

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY
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JANE SWIFT
GOVERNOR

ANGELO R. BUONOPANE
DIRECTOR

ROBERT J. PREZIOSO
DEPUTY DIRECTOR

April 2, 2002

Carol Chandler, Esq.
Stoneman, Chandler & Miller LLP
99 High Street
Boston, MA 02110

Re: MW-2002-010
State Overtime Law

Dear Attorney Chandler:

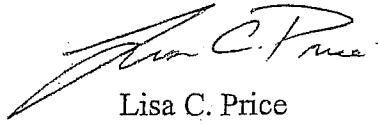
I am writing in response to your request for a written opinion regarding the applicability of state overtime laws to workers employed on public projects.

As I understand it, your clients are contractors who bid on MassHighway projects. MassHighway bid specifications include a requirement that contractors and subcontractors pay laborers and mechanics not less than one and one-half times their basic rate of pay for all hours worked in excess of eight hours in a given day or in excess of 40 hours in the workweek, whichever is the greater number of overtime hours. This requirement cites the federal Contract Work Hours Standards Act of 1962.

To the best of my knowledge, the above-mentioned requirement under federal law to pay overtime premium pay for hours worked in excess of eight hours per day has been repealed. You should contact the U.S. Department of Labor for confirmation of this, and for information regarding any other federal requirements. Under state law, employers are only required to pay overtime for hours worked in excess of forty hours in a given workweek. G.L. c. 151, §1A. I suggest contacting MassHighway regarding any requirements imposed by its bid specifications that exceed state law.

I hope this information has been helpful. If I can be of any further assistance, please feel free to contact me.

Sincerely,



Lisa C. Price
Legal Counsel

cc: Robert J. Prezioso, Deputy Director, DOS
Kathryn B. Palmer, General Counsel, DOS
Ronald E. Maranian, Program Manager, DOS ✓
Daniel S. Field, Assistant Attorney General, Fair Labor & Business Practices Div.