

# LAWS AND REGULATIONS

## A MESSAGE FROM ATTORNEY GENERAL MARTHA COAKLEY

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




The Office of the Attorney General enforces many of the laws regulating the workplace, including the payment of wages, overtime, minimum wage, prevailing wage and youth employment laws.

The Fair Labor Hotline staff are available to answer your questions about the laws described in this guide and, if necessary, to help you file a complaint. The Hotline number is (617) 727-3465, and it is open Monday through Friday, from 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

Cordially,

  
Martha Coakley  
Massachusetts Attorney General

### MINIMUM WAGE

The state minimum wage is \$8.00 per hour and applies to most private sector occupations. Occupations that are not covered by the minimum wage are listed in section 2 of the law. M.G.L. c. 151, s. 1 and 2

### AGRICULTURAL EMPLOYEES

The minimum wage for agricultural workers is \$1.60 per hour. A higher rate may apply under federal law. For further information, contact the U.S. Department of Labor at [www.dol.gov/whd](http://www.dol.gov/whd) or (617) 624-6700. M.G.L. c. 151, s. 2A

### TIPS

Employees who receive tips 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 \$2.63 per hour, total at least \$8.00 per hour.

Tips belong to the wait staff employee(s), service employee(s) or service bartender(s) providing direct service to the customer(s). No employer, manager or boss may solicit, demand, request or accept payment of any nature from tips or gratuities. M.G.L. c. 149, s. 152A

### OVERTIME

Generally, an employer who permits or requires an employee to work over 40 hours in any one week must pay the employee at least 1 ½ times their regular rate of pay for all hours worked over 40.

For example, if an employee regularly earns \$8.00 per hour, the employee's overtime rate would be \$12.00 per hour. [\$8.00 (regular rate) + \$4.00 (half regular rate) = \$12.00 (overtime rate)]

The state overtime law contains a list of 20 categories of work for which overtime pay is not required.

You may have rights to overtime under federal law, even if you do not have state overtime rights. For more information, contact the U.S. Department of Labor at

[www.dol.gov/](http://www.dol.gov/) or call (617) 624-6700. M.G.L. c. 151, s. 1A

### PAYMENT OF WAGES

The term "Wages" includes pay for hours worked, tips, vacation pay, holiday pay and commissions, as defined in Section 148.

Employers must pay employee wages within the following time periods:

- If the employee works 5 or 6 days in a calendar week, payday must be within 6 days of the end of the pay period.
- If the employee works 7 days or less than 5 days in a calendar week, payday must be within 7 days of the end of the pay period.

Employees who voluntarily leave their job (quit/resign) must be paid in full on the next regular pay day. If there is no regular pay day, no later than the following Saturday.

Employees who involuntarily leave their job (fired/laid off) must be paid in full on the day of discharge. M.G.L. c. 149, s. 148

### DEDUCTIONS

As a general rule, employers may only deduct federal and state taxes, social security and any other deductions required or permitted by law from wages.

Deductions taken by the employer may never reduce an employee's salary below the minimum hourly wage unless those deductions are required by law. M.G.L. c. 149, s.150A

### REPORTING PAY

If an employee: (1) is scheduled to work three or more hours; (2) reports to work on time and is ready to work; and (3) is sent home by the employer before his or her scheduled hours have concluded; then the employee shall be paid for at least three hours at no less than \$8.00 per hour.

This provision shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code. 455 CMR 2.03(1)

### TRAVEL TIME

Ordinary travel between home and work is not compensable working time. However, if an employee who regularly works at a fixed location is required, for the convenience of the employer, to report to a location other than his or her regular work site, the employee shall be compensated for all travel time in excess of his or her ordinary travel time between home and work. An employee required or directed to travel from one place to another after the beginning of or before the close of the work day shall be compensated for all travel time. 455 CMR 2.03(4)

### PAY STUBS

Employers must give each employee a pay statement on payday that includes 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 any deductions for the period.

Employees who are paid on an hourly basis must be paid every week or every other week.

Employers must notify employees in writing of a change in the pay schedule from weekly to biweekly at least 90 days before implementing the change. M.G.L. c. 149, s. 148

### MEAL BREAKS

Employees who work a period of more than 6 consecutive hours per day are entitled to a 30-minute break. Employees must be relieved of all duties and be permitted to leave the premises during the meal break.

