

SENATE No. 1234

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 the documentation of contracted workers.

PETITION OF:

NAME:

Patrick M. O'Connor

DISTRICT/ADDRESS:

Plymouth and Norfolk

SENATE No. 1234

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1234) of Patrick M. O'Connor for legislation relative to the documentation of contracted workers. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1101 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the documentation of contracted 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 Chapter 23 of the General Laws is hereby amended by inserting the following section:

2 SECTION 1.

3 Definitions. (1) 'Commissioner' means the Commissioner of the Massachusetts
4 Department of Labor and Workforce Development.

5 (2) 'Federal work authorization program' means any of the electronic verification of work
6 authorization programs operated by the United States Department of Homeland Security or any
7 equivalent federal work authorization program operated by the United States Department of
8 Homeland Security to verify information of newly hired employees, pursuant to the Immigration
9 Reform and Control Act of 1986 (IRCA), D.L. 99-603.

10 (3) 'Public employer' means every department, agency, or instrumentality of the state or a
11 political subdivision of the state.

12 (4) 'Subcontractor' includes a subcontractor, contract employee, staffing agency, or any
13 contractor regardless of its tier.

14 (a) On or after July 1, 2022, every public employer shall register and participate in the
15 federal work authorization program to verify information of all new employees.

16 (b)(1) No public employer shall enter into a contract for the physical performance of
17 services within this state unless the contractor registers and participates in the federal work
18 authorization program to verify information of all new employees.

19 (2) No contractor or subcontractor who enters a contract with a public employer shall
20 enter into such a contract or subcontract in connection with the physical performance of services
21 within this state unless the contractor or subcontractor registers and participates in the federal
22 work authorization program to verify information of all new employees.

23 (3) In the event that any contractor or subcontractor employs an individual without
24 verifying their information through the federal work authorization program, and upon
25 verification, that new employee is discovered to be undocumented, that contractor or
26 subcontractor shall be punished by a fine of not less than five thousand dollars.

27 (4) Paragraphs (1) and (2) of this subsection shall apply as follows:

28 (A) On or after July 1, 2022, with respect to public employers, contractors, or
29 subcontractors of 500 or more employees;

30 (B) On or after July 1, 2022, with respect to public employers, contractors, or
31 subcontractors of 100 or more employees; and

32 (C) On or after July 1, 2023, with respect to all public employers, contractors, or
33 subcontractors.

34 (c) This section shall be enforced without regard to race, religion, gender, ethnicity, or
35 national origin.

36 (d) Except as provided in subsection (e) of this section, the Commissioner shall prescribe
37 forms and promulgate rules and regulations deemed necessary in order to administer and
38 effectuate this section and publish such rules and regulations on the Massachusetts Department
39 of Labor and Workforce Development's website.

40 (e) The commissioner of the Massachusetts Department of Transportation shall prescribe
41 all forms and promulgate rules and regulations deemed necessary for the application of this
42 section to any contract or agreement relating to public transportation and shall publish such rules
43 and regulations on the Massachusetts Department of Transportation's website.