

2017-2018 Legislative Session

190th General Court (2017-2018)

An act relative to fair pay for comparable work

Notwithstanding any General or Special Law to the contrary:-

Section XXX Definitions

- (a) “human service provider” means a community-based human services organization with a human services program funded by the Executive Office of Health and Human Services, the Executive Office of Elder Affairs, the Department of Housing and Community Development or the Department of Early Education and Care.
- (b) “human services worker” means an employee of a human service provider who provides treatment, support or services to clients and/or their families
- (c) “disparity amount” means the monetary calculation of the average difference in salary between human service workers and direct support workers or other comparable employees employed by the Commonwealth’s state operated programs for human services.
- (d) “rate” means the reimbursement rate paid by the Executive Office of Health and Human Services, the Executive Office of Elder Affairs, the Department of Housing and Community Development or the Department of Early Education and Care to a human service provider to deliver services to clients on the state’s behalf.

Section XX The Executive Office of Health and Human Services, the Executive Office of Elder Affairs, the Department of Housing and Community Development or the Department of Early Education and Care shall reimburse human services providers as provided in this section.

- (1) The rate of reimbursement for human services providers shall be increased by an amount that:

- (a) Reduces the disparity amount to 50 percent on or before July 1, 2019.
- (b) Reduces the disparity amount to 35 percent on or before July 1, 2020.
- (c) Reduces the disparity amount to 20 percent on or before July 1, 2021.
- (d) Reduces the disparity amount to 5 percent on or before July 1, 2022.
- (e) Eliminates the disparity amount on or before July 1, 2023.

- (2) All increases in the rate of reimbursement provided for in this section shall be used to increase the compensation of human services workers.

- (3) On or before July 1, 2018, the Executive Office of Health and Human Services, the Executive Office of Administration and Finance, the Executive Office of Elder Affairs, the Department

of Housing and Community Development and the Department of Early Education and Care – working with representatives from the Massachusetts Council of Human Service Providers, Inc. – shall report to the Senate Committee on Ways and Means, the House Committee on Ways and Means, the Joint Committee on Children, Families and Persons with Disabilities, the Joint Committee on Elder Affairs, the Joint Committee on Health Care Financing, the Joint Committee on Mental Health and Substance Abuse, the Joint Committee on Public Health and the Joint Committee on State Administration and Regulatory Oversight their determination of:

- (a) The disparity amount between the salaries of human services workers employed by human service providers and state employees holding similar job titles and/or state employees who provide similar services to clients;
 - (b) The amount of annual increases in the rate of reimbursement to human service providers necessary to reduce and eliminate the disparity amount by July 1, 2023.
- (4) On or before January 1, 2018, the Executive Office of Health and Human Services, the Executive Office of Administration and Finance, the Executive Office of Elder Affairs, the Department of Housing and Community Development and the Department of Early Education and Care – working with representatives from the Massachusetts Council of Human Service Providers, Inc. – shall report to the Senate Committee on Ways and Means and the House Committee on Ways and Means recommendations to strengthen recruitment and retention of human services workers employed by human services providers that have contracts with the state.
- (5) The Executive Office of Health and Human Services, the Executive Office of Administration and Finance, the Executive Office of Elder Affairs, the Department of Housing and Community Development and the Department of Early Education and Care shall adopt regulations to implement this section.
- (6) Nothing in this section shall be construed to prohibit the elimination of the disparity amount prior to July 1, 2023.