If the employee voluntarily agrees to waive his or her break he or she must be paid for the time worked.

Exemptions to the meal break laws are contained in Section 101. M.G.L. c. 149, s. 100 and 101

# LAWS AND REGULATIONS, CTD.

## SMALL NECESSITIES LEAVE ACT

Certain employees are permitted to take a total of 24 hours of unpaid leave during any 12-month period in order to:

- (1) Participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school.
- (2) Accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations.
- (3) Accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

Employees are eligible for the 24 hours of leave if: their employer has 50 or more employees; they have been employed for at least 12 months by the employer; and the employee has worked for at least 1,250 hours for the employer during the previous 12 month period. M.G.L. c. 149, s. 52D

## EMPLOYEE RIGHT TO SUE

Employees have the right to bring private lawsuits against their employers on behalf of themselves and other similarly situated employees under the following wage and hour laws: M.G.L. Chapter 149, sections 27, 27F, 27G, 27H, 33E, 52D, 148, 148A, 148B, 150, 150C, 152, 152A, 159C; and Chapter 151, sections 1B, 19 and 20.

Employees who succeed in their lawsuits are entitled to back pay, triple damages, attorneys' fees, and litigation costs.

For violations of Chapter 149 and Chapter 151, section 19, employees must first file a complaint with the Attorney General's Office (and wait 90 days or obtain permission from the Attorney General to proceed

with a private lawsuit before the 90-day period has passed) before filing in court. Any lawsuit under these provisions must be filed in court within three years after the violation(s).

For violations of Chapter 151, sections 1B and 20 (Overtime and Minimum Wage laws), employees do not need to file with Attorney General's Office, but must file in court within two years after the violation(s).

## CHILD LABOR

Special laws apply to the employment of workers under the age of 18. These laws regulate the hours minors may work and prohibit minors from working in certain hazardous occupations. For more information about these laws, visit [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment) or [www.laborlowdown.com](http://www.laborlowdown.com).

**Work permits:** All teens under 18 must complete a work permit application and obtain a work permit before starting a new job. For further information about obtaining a work permit, visit the Division of Occupational Safety website at [www.mass.gov/dos](http://www.mass.gov/dos). M.G.L. c. 149, s. 56-105

## NO RETALIATION

An employer is prohibited from retaliating, discharging, discriminating or punishing an employee in any way as a result of any action taken on the part of an employee to seek his or her rights under the wages and hours provisions of chapters 149 and 151, including assisting the Attorney General in any investigation or proceeding. An employer is also prohibited from taking any adverse action against an employee who has made a complaint to the Attorney General's Office, or to any other person, about his or her rights under the State wage and hour laws. M.G.L. c. 149, s. 148A and G.L. c. 151, s. 19 (1).

## RESOURCES

### OFFICE OF ATTORNEY GENERAL MARTHA COAKLEY

#### FAIR LABOR DIVISION

(617) 727-3465\*

(617) 727-4765 (TTY)

[www.mass.gov/ago](http://www.mass.gov/ago)

[www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment)

[www.massworkrights.com](http://www.massworkrights.com)

[www.laborlowdown.com](http://www.laborlowdown.com)

### MASSACHUSETTS DIVISION OF OCCUPATIONAL SAFETY

(617) 626-6975

[www.mass.gov/dos](http://www.mass.gov/dos)

### MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (DPH)

(617) 624-6000

[www.mass.gov/dph](http://www.mass.gov/dph)

### MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD)

(617) 994-6000

[www.mass.gov/mcad](http://www.mass.gov/mcad)

### U.S. DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

1-866-4-USWAGE

1-877-889-5627 (TTY)

[www.dol.gov/whd](http://www.dol.gov/whd)

### U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

(617) 565-3200

[www.eeoc.gov](http://www.eeoc.gov)

### U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

(617) 565-9860

[www.osha.gov](http://www.osha.gov)

\*Monday to Friday, 9:00 a.m. to 5:00 p.m.

## THE OFFICE OF ATTORNEY GENERAL MARTHA COAKLEY

# Guide to Workplace Rights and Responsibilities



## COMMONWEALTH OF MASSACHUSETTS

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Boston, MA 02108

(617) 727-3465

[www.mass.gov/ago](http://www.mass.gov/ago)

[www.massworkrights.com](http://www.massworkrights.com)