

**SENATE . . . . . No. 680**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**John A. Hart, Jr.**

*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 passage of the accompanying bill:

An Act establishing a temporary workers right to know.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John A. Hart, Jr.	First Suffolk
Thomas M. McGee	Third Essex and Middlesex
Marc R. Pacheco	First Plymouth and Bristol
Susan C. Tucker	Second Essex and Middlesex
Patricia D. Jehlen	Second Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Martha M. Walz	8th Suffolk
James B. Eldridge	Middlesex and Worcester
Sonia Chang-Díaz	Second Suffolk
Cynthia Stone Creem	First Middlesex and Norfolk
Brian A. Joyce	Norfolk, Bristol and Plymouth
Kay Khan	11th Middlesex
Steven M. Walsh	11th Essex
Michael F. Rush	10th Suffolk
Kenneth J. Donnelly	Fourth Middlesex
Steven A. Tolman	Second Suffolk and Middlesex
Michael Brady	9th Plymouth
Thomas P. Kennedy	Second Plymouth and Bristol
Danielle W. Gregoire	4th Middlesex

Karen E. Spilka	Second Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Sean Garballey	23rd Middlesex
Robert J. Nyman	5th Plymouth
Brian A. Joyce	Norfolk, Bristol and Plymouth
Robert F. Fennell	10th Essex
Denis E. Guyer	2nd Berkshire
Michael F. Rush	10th Suffolk
Gale D. Candaras	First Hampden and Hampshire
Denis E. Guyer	2nd Berkshire
Michael J. Moran	18th Suffolk
Karen E. Spilka	Second Middlesex and Norfolk
Thomas P. Kennedy	Second Plymouth and Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT ESTABLISHING A TEMPORARY WORKERS RIGHT TO KNOW.

*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.** Section 46A of chapter 140 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by adding, after line 57, the following words:-

3 As used in this section, and sections 46B(b), 46P, and 46R, the terms “employee,” “employer,”  
4 “employment,” “staffing agency,” and “work site employer,” shall have the meanings assigned  
5 to them by section 159C of chapter 149 of the General Laws.

6           **SECTION 2.** Section 46B of chapter 140 of the General Laws, as so appearing, is  
7 amended by adding, in line 1, after the words “Section 46B,” the following letter:- (a)

8           **SECTION 3.** Section 46B of chapter 140 of the General Laws, as so appearing, is  
9 amended by inserting after the first paragraph the following paragraph:-

10 (b) Notwithstanding the other provisions of this chapter, a staffing agency which is excluded  
11 from the definition of “employment agency” under section 46A, shall furnish in writing for each  
12 employee on the date of hire the following information: (1) the name of the staffing agency and  
13 the address of the staffing agency’s principal location; (2) the name of the worksite employer and

14 the worksite address for the employee's assignment; the kind and character of the employment,  
15 including any requirement for special attire, accessories, tools, safety equipment, or licenses and  
16 any costs charged to the employee as allowed by law; the protective equipment including  
17 personal protective equipment that will be provided at no charge by the staffing agency or  
18 worksite employer; whether the employee must receive special training as required by law; the  
19 rate of wages or compensation, including any benefits to be paid for the work and the overtime  
20 rate of pay; whether such employment is temporary; the expected duration of the work to be  
21 performed by the employee, including daily starting time, anticipated end time, and anticipated  
22 overtime, if any; a statement of the employee's right to workers' compensation benefits and the  
23 employer's workers' compensation carrier name and number; a complete and accurate  
24 description of work site hazards to which the employee may become exposed or the name of a  
25 contact person at the worksite who can provide a complete and accurate description of work site  
26 hazards to which the employee may become exposed; any meal(s) to be provided by the staffing  
27 agency or the worksite employer and the cost of such meal(s), as allowed by law, if any; the total  
28 fee to be exacted by the staffing agency from the employee, if any; and the provisions set out in  
29 this section; provided that, nothing in this paragraph shall be construed to prohibit a staffing  
30 agency from hiring an employee by telephone, but such telephone message shall comply with the  
31 disclosure requirements of this paragraph and shall be, confirmed in writing by the staffing  
32 agency and included with the employee's first paycheck or first payment of wages; a copy of  
33 such confirmation shall be kept by the staffing agency for a period of at least one year; (3) the  
34 name and address of the division of occupational safety; and (4) a receipt for every charge made  
35 by the staffing agency the employee has paid. A copy of said receipt shall be kept by the staffing

36 agency for three years and shall be made available for inspection by the employee, commissioner  
37 or his or her duly authorized agent or inspector, upon their request.

38 **SECTION 4.** Section 46P of chapter 140 of the General Laws, as so appearing, is  
39 amended by adding, in line 3, after the word “inclusive,” the following words:-

40 and each staffing agency shall post in a conspicuous place in such agency a copy of section 46B  
41 (b).

42 **SECTION 5.** Chapter 140 of the General Laws is amended by inserting after section 49R  
43 the following section:-

44 *Section 46S. Exemptions of Certain Staffing Agencies*

45 Staffing agencies are exempt from complying with the provisions of sections 46B(b) and 46P of  
46 this chapter if their employees are placed in jobs that pay an hourly wage that is equal to or  
47 greater than three times the minimum wage as set forth in section 1 of chapter 151 of the General  
48 Laws, or notwithstanding the hourly wage, place all of their employees in jobs designated by the  
49 North American Industry Classification System, Revisions for 2002 as Professional, Scientific,  
50 or Technical Services, 541.