

SENATE No. 105

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 fair pay for comparable work.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|--|------------------|
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/10/2021</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>2/23/2021</i> |
| <i>Michael J. Soter</i> | <i>8th Worcester</i> | <i>2/23/2021</i> |
| <i>Adam J. Scanlon</i> | <i>14th Bristol</i> | <i>2/23/2021</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/23/2021</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>2/23/2021</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>2/25/2021</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>2/26/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/26/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/26/2021</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>2/26/2021</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>2/26/2021</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>3/5/2021</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>3/11/2021</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>3/12/2021</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | <i>3/18/2021</i> |

| | | |
|---------------------------|--------------------------------------|------------------|
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>3/18/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>3/30/2021</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>4/1/2021</i> |

SENATE No. 105

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 105) of Cindy F. Friedman, Jack Patrick Lewis, Joan B. Lovely, Michael J. Soter and other members of the General Court for legislation relative to fair pay for comparable work. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1077 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to fair pay for comparable work.

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 6A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 105. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Human services provider,” a community-based human services organization with a
6 human services program funded by the executive office of health and human services, the
7 executive office of elder affairs or the department of housing and community development.

8 “Human services worker,” an employee of a human services provider who provides
9 treatment, support or services to clients or their families.

10 “Disparity amount,” the monetary calculation of the average difference in salary between
11 human services workers and direct support workers or other comparable employees employed by
12 the commonwealth’s state-operated programs for human services.

13 “Rate,” the reimbursement rate paid by the executive office of health and human services,
14 the executive office of elder affairs, the department of housing and community development or
15 the department of early education and care to a human services provider to deliver services to
16 clients on the commonwealth’s behalf.

17 (b) Notwithstanding any general or special law to the contrary, the executive office of
18 health and human services, the executive office of elder affairs and the department of housing
19 and community development shall increase the rate of reimbursement for human services
20 providers by an amount that reduces the disparity amount, as defined by subsection (a), to:

21 (1) 50 percent on or before July 1, 2023;

22 (2) 35 percent on or before July 1, 2024;

23 (3) 20 percent on or before July 1, 2025;

24 (4) 5 percent on or before July 1, 2026; and

25 (5) 0 percent on or before July 1, 2027, and shall remain at 0 percent thereafter.

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

28 (d) The executive office of health and human services, the executive office of
29 administration and finance, the executive office of elder affairs and the department of housing
30 and community development shall adopt regulations to implement this section.

31 (e) Nothing in this section shall be construed to prohibit the elimination of the disparity
32 amount prior to July 1, 2027.

33 SECTION 2. On or before January 1, 2022, the executive office of health and human
34 services in conjunction with, the executive office of administration and finance, the executive
35 office of elder affairs and the department of housing and community development, in
36 collaboration with the Massachusetts Council of Human Service Providers, Inc., shall provide a
37 report to the senate and house committees on ways and means that includes recommendations to
38 strengthen recruitment and retention of human services workers, as defined in subsection (a) of
39 section 105 of chapter 6A of the General Laws, employed by human services providers, as
40 defined in subsection (a) of section 105 of chapter 6A of the General Laws, that have contracts
41 with the state.

42 SECTION 3. On or before July 1, 2022 and annually thereafter until the disparity amount
43 is eliminated for human service workers under contract with each agency, respectively, the
44 executive office of health and human services, the executive office of elder affairs and the
45 department of housing and community development, in collaboration with the Massachusetts
46 Council of Human Service Providers, Inc., shall each provide a report to the senate and house
47 committees on ways and means, the joint committee on children, families and persons with
48 disabilities, the joint committee on elder affairs, the joint committee on health care financing, the
49 joint committee on mental health, substance use, and recovery, the joint committee on public

50 health, and the joint committee on state administration and regulatory oversight that includes the
51 following information:

52 (1) the current disparity amount, as defined in subsection (a) of section 105 of chapter 6A
53 of the General Laws, between the salaries of human services workers, as defined in subsection
54 (a) of section 105 of chapter 6A of the General Laws, employed by human services providers
55 under contract with their department, as defined in subsection (a) of section 105 of chapter 6A of
56 the General Laws, and direct support workers or other comparable employees employed by the
57 commonwealth's state-operated programs for human services;

58 (2) the amount of annual increases in the rate of reimbursement, as defined in subsection
59 (a) of section 105 of chapter 6A of the General Laws, to human services providers under contract
60 with their department necessary to reduce and eliminate the disparity amount by July 1, 2027
61 pursuant to the schedule articulated in subsection (b) of section 105 of chapter 6A of the General
62 Laws;

63 (3) the amount needed to be appropriated annually to achieve the reductions in the
64 disparity amount described in paragraphs (1)-(5) of subsection (b) of section 105 of chapter 6A
65 of the General Laws by July 1, 2027; and

66 (4) the implementation of rates necessary to eliminate the disparity amount by agency,
67 job description and start date of implementation.