Massachusetts Wage & Hour Laws

Office of Massachusetts
Attorney General
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Fair Labor Hotline
(617) 727-3465
TTY (617) 727-4765

www.mass.gov/ago/fairlabor

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

Minimum Wage

M.G.L. Chapter 151, Sections 1, 2, 2A, and 7

In Massachusetts, all workers are presumed to be employees. The minimum wage applies to **all** employees, except:

- agricultural workers ($8.00 per hour is the minimum wage for most agricultural workers),
- members of a religious order,
- workers being trained in certain educational, nonprofit, or religious organizations, and
- outside salespeople.

Effective Date	Minimum Wage	Service Rate
January 1, 2017	$11.00	$3.75
January 1, 2019	$12.00	$4.35
January 1, 2020	$12.75	$4.95
January 1, 2021	$13.50	$5.55
January 1, 2022	$14.25	$6.15
January 1, 2023	$15.00	$6.75

Tips

M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7

The hourly "service rate" applies to workers who provide services to customers and who make more than $20 a month in tips.

The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage (or more).

Managers, supervisors and owners must never take any part of their employees' tips.

Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees.

Tip pooling is allowed only for wait staff, service bartenders, and other service employees.

Overtime

M.G.L. Chapter 151, Sections 1A and 1B

Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.

For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, *not* the service rate.

Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit *www.mass.gov/ago/fairlabor* or call the Attorney General's Fair Labor Division at (617) 727-3465.

Payment of Wages

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02

The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.

Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.

Employees who *quit* must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are *fired* or *laid off* must be paid in full on their last day of work.

Paystub Information

M.G.L. Chapter 149, Section 148

All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period.

Pay Deductions

M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05

An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account).

An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

Hours Worked

454 C.M.R. 27.02

Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete the work.

Meal Breaks

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

Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

Payroll Records

M.G.L. Chapter 151, Section 15

Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).

Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

Sick Leave

M.G.L. Chapter 149, Section 148C

Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick time on their first day of work. Employees must have access to their sick leave 90 days after starting work.

Eligible employees may use their sick leave if they or their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for themselves or their child to address the effects of domestic violence.

Unless it is an emergency, employees must notify the employer before using sick leave.

Employees who miss more than 3 days in a row may need to provide their employer a doctor's note.

Paid Sick Leave

Employers with 11 or more employees *must* provide paid sick leave. Employers with fewer than 11 employees must provide sick leave; however, it does not need to be paid.

Employers Must Not Discriminate

M.G.L. Chapter 149, Section 105A; M.G.L. Chapter 151B, Section 4

Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of a different gender.

They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a person's:

- Race or color
- Religion, national origin, or ancestry
- Sex (including pregnancy)
- Military service
- Sexual orientation or gender identity or expression
- Genetic information or disability
- Age

Small Necessities Leave

M.G.L. Chapter 149, Section 52D

In some cases, employees have the right to take up to 24 hours unpaid leave every 12 months for their:

- child's school activities,
- child's doctor or dentist appointment, or
- elderly relative's doctor or dentist appointments, or other appointments.

Employees are eligible for this leave if the employer has at least 50 employees and the employee has:

- been employed for at least 12 months by the employer and
- worked at least 1,250 hours for the employer during the previous 12-month period.

Reporting Pay

454 C.M.R. 27.04(1)

Most employees must be paid for 3 hours at no less than minimum wage if the employee is scheduled to work 3 or more hours, and reports to work on time, and is not given the expected hours of work.

Rights of Temporary Workers

M.G.L. Chapter 149, Section 159C

To learn about rights of temporary workers and employees hired through staffing agencies, call: 617-626-6970 or go to: *www.mass.gov/dols*.

Rights of Domestic Workers

M.G.L. Chapter 149, Section 190

To learn about additional rights for workers who provide housekeeping, cleaning, childcare, cooking, home management, elder care, or similar services in a household, go to *www.mass.gov/ago/DW*.

