 9. | Information |
| 17 | 10. | Finance and Insurance |
| 18 | 11. | Real Estate Rental and Leasing |
| 19 | 12. | Professional, Scientific, and Technical Services |
| 20 | 13. | Management of Companies and Enterprises |
| 21 | 14. | Administrative Support and Waste Management and Remediation |
| 22 | Services | |
| 23 | 15. | Education Services |
| 24 | 16. | Health Care and Social Assistance |
| 25 | 17. | Arts, Entertainment, and Recreation |
| 26 | 18. | Accommodation and Food Services |
| 27 | 19. | Government |
| 28 | 20. | Other Services |

29 (b) No later than June 1st beginning calendar year 2024, the executive office of labor and
30 workforce development shall publish aggregate wage data reports on the executive office of
31 labor and workforce development website, provided however that the report on aggregate wage
32 data for government employers will be published only in years when employers are required to
33 file an EEO-4 data report.

34 SECTION 2. Section 1 of chapter 149 of the General Laws is hereby amended by
35 striking out “one hundred and five C”, in line 40, and inserting in place thereof the following:-

36 one hundred and five E

37 SECTION 3. Said chapter 149, as so appearing, is hereby further amended by
38 inserting after section 105D the following section:-

39 Section 105E (a) As used in this section, the following words, unless the context clearly
40 requires otherwise, shall have the following meanings:

41 “Covered Employer,” shall mean a private and nonprofit entity employing 100 or more
42 full-time employees in Massachusetts any time during the prior calendar year subject to the filing
43 requirements of the EEO-1 data report; the Governor of the Commonwealth of Massachusetts;
44 and mayors and town administrators with 100 or more full-time employees any time during the
45 prior calendar year subject to the filing requirements of the EEO-4 data report.

46 “EEO-1 data report” shall be a completed copy of all required components of the
47 employer’s Employer Information Report, otherwise known as an EEO-1 Report, as issued by
48 the U.S. Equal Employment Opportunity Commission, including any successor report containing

49 the same or substantially similar workforce demographic and pay data by race, gender identity
50 and employment category.

51 “EEO-4 data report” shall be a completed copy of the State and Local Governmental
52 Information Report, otherwise known as an EEO-4 report, as issued by the U.S. Equal
53 Employment Opportunity Commission, including any successor report containing the same or
54 substantially similar workforce demographic and pay data by race, gender identity and
55 employment category.

56 “Secretary” shall mean the State secretary under chapter 9.

57 “Wage data report” shall be an EEO-1 or an EEO-4 data report.

58 (b)(1) Beginning in 2024 and for each year thereafter, a covered employer subject to
59 EEO-1 filing requirements shall submit the EEO-1 data report to the secretary covering the prior
60 calendar year as a supplement to their annual report, due to be filed at the same time as their
61 annual report.

62 (b)(2) Beginning in 2025 and each odd-numbered year thereafter, a covered employer
63 subject to EEO-4 filing requirements shall submit the EEO-4 data report to the secretary
64 covering the prior two calendar years.

65 (c) The secretary shall provide to the executive office of labor and workforce
66 development the wage data reports of each covered employer for the prior calendar year no later
67 than April 1st of each calendar year beginning in 2024. The secretary may establish a web portal
68 or online form to facilitate the submission of the wage data reports.

69 (d) Except for the publishing of reports by the executive office of labor and workforce
70 development on the department's website as directed in this section, aggregate wage data reports
71 shall not be considered “public records”: as defined by chapter 4 section 7 clause 26 and shall
72 not be subject to chapter 66 nor chapter 66A of the General Laws.

73 (e) The Attorney General shall enforce this section and may obtain injunctive or
74 declaratory relief for this purpose. Any covered employer who violates this section, including
75 failure to disclose a good-faith pay range, shall be punished by a warning for the first offense and
76 not more than \$500 for the second offense. For a third or subsequent offense, violation of this
77 section shall be subject to section 27C(b)(1) and (2) of chapter 149. No violation of this section
78 shall be construed to carry treble damages in chapter 149 section 150.