

Recordkeeping - Minimum Wage Opinion Letter 04-26-08

April 26, 2008

Your letter to Director Noel of the Massachusetts Department of Labor (DOL) has been forwarded to me for response. The Division of Occupational Safety (DOS), an agency under DOL, is responsible for responding to inquiries concerning the applicability of the Massachusetts Minimum Fair Wage Law, G.L. 151, and regulations promulgated thereunder. You have asked if Massachusetts wage and hour law permits a time and attendance system for exempt employees.

Please be advised that Massachusetts law requires employers to:

keep a true and accurate record of the name, complete address, social security number and occupation of each employee, of the amount paid each pay period to each employee, the hours worked each day, the dates on which each employee worked each week, and such other information as the Director or the Attorney General in their discretion shall deem material and necessary. Such records shall be kept on file for at least two years after the entry date of the record. Such records shall be maintained at the place of employment, at an office of the employer, or with a bank, accountant or other central location within the commonwealth.

All such records must be kept and furnished to the Director or Attorney General upon demand, in accordance with M.G.L. c. 151, §§ 3, 15 and 19(3). The term transcript, as used in M.G.L. c. 151, §§ 3, 15 and 19(3), shall include photocopies, printouts of electronic information and any reproduction of records, entries or documents.

455 C.M.R. §2.06(2). These requirements apply to all employees covered by the Massachusetts Minimum Fair Wage Law, M.G.L. c. 151, regardless of their exempt status.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,

Lisa C. Price
Deputy General Counsel

***=Names have been Omitted