

COMMONWEALTH OF MASSACHUSETTS

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ATTORNEY GENERAL
TOM REILLY

Employees' Guide to Workplace Rights

DIVISION OF
FAIR LABOR AND
BUSINESS PRACTICES

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For more information or to file a complaint, contact:

**Office of the Attorney General,
Division of Fair Labor and
Business Practices:**

200 Portland Street
Boston, MA 02114
(617) 727-3465

105 William Street
New Bedford, MA 02740
(508) 990-9700

165 Liberty Street
Springfield, MA 01103
(413) 784-1128

One Exchange Place
Worcester, MA 01608
(508) 792-7600

**Massachusetts Commission Against
Discrimination (MCAD)**

One Ashburton Place
Room 601
Boston, MA 02108
(617) 727-3990

**Equal Employment Opportunity
Commission (EEOC)**

Boston Area Office
John F. Kennedy Federal Building
Fourth Floor, Room 475
Boston, MA 02203
(617) 565-3200

PAY STUBS

Employers must give each employee a pay statement setting forth the name of employer, name of employee, date of check (including the day, month and year), number of hours worked during the pay period, hourly rate, and deductions or increases made during the pay period. This statement must be provided with each payment of wages.

Employees who are paid on an hourly basis must be paid weekly or bi-weekly. Employers must notify employees in writing of a change in the pay schedule from weekly to bi-weekly at least 90 days before implementing the change.

MEAL BREAKS

M.G.L. Chapter 149, Sections 100 and 101

Employees who work a period of more than six hours are entitled to a 30-minute meal break. Compensation for the meal break need not be paid unless the employee is prohibited from leaving the premises during the meal break. There are some limited exemptions from this requirement.

**Visit the Attorney
General's Web site at:
www.ago.state.ma.us**

MINIMUM DAILY HOURS

An employee who, by request or permission of the employer, reports for work on any date at the time set by the employer, regardless of whether actual work is assigned, shall be paid for at least three hours on such day at no less than the basic minimum wage. This provision shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code. [455 CMR 2.03(1)(a)]

Employees in funeral homes, doctors' offices and other places of business which in the normal course of operations require employees to be on duty or on call to attend to emergencies, or who are on call during the night time, whether they are provided sleeping quarters or not, must be paid the basic minimum wage rate for not less than four hours nightly. The employer shall make no deduction for sleeping quarters if they are provided. [455 CMR 2.03(1)(b).]

VACATION TIME

M.G.L. Chapter 149, Section 148

Unused vacation time that is earned according to a written policy or oral agreement with the employer is considered wages due and payable to the employee at the time of termination.

Office of Attorney General Tom Reilly

MINIMUM WAGE

M.G.L. Chapter 151, Sections 1 and 2

\$6.00 per hour effective January 1, 2000

\$6.75 per hour effective January 1, 2001

For more information about the minimum wage, contact the Massachusetts Department of Labor and Workforce Development, Division of Occupational Safety, at (617) 727-3452.

MINIMUM WAGE FOR AGRICULTURAL EMPLOYEES

M.G.L. Chapter 151, Section 2A

\$1.60 per hour

NOTE: For further regulations regarding wages paid to agricultural employees, contact the U.S. Department of Labor, at (617) 565-2066.

DEDUCTIONS

M.G.L. Chapter 149, Section 150A

Unless otherwise authorized by the employee, an employer may deduct from the wages of the employee only federal and state taxes, social security and any other deductions required by law.

MINIMUM WAGE FOR SERVICE (TIPPED) EMPLOYEES

\$2.63 per hour

Employees may be paid \$2.63 per hour if they regularly receive tips of more than \$20.00 per month, and if their average hourly tips, when added to the service rate, are equal to or exceed the basic minimum wage.

NOTE: No employer or other person may solicit, demand, request or accept, from any employee engaged in the service of food or beverage, payment of any nature from tips or gratuities received by an employee during the course of employment. M.G.L. c. 149, § 152A.

OVERTIME

M.G.L. Chapter 151, Section 1A

Most employees must be paid one and one half times their regular hourly rate of pay for all hours worked in excess of 40 hours in a work week.

EXEMPTIONS: There are 20 exemptions from the Massachusetts overtime law. For more information on exemptions, contact the Office of the Attorney General, Division of Fair Labor and Business Practices, at (617) 727-3465.

CHILD LABOR

M.G.L. Chapter 149, Sections 60 through 73

Certain rules apply to the employment of minors under the age of 18. The laws regulate the number of hours minors may work, and prohibit them from working in certain types of employment which are considered to be hazardous occupations.

For further information about employment of minors, please contact the Office of the Attorney General, Division of Fair Labor and Business Practices at (617) 727-3465.

PAYMENT OF WAGES

M.G.L. Chapter 149, Section 148

Wages must be paid within the following time frames:

- **If employed for five or six days in a calendar week:** within six days of the end of the pay period.
- **If employed seven days or fewer than five days in a calendar week:** within seven days of the end of the pay period.

An employee who leaves his or her employment must be paid in full on the following regular pay day, or in the absence of a regular pay day, no later than the following Saturday.

An employee involuntarily terminated from employment must be paid in full on the day of discharge.

ANTI-DISCRIMINATION LAWS

State and federal law protects employees from discrimination, harassment and retaliation based on membership in one or more of the following protected classes: race, religion, national origin, ancestry, sex, age (40 and over), sexual orientation and disability. These laws apply to employees in workplaces which have six or more employees.

Employers may not discriminate against employees based on a person's membership in one of the protected classes. Acts of discrimination may include failure to hire or promote, termination, disciplinary action, undesirable reassignment or transfer, negative performance evaluations or other changes in the terms and conditions of employment.

SEXUAL HARASSMENT

Massachusetts law prohibits sexual harassment. Employers also may not engage in unwelcome and offensive verbal or non-verbal conduct which harasses an employee or creates a hostile work environment.

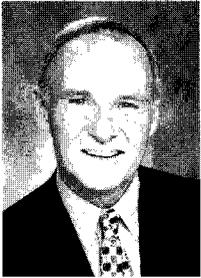
RETALIATION

Massachusetts law prohibits employers from taking adverse employment action against an employee, such as those described above, because an employee has complained about an employer's violation of these laws or because an employee has assisted in an investigation or proceeding under these laws by, for example, testifying, or filing an affidavit.

FILING A COMPLAINT

Persons who believe that they have been illegally discriminated or retaliated against or harassed or sexually harassed may file a complaint with the Massachusetts Commission Against Discrimination within *six months* of the unlawful conduct, and/or with the Equal Employment Opportunity Commission within *180 days* of the unlawful conduct.

A Message from Attorney General Tom Reilly



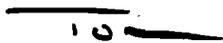
I am pleased to provide you with this guide to help you understand some of the important laws which protect workers.

The Office of the Attorney General enforces many of the laws related to wages, hours, workplace safety, and discrimination in the workplace.

The staff of the Attorney General's office is available to help you determine the best way to resolve your workplace problem or, if necessary, file a complaint. The Division of Fair Labor and Business Practices operates a hotline which is available to answer your questions about the laws described in this guide. The hotline is open Monday through Friday, 9:00 a.m. through 5:00 p.m.

I encourage you to read this guide and familiarize yourself with the laws that protect you in the workplace.

Sincerely,



Tom Reilly



OFFICE OF ATTORNEY GENERAL **TOM REILLY**
DIVISION OF FAIR LABOR AND BUSINESS PRACTICES
200 PORTLAND STREET
BOSTON, MA 02114

**Important Information Enclosed
on Employees' Rights in the Workplace....**