

**DISCLOSURE BY A PUBLIC OFFICIAL (as defined by G.L. c. 268B, § 1)
OF A FINANCIAL INTEREST IN AN ACTION TO BE TAKEN
AS REQUIRED BY G. L. c. 268A, § 6A**

PUBLIC OFFICIAL INFORMATION	
Name of public official:	Jay D. Livingstone
Public official position:	State Representative
Public office address:	State House, Room 472 Boston, MA 02133
Office Phone:	617-722-2013
Office E-mail:	Jay.Livingstone@mahouse.gov
	I am filing this disclosure because I am a public official and, in the discharge of my official duties, I am required to take an action which would substantially affect my own financial interests. I recognize that the action will have a greater effect on me than on the general public or on other state employees. I understand that after I disclose my financial interest, I may take the action.
ACTION TO BE TAKEN	
Official action to be taken:	<i>Discussion, debate, amendment, and vote on House, No.5150—An Act making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (the FY21 General Appropriations Bill); and Amendment #523 to House, No. 5150.</i>
FINANCIAL INTEREST IN ACTION TO BE TAKEN	
Financial interest involved:	<p><i>Please explain the financial interest and include the dollar amount if you know it.</i></p> <p><i>House Bill 5150 is general legislation; and Amendment #523 to said bill is also general legislation, designed to reverse a recent Supreme Judicial Court decision on the state's wage laws on a retroactive and prospective basis and make other anti-worker changes to our wage laws. I have served as one of the counsel involved in that case, Sullivan v. Sleepy's. The federal district certified questions to the SJC, which answered all the questions in our clients' favor. The underlying Sleepy's case has since fully resolved and is now closed.</i></p> <p><i>The Sleepy's case involved whether Sleepy's complied with Massachusetts' overtime and Sunday pay laws by paying its retail salespeople only commissions and draws and nothing specifically for overtime or Sunday hours.</i></p> <p><i>The law firm to which I serve of counsel, The Employee Rights Group, LLC, has several pending cases that involve the same legal theory as the Sleepy's case did involving overtime, Sunday pay, and holiday pay laws.</i></p> <p><i>Amendment #523 to House Bill 5150 proposes language to overturn the 7-0 decision Sleepy's SJC decision on a retroactive and prospective basis and make other anti-worker changes to our wage laws. The bill also proposes that the new suggested defenses apply to "any cause of action now pending." This bill could impact the viability of pending litigation in which I have a financial interest if it became law.</i></p>
Public official's signature:	/s/ Jay D. Livingstone
Date:	November 12, 2020

Attach additional pages if necessary.

File the signed disclosure with:

State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108