

SENATE No. 2299

The Commonwealth of Massachusetts

SENATE, March 24, 2004.

The committee on Ways and Means, to whom was committed the House Bill relative to the protection of disabled persons (House, No. 3241), report recommending that the same ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2299.

For the committee,

THERESE MURRAY.

The Commonwealth of Massachusetts

In the Year Two Thousand and Four.

1 Chapter 19C of the General Laws is hereby amended by
2 striking out section 11, as appearing in the 2002 Official Edition,
3 and inserting in place thereof the following section:—

4 Section 11. No person shall discharge or cause to be discharged
5 or otherwise discipline or in any manner discriminate against or
6 thereafter take any other retaliatory action against any employee,
7 client or other person for filing a report with the commission or
8 testifying in any commission proceeding or providing information
9 to the commission, the general counsel or the secretary of health
10 and human services or any department, office, commission or
11 other agency within the executive office of health and human
12 services in the course of an investigation of alleged abuse of a dis-
13 abled person. Any person who willfully violates this section shall
14 be punished by a fine of not more than \$1,000 or by imprisonment
15 for not more than 1 year, or both. In addition, any person who
16 takes such prohibited action against an employee, client or other
17 person may be liable to that employee, client or other person for
18 treble damages, costs and attorney's fees.

19 A violation of an employee's rights under this section shall con-
20 stitute a prohibited retaliatory action under subsection (b) of
21 section 185 of chapter 149 if the employee is an employee for pur-
22 poses of said section 185. The institution of a private action in
23 accordance with this section by any such employee shall be
24 deemed a waiver by the employee of the rights and remedies
25 available to that employee under section 185, and the institution
26 of such an action under said section 185 shall be deemed a waiver
27 of the rights and remedies available to that employee under this
28 section. A person who willfully files a false report of abuse with
29 the commission or willfully testifies falsely or willfully provides
30 the commission or any designated investigating agency with false
31 information in the course of an investigation or any other commis-
32 sion proceeding shall not be afforded the protections of this
33 section.

34 Upon receiving a report or other information pursuant to this
35 section, the commission shall inform the person providing the
36 report, testifying or providing information of that person's rights
37 under this section and under section 185 of chapter 149 in writing.
38 The commission may seek enforcement of the criminal provisions
39 of this section.

