

SENATE No. 1191

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 pay range disclosure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/3/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/7/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/8/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/13/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/14/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/14/2023</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/14/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/17/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>3/3/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/6/2023</i>

SENATE No. 1191

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1191) of Patricia D. Jehlen, Patrick M. O'Connor, Rebecca L. Rausch, Michael J. Barrett and other members of the Senate for legislation relative to wage transparency. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1208 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to pay range disclosure.

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 is hereby amended by inserting after
2 section 105D the following section:-

3 Section 105E. (a) As used in this section, the following words shall have the following
4 meanings:

5 “covered employer” shall mean any employer, public or private, that employs 15 or more
6 employees in Massachusetts.

7 “pay range” shall mean the annual salary range or hourly wage range or other
8 compensation that the employer reasonably and in good faith expects to pay for such position at
9 that time.

10 (b) A covered employer, or agent of said employer, shall disclose the pay range for a
11 particular employment position within the advertising or posting of the position.

12 (c) A covered employer, or agent of said employer, shall provide the pay range for a
13 particular employment position to an employee offered a promotion or a transfer to a new
14 position.

15 (d) A covered employer, or agent of said employer, shall provide the pay range for a
16 particular employment position to an employee holding such position, or to an applicant for such
17 position, upon request.

18 (e) It shall be an unlawful practice for any employer to discharge or in any other manner
19 retaliate or discriminate against any employee or applicant because such employee or applicant
20 has opposed any act or practice made unlawful by this section, or has made any complaint to his
21 employer, the attorney general, or any other person, or instituted, or caused to be instituted, any
22 proceeding under or related to this section, or has testified or is about to testify in any such
23 proceeding.

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

30 (g) The Attorney General shall conduct a public awareness outreach campaign, which
31 shall include, but not be limited to, making information available on its website and otherwise
32 informing employers of the provisions of this section.