

PREMIUM PAY FIGHT RENEWED ON BEACON HILL

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STATE HOUSE, BOSTON, JUNE 18, 2019.....After lawmakers last year agreed to phase out the requirement for time-and-a-half pay on Sundays and certain holidays, unions and advocates for workers are lobbying for lawmakers to reconsider and keep the requirement while business groups plead for the Legislature to honor its word.

"We call ourselves progressives in Massachusetts? A blue state? Give me a break," Rep. Antonio Cabral said Tuesday, calling for reinstatement of premium pay on Sundays and holidays. Jon Hurst of the Retailers Association of Massachusetts (below center) said lawmakers should honor last year's bargain, which phased out premium pay. [Photo: Sam Doran/SHNS]



"We call ourselves progressives in Massachusetts? A blue state? Give me a break," Rep. Antonio Cabral said Tuesday, calling for reinstatement of premium pay on Sundays and holidays. Jon Hurst of the Retailers Association of Massachusetts (below center) said lawmakers should honor last year's bargain, which phased out premium pay. [Photo: Sam Doran/SHNS]

Premium pay on Sundays and holidays was a focus of the Joint Committee on Labor and Workforce Development at a Tuesday hearing that featured bills (H 1593/S 1073/S 1111) that would halt the phase-out of premium pay, a key provision of the so-called grand bargain law passed last year to avoid proposed ballot questions that could have had dramatic consequences for the state's finances and economy.

"When we did the grand bargain last year, unfortunately, one of those provisions was to take away a right and a benefit that workers have earned through the decades in Massachusetts," Rep. Antonio Cabral of New Bedford said. "We're going to phase that out just because there was a threat by a particular group to put something on the ballot. Well, bring it on the ballot because I think it can be defeated on the ballot."

Under the grand bargain, time-and-a-half pay for workers on Sundays and three holidays will be phased out over five years while the hourly minimum wage simultaneously rises from \$11 to \$15 over the same five-year period. The provision was included in the compromise in an effort to convince the Retailers Association of Massachusetts, which has long argued that business costs are rising too fast, to drop its proposed ballot question cutting the sales tax rate from 6.25 percent to 5 percent.

"We came to a compromise that allowed for three ballot questions to come off the table that together could have been quite disruptive to businesses and the state in return for concessions from both sides. It was a compromise; it was a compromise that neither side totally loved," Robert Mellion, executive director of the Massachusetts Package Stores Association, said. "These three bills tear that compromise to pieces and create a winner and a loser ... if you have a winner and a loser, you're going to have another fight on your hands in the future."

Mellion said his membership "is deeply concerned" about attempts by unions and others to roll back provisions of the grand bargain because it suggests to them that the unions will not negotiate in good faith with business associations around any of the other issues that the two sides remain at odds over. Union representatives said Tuesday that they feel like the tradeoff is not working out for them.

"We didn't gain anything with this grand bargain situation, I want to make that perfectly clear," Peter Derouen, director of political and legislative affairs for the United Food and Commercial Workers Union Local 791, said. "That's why we support this legislation, it's not a back door to say, 'OK we agree to this and now we're going to come and get it back.' We just simply want to restore what we had before."

Seven business groups urged the Legislature not to reinstate the higher premium pay for Sundays and holidays and to address an "acknowledged oversight" by taking premium pay off the table for three holidays that were not specified in last year's grand bargain law, which also created a new paid family and medical leave program and established an annual sales tax holiday.

The Massachusetts Restaurant Association, Retailers Association of Massachusetts and National Federation of Independent Businesses are among the groups that wrote to the Labor and Workforce Development Committee on Tuesday to call on the panel to reject the three bills reinstating premium pay, saying the grand bargain law's should be upheld.

"In the current national political environment, it is unique and encouraging that here in Massachusetts we can still negotiate in good faith and find compromise," officials from the groups wrote in a letter also signed by the Greater Boston Chamber of Commerce, the Massachusetts Business Roundtable, Associated Industries of Massachusetts, and the Springfield Regional Chamber.

Retailers Association of Massachusetts President Jon Hurst implored the committee to "live with the bargain, live with the honor that I've seen in 30 years of coming up to this building. It has always been an honorable place."

He added, "I hope we don't go the way of Washington, D.C., and other states that do not live up to their agreements and do not have the honor that we have."

Gov. Charlie Baker has also repeatedly requested and filed legislation adding New Year's Day, Veterans Day and Columbus Day to the list of holidays for which time-and-a-half pay will be phased out -- a list that currently includes Memorial Day, Independence Day, and Labor Day. The exclusion of the three holidays in the original law has been acknowledged by advocates on both sides of the debate to have been an oversight.

Rep. Angelo Scaccia, who sought via a floor amendment to remove the premium pay phase-out before the House passed the grand bargain last June, gave animated testimony in favor of keeping Sunday and holiday premium pay and asked the committee to give him another chance to convince his colleagues of the need for premium pay.

"The only thing I ask this committee is to send the bill out -- I don't care if it's favorable or unfavorable -- so that we in the House can debate it. I know in the

House we don't debate too many things anymore and that's a tragic system ... but give it to us so that we can determine what we should do about this bill," Scaccia, the dean of the House, said. "Just give us the opportunity. I will speak when it comes to the floor a lot more flamboyant than I am today."

Scaccia also chided his fellow Democratic colleagues for agreeing to eliminate premium pay in a grand bargain that he said destroyed the "old bargain" under which premium pay was put in place to compensate workers who had to start working on Sundays when the blue laws that kept many businesses shuttered on Sundays were eliminated.

"It's sad for somebody who's been up here for a few years to watch the Democratic Party do away with time-and-a-half on Sundays and holidays to the detriment of people trying to get by on a living wage," Scaccia said. "Shocked."

Cabral, who joined Scaccia in voting in favor of the grand bargain last June, also needed Democrats for going along with a provision that he said will harm workers.

"We call ourselves progressives in Massachusetts? A blue state? Give me a break," he said. "C'mon. When we are taking rights away from workers of earning a good pay if they are forced to work on Sundays and holidays?"

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