

Minimum Wage Opinion Letter **06-05-02 - Holiday Pay and Overtime**

June 5, 2002

I am writing in response to your request for this Office's written opinion regarding holiday pay and the calculation of overtime. Specifically, you have asked if an employee who is paid for 36 hours of work in a given week, and who is paid an additional eight hours holiday pay at the same straight-time hourly rate, is due any overtime compensation for the workweek. [\[1\]](#)

Under state law, most employees covered by the Minimum Fair Wage Law, M.G.L. c. 151, are entitled to overtime pay at one and one-half times their regular hourly rate of pay after 40 hours of work in a given workweek. See M.G.L. c. 151, §1A; 455 C.M.R. §2.02(4). The eight hours of holiday pay for a day the employee is not at work does not constitute hours worked. Therefore, the employee has only worked 36 hours in this workweek, and no overtime compensation is due.

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

Sincerely,  
Lisa C. Price  
Legal Counsel

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[\[1\]](#) Please note that employers are also subject to the federal minimum wage and hour law, found in the Fair Labor Standards Act (FLSA), and regulations promulgated thereunder. For information about applicable federal wage and hour laws, you should contact the U.S. Department of Labor. The telephone number for the Boston Office is (617) 624-6700.

= Names have been Omitted