



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

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To Interested Parties:

The Department of Labor Standards (DLS) issues this opinion letter in response to the recent statutory change to General Laws chapter 151, section 7. Following the passage of Chapter 144 of the Acts of 2014, and effective January 1, 2015, the second paragraph of section 7 reads as follows:

The commissioner shall not establish minimum fair wage rates below \$1.85 per hour, except for learners and apprentices, except for seasonal camp counselors and counselor trainees, and except for ushers, ticket sellers and ticket takers whose minimum fair wage rates shall not be below \$1.25, and except for janitors and caretakers of residential property, who, when furnished with living quarters, shall be paid a wage of not less than \$36 per week, and except for services as golf caddies, and except for service people who customarily and regularly receive more than \$20 a month in tips.

The sole change to the paragraph is the insertion of the phrase “except for seasonal camp counselors and counselor trainees,” to the list of occupations for whom the Director of DLS may establish a sub-minimum wage rate.

For years, DLS regulations have permitted seasonal camps to apply for a waiver allowing them to pay student camp counselors and counselor trainees 80% of the minimum wage. Consequently, in the wake of Chapter 144’s enactment, DLS recently proposed a regulation that would have extended the 80% exemption to all seasonal camp counselors, not just those who are also students. During the regulation’s public comment period, however, DLS learned from both interested parties and numerous legislators that the Legislature’s intent when it added “seasonal camp counselors and counselor trainees” to section 7 of the Minimum Fair Wages Act was to provide a full minimum wage exemption to those categories of employees. As a result of those comments, DLS deleted the proposed language from the final regulation.

Additionally, going forward, DLS will interpret section 7 of chapter 151 in accordance with the expressed legislative intent to provide a complete minimum wage

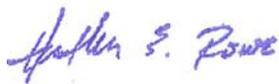
exemption for seasonal camp counselors and counselor trainees. In Massachusetts, a business may be considered seasonal if it operates for 120 days or fewer in a year.

As they have in the past, seasonal camps seeking a minimum wage exemption still must apply annually for a waiver from the Director of DLS. In order to receive a waiver a camp must provide to DLS information regarding the seasonal nature of the business, the sub-minimum wage sought, whether the camp will provide food and lodging to the employees, the number of counselors and trainees for whom the waiver is sought and their duties and responsibilities, and the number of counselors for whom no waiver is sought and the wage(s) they will be paid.

As in the past, seasonal camps, except for summer camps operated by a non-profit charitable corporation, seeking an exemption from the requirement to pay overtime to employees still must apply annually for an overtime waiver from the Director of DLS. The camp must provide to DLS information regarding the seasonal nature of the business.

Please do not hesitate to contact this office if you have any questions.

Sincerely,



Heather Rowe
Director