Minimum Wage $10.00
M.G.L. chapter 151, sections 1 and 2

Effective January 1, 2017, the minimum wage will be $11.00. The minimum wage law applies to all employees except those being rehabilitated or trained in charitable, educational or vocational institutions; members of religious orders; agricultural, floricultural, and horticultural workers, those in professional service, and outside salespersons not reporting to or visiting their office daily. For further information regarding the Massachusetts State minimum wage, contact the Massachusetts Department of Labor Standards at (617) 626-6975 or visit www.mass.gov/dol.

Staff, service employees and service workers may be paid the service rate of $3.35 per hour if they regularly receive tips of more than $20 per month, and if their average hourly tips, service rates and tips paid to or received by the employee exceeds the basic minimum wage. M.G.L. chapter 151, section 7. The service rate will increase to $3.75 by January 1, 2017.

Agricultural employees may be paid $8.00 per hour. M.G.L. chapter 151, section 2A. A higher rate may apply under federal law. For more information, contact the U.S. Department of Labor at (617) 624-6700 or visit www.dol.gov/whd.

Payment of Wages
M.G.L. chapter 149, section 148

Wages paid for all hours worked, including tips, earned vacation pay, holiday pay, and paid holidays determined and due and computed must be paid within the following time periods:

• If employed for five or six days in a calendar week, within six days of the end of the pay period during which the wages were earned;
• If employed seven days in a calendar week, within seven days of the end of the pay period during which the wages were earned;
• An employee who works all or a portion of less than five days (also known as a casual employee), within seven days of the end of the pay period during which the wages were earned;
• An employee who works a period of less than five days also known as a casual employee), within seven days of the end of the pay period during which the wages were earned.

Any employee who resigns 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 or laid off 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.

Employees who are paid on an hourly basis must be paid weekly or bi-weekly. Employers may not make agreements with employees to be paid in another manner. Employers must give each employee a pay statement setting forth the name of the employee, name of employer, date of check (including the day, month and year), number of hours worked during the pay period, hourly rate, and all deductions made increases made during the pay period. This statement must be provided with each regular pay period.

Deductions: No deduction, other than those required or allowed by law or specifically requested by an employee and for the employee’s sole benefit may be made.

Tips
M.G.L. chapter 149, section 152A

Tips pooling in which tips are distributed to any person not a wait staff, service employee or service broker is prohibited. Under no circumstances management employees or owners receive any portion of their employees’ tips.

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 30-minute meal break must be paid if the employee has not been paid at least one and one-half times his or her regular hourly rate for all hours worked through his or her meal break, or (2) agreeing to remain on premises during the meal break. This law does not apply to: iron works, glass works, paper mills, letterpress establishments, print works, bleaching works or dyeing works. Exemptions may be granted for other continuous processes in factories, workshops or mechanical establishments, or under other special circumstances.

Earned Sick Time
M.G.L. chapter 149, section 148C

All employees in Massachusetts have the right to earn and take up to 40 hours of sick leave from work per year. Employees earn 1 hour of sick time for every 30 hours they work and must use their sick time 90 days after being hired. An employee can use sick time when the employee or the employee’s child, spouse, parent, or parent-in-law is sick, has a medical appointment, or to address the effects of domestic violence. If an employee has 11 or more employees, sick time must be paid. For employees with 10 or fewer employees, sick time may be unpaid. Sick time may be taken in increments of half an hour.

Employee’s Right to Sue
M.G.L. chapter 151, section 1A

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:


For violations of chapter 149 and chapter 151, section 19, employees must file a complaint with the Attorney General’s Office and must await 90 days of service or obtain permission from the Attorney General to proceed with a private lawsuit before the 90-day period has expired before filing in court. Any lawsuit under these provisions must be filed in court within 3 years after the violation.

For violations of chapter 151, sections 18 and 20, employees must not proceed to file with the Attorney General’s Office, but must file in court within 3 years after the violation(s).

Inspection of Payroll Records
M.G.L. chapter 151, section 15

Employees have a right to inspect their own payroll records at reasonable times and places. Such records must be kept for 3 years and must include: a true and accurate record of the employee’s name and address and the period for which the wages were paid; the total number of hours the employee was employed; the rates of pay and the total amount paid to the employee; and the total amount of tips and service charges received.

Small Necessities Leave Act
M.G.L. chapter 149, section 52D

Certain employees are entitled to take a total of 4 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; (2) accompany the son or daughter of the employee to routine medical or dental appointments; (3) accompany an elderly relative of the employee to routine medical or dental appointments; or (4) be a personal care assistant related to the child’s care. Employees are eligible for the 24 hours of leave if: (1) their employer has 50 or more employees, (2) they have been employed for at least 12 months by the employer, and (3) the employee has worked for at least 1,250 hours during the previous 12-month period. For more information, visit the Attorney General’s Office website at www.mass.gov/ago.