Public Works and Public Construction Workers

M.G.L. Chapter 149, Section 26-27H

Workers who work on public construction projects and certain other public work must be paid the prevailing wage, a minimum rate set by the Department of Labor Standards based on the type of work performed.

Domestic Violence Leave

M.G.L. Chapter 149, Section 52E

Employees who are victims, or whose family members are victims, of domestic violence, sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs, such as health care, counseling, and victims services; safe housing; care and custody of their children; and legal help, protective orders, and going to court.

The leave can be paid or unpaid depending on the employer's policy. This law applies to employers with 50 or more employees.

Employees Have the Right to Sue

M.G.L. Chapter 149, Section 150; M.G.L. Chapter 151, Sections 1B and 20

Employees have the right to sue their employer for most violations of wage and hour laws.

Employees may sue as an individual or they may sue their employer as a group if they have similar complaints. Employees who win their case will receive back pay, triple damages, attorneys' fees, and court costs.

Important! There are strict deadlines for starting a lawsuit. For most cases, the deadline is 3 years after the violation.

Employers Must Not Retaliate

M.G.L. Chapter 149, Section 148A; M.G.L. Chapter 151, Section 19

It is against the law for an employer to punish or discriminate against an employee for making a complaint or trying to enforce the rights explained in this poster.

The laws explained in this poster apply to all workers, regardless of immigration status, including undocumented workers. If an employer reports or threatens to report a worker to immigration authorities because the worker complained about a violation of rights, the employer can be prosecuted and/or subject to civil penalties.

Employees Under 18 – Child Labor

M.G.L. Chapter 149, Sections 56 –105

All employers in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say *when, where,* and *how long* minors may work. They also say what kinds of work or tasks minors must NOT do.

Work Permits Required - Most workers under 18 must obtain a work permit. Employers must keep their minor workers' work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the school district where the minor lives or goes to school. To learn more about getting a work permit, contact the Department of Labor Standards at (617) 626-6975, or *www.mass.gov/dols.*

Dangerous Jobs & Tasks Minors Must Not Do

Age	Must Not	
16 & 17	• Drive most motor vehicles or forklifts • Work at a job that requires that the employee have or use a firearm • Use, clean or repair certain kinds of power-driven machines	• Handle, serve, or sell alcoholic beverages • Work 30 or more feet off of the ground
14 & 15	• Cook (except on electric or gas grills that do not have open flames), operate fryolators, rotisseries, NIECO broilers, or pressure cookers • Operate, clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers	• Work in freezers or meat coolers • Perform any baking activities • Work in or near factories, construction sites, manufacturing plants, mechanized workplaces, garages, tunnels, or other risky workplaces
Under 14	• Minors under 14 cannot work in Massachusetts in most cases.	

These are just some examples of tasks prohibited under both state and federal law. **For a complete list** of prohibited jobs for minors, contact the Attorney General's Fair Labor Division: (617) 727-3465 • *www.mass.gov/ago/youthemployment.* Or contact the U.S. Department of Labor: (617) 624-6700 • *www.youth.dol.gov*

Time & Schedule Restrictions for Minors

Age	Must not work	At any time:
16 & 17	At **night**, from 10 p.m. to 6 a.m. (or past 10:15 if the employer stops serving customers at 10 p.m.) *Exception:* On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack.	• More than **9 hours** per day • More than **48 hours** per week • More than **6 days** per week
14 & 15	At **night**, from 7 p.m. to 7 a.m. *Exception:* In summer (July 1 – Labor Day), may work until 9 p.m. **During the School Year:*** • During school hours • More than **3 hours** on any school day • More than **18 hours** during any week • More than **8 hours** on any weekend or holiday	**When school is not in session:** • More than **8 hours** on any day • More than **40 hours** per week • More than **6 days** per week

**Exception:* For school-approved career or experience-building jobs, students may be allowed to work during the school day, up to 23 hours a week.

Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must be directly supervised by an adult who is located in the workplace and is reasonably accessible. *Exception:* **Adult supervision is not required for minors working at a kiosk or stand in a common area of an enclosed shopping mall that has security from 8 p.m. until the mall closes.**

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