



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

DEVAL L. PATRICK  
GOVERNOR

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SECRETARY

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DIRECTOR

**HEARING NOTICE**

**PROPOSED PROMULGATION OF REGULATION AND PROPOSED REPEAL OF  
REGULATION BY THE DEPARTMENT OF LABOR STANDARDS**

Pursuant to the provisions of G.L. c. 30A, notice is hereby given of the following proposed action:

**MINIMUM WAGE**

Promulgation of 454 CMR 27.00

Repeal of 455 CMR 2.00

The Department of Labor Standards (“DLS”) is conducting a public hearing to seek comment from members of the regulated community and the general public on proposed amendments to the regulation for Minimum Wage, now 454 CMR 27.00 (formerly 455 CMR 2.00). The regulation is being promulgated under 454 CMR 27.00 to conform title and chapter number to the statutory authority for the regulation. The purpose of the proposed amendments is to clarify practices and policies in the administration and enforcement of the Minimum Fair Wages Act, M.G.L. c. 151. The Minimum Wage Regulation has not been amended since April 25, 2003. Changes in the case law and other statutes necessitate amendments to the regulation. The regulations will provide needed clarification for employers and employees regarding overtime, deductions from wages, minimum wage waivers, travel, and record-keeping.

The amendments provide: (1) that deductions from minimum wage are not allowed unless they are legally required or expressly permitted by law; (2) that meal and lodging deductions may only be made if the employee receives the basic minimum wage; (3) that allowable deductions must be in writing and voluntary; (4) that deposits for uniforms will no longer be permitted consistent with federal law; (5) that the sub-minimum wage for seasonal camp counselors is updated in accordance with recent legislation; (6) the application process for waiver of basic minimum wage for disabled workers; (7) the requirement to post the minimum wage notice in languages other than English if the state provides the translated notice; (8) time limits for record retention in accordance with the Uniform Wage Compliance Act; (9) record-keeping in accordance with new paid sick leave law and law regarding deductions; (10) a requirement for employers to provide employees with copies of personnel records upon request; (11) clarification of compensation for travel time based on common questions DLS receives. These and other amendments are viewable on the proposed amended regulation.

The purpose of the repeal of 455 CMR 2.00 is to conform the title and chapter number to the statutory authority for the regulation, which is being issued and amended under 454 CMR 27.00.

DLS is taking this opportunity to invite you to attend the public hearing and provide comment on proposed regulation 454 CMR 27.00 and repeal of 455 CMR 2.00. The hearing will be held on:

**Monday, December 29, 2014, at 1:00 pm**

Charles F. Hurley Building  
19 Staniford Street  
Minihan Hall, Sixth Floor  
Boston, Massachusetts 02114

and

**Tuesday, December 30, 2014, at 10:00 am**

Springfield State Office Building  
436 Dwight Street, 3<sup>rd</sup> Floor, Courtroom #305  
Springfield, MA 01103

Interested parties may provide testimony at the hearing or may submit written comments. All written comments must be received no later than the **close of business on December 30, 2014**, presented in a legible manner, and addressed to Heather Rowe, Director, Department of Labor Standards, 19 Staniford Street, 2nd floor, Boston, MA 02114.

A copy of the proposed regulation is available upon written request to the above address, or may be viewed online at <http://www.mass.gov/dols>.

Auxiliary aids and services or other reasonable accommodations for persons with disabilities are available upon request. Please include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least two weeks (14 days) advance notice. Last minute requests will be accepted, but may be impossible to fulfill. Send an e-mail to Dennis Johnson ([dennis.1.johnson@state.ma.us](mailto:dennis.1.johnson@state.ma.us)), Executive Office of Labor and Workforce Development /Diversity/ADA Office or call 617/626-5111. For hearing-impaired relay services, call 1-800-439-0183 or 711.