



MASSACHUSETTS AFL-CIO

PRESIDENT
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**Written Testimony of Massachusetts AFL-CIO President Steven A. Tolman
To the Joint Committee on Labor and Workforce Development
June 18, 2019 at 1:00 PM ~ State House Room B-1**

Dear Chairman Brodeur, Chairwoman Jehlen, and Members of the Committee,

Thank you for the opportunity to submit testimony on behalf of the working men and women of the Massachusetts AFL-CIO. I wish to register our position on the following legislation:

SUPPORT: H.1609 & S.1092, *An Act updating overtime protections to protect the Commonwealth's middle class workers*, filed by Representative Daniel Donahue and Senator Jason Lewis

This legislation will update an important protection for salaried workers in Massachusetts who currently exceed the salary threshold set by the federal Fair Labor Standards Act (FLSA) for eligibility for overtime pay. As a result of federal inaction to update the salary threshold, it currently stands at only \$23,660, covering fewer than 7% of salaried workers with overtime protections. This protection for low-wage salaried workers, which as recently as 1975 covered more than 60% of all salaried workers, has been diminished to the point of ineffectiveness. The result is that thousands of salaried workers in Massachusetts whose job responsibilities force them to work more than 40 hours per week are, for all intents and purposes, working off the clock. If those same employees had been making the same income at an hourly rate, they would be eligible for overtime or their uncompensated hours would constitute a clear violation of wage and hour laws. This practice is not fair to workers and the legislature must act to stop it.

As in so many other areas where federal laws and standards fall short of providing adequate protection to workers, the Massachusetts legislature can act by updating state laws. H.1609 & S.1092 will update the state overtime threshold to restore the value of the federal standard by implementing gradual increases until it reaches \$64,000 in 2024, an amount equal to double the minimum wage. This legislation also ensures that the standard will not erode in future years by implementing yearly increases equal to wage growth or twice the legal minimum wage. I urge this Committee to report H.1609 & S.1092 favorably in order to take an important step towards tackling economic inequality.

SUPPORT: Restoring Sunday Time-and-one-half wages for retail workers

H.1593, *An Act relative to time and a half wages*, filed by Representative Antonio Cabral

S.1073, *An Act further regulating Sunday overtime wages*, filed by Senator Paul Feeney

S.1111, *An Act to restore workers' rights*, filed by Senator Marc Pacheco

In 2018, as part the legislation termed the “grand bargain,” the legislature began to phase-out Sunday premium pay with the eventual elimination by 2023. While the provisions of this legislation such as a higher minimum wage and access to paid family & medical leave will undoubtedly benefit countless workers, the elimination of Sunday pay will unfortunately leave thousands of workers worse off economically – particularly those loyal and hardworking employees who currently earn more than \$15 per hour thanks to years of annual raises, and who sacrifice time with their families to help retail businesses to prosper on their busiest and most profitable day of the week. This group of workers, many of whom are struggling to support families on part-time and fluctuating retail hours, should be moved forward by last year’s “grand bargain” as well, and these bills will ensure that happens by restoring the full value of Sunday time-and-one-half pay.

While the retail sector pushed a doom and gloom narrative that a minimum wage increase would be an economic calamity without the repeal of Sunday premium pay, recent contract negotiations in the retail sector have brought scrutiny to that claim and it simply does not hold up. Retail workers represented by the United Food and Commercial Workers have recently settled contracts that preserve Sunday premium pay as well as industry standard healthcare and retirement benefits at Stop & Shop and Macy’s, despite the fact that their non-union competition will be allowed to phase out Sunday pay. Ultimately, the intense pressure created by this race to the bottom forced Stop & Shop workers to strike in order to maintain current wage structures and benefits, and that pressure will carry over to future negotiations. However, what that labor action showed is that a retail store can be successful while also treating its workers fairly, and all retail workers, whether union or not, should be afforded the same fair treatment when it comes to working on Sundays. I urge the Committee to report these bills favorably.

SUPPORT: Legislation to Strengthen the Prevailing Wage:

H.1668, *An Act relative to prevailing wages*, filed by Representative Harold Naughton

H.1633, *An Act clarifying the prevailing wage law*, filed by Representative Danielle Gregoire

S.1047, *An Act clarifying the Prevailing Wage Law*, filed by Senator Michael Brady

H.1599, *An Act relative to compliance with the prevailing wage laws of the Commonwealth*, filed by Representative Tackey Chan

H.1689 & S.1076, *An Act relative to establishing a prevailing wage for security officers*, filed by Representative Chynah Tyler and Senator Cindy Friedman

S.1081, *An Act ensuring that employees of companies that receive large tax breaks are paid a prevailing wage*, Patricia D. Jehlen

S.1104, *An Act relative to a prevailing wage for trash and recycling collectors, moving contractors, and motor bus pupil transporters*, filed by Senator Marc Pacheco

SUPPORT: H.1617 & S.1082, *An Act requiring one fair wage*, filed by Representative Tricia Farley-Bouvier and Senator Patricia Jehlen

SUPPORT: H.1618, *An Act protecting workers' wages from arbitrary recoupment of overpayments*, filed by Representative Dylan Fernandes

SUPPORT: H.1658, *An Act relative to increasing wages of private sector human service workers*, filed by Representative John J. Mahoney

We ask that you OPPOSE the following legislation that would weaken standards for workers:

H.1612, *An Act creating a youth wage*, filed by Representative Shawn Dooley

H.1671, *An Act relative to creating an opportunity wage for teens*, filed by Representative Shaunna O'Connell

S.1070, *An Act encouraging teen employment*, filed by Senator Ryan Fattman

H.3610, *An Act creating a training wage*, filed by Representative Shawn Dooley

H.1637, *An Act relative to minor minimum wage*, filed by Representative Bradford Hill

H.1619, *An Act relative to the pooling of tips*, filed by Representative Ann-Margaret Ferrante

S.1074, *An Act relative to the pooling of tips*, filed by Senator Barry Finegold

H.1623, *An Act relative to the prevailing wage for affordable housing in the town of Wayland*, filed by Representative Carmine Gentile

H.1655, *An Act relative to relief for the Municipal Affordable Housing Trust Fund*, filed by Representative David Paul Linsky

H.1666, *An Act providing for increased transparency in the prevailing wage*, filed by Representative Lenny Mirra

H.1667, *An Act relative to setting the prevailing wage rate*, filed by Representative Lenny Mirra

H.1675, *An Act relative to the development of certain land in the town of Orleans*, filed by Representative Sarah Peake

H.1676, *An Act relative to the prevailing wage in the town of Chatham*, filed by Representative Sarah Peake

H.1690, *An Act relative to the prevailing wage in the city of Holyoke*, filed by Representative Aaron Vega

H.1664, *An Act regarding treble damages*, filed by Representative Joseph McKenna

H.1695, *An Act clarifying the payment of wages*, filed by Representative Jonathan Zlotnik

S.1059, *An Act relative to the payment of wages*, filed by Senator Viriato deMacedo

Thank you.

Respectfully Submitted,
Steven A. Tolman, President