

MASSACHUSETTS

Labor Laws

Minimum Wage

Wage and Hour Laws

Office of Massachusetts
Attorney General
Maura Healey

Fair Labor Hotline
(617) 727-3465
TTY (617) 727-4765

OFFICE OF THE ATTORNEY GENERAL
COMMONWEALTH OF MASSACHUSETTS

www.mass.gov/ago/fairlabor

State law requires all employers to post this notice at the workplace in a location where it can easily be read.
M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

Minimum Wage	M.G.L. Chapter 151, Sections 1, 2, 2A, and 7		
<p>In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:</p> <ul style="list-style-type: none">• agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers),• members of a religious order,• workers being trained in certain educational, nonprofit, or religious organizations, and• outside salespeople.	Effective Date	Minimum Wage	Service Rates
	January 1, 2017	\$11.00	\$3.75
	January 1, 2019	\$12.00	\$4.35
	January 1, 2020	\$12.75	\$4.95
	January 1, 2021	\$13.50	\$5.55
	January 1, 2022	\$14.25	\$6.15
	January 1, 2023	\$15.00	\$6.75

Tips M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7
The hourly "service rate" applies to workers who provide services to customers and who make more than \$20 a month in tips.
The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage per each shift.

Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips.
Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees.
Tip pooling is allowed only for wait staff, service bartenders, and other service employees.

Overtime M.G.L. Chapter 151, Sections 1A and 1B
Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.
For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, not the service rate.

Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit www.mass.gov/ago/fairlabor or call the Attorney General's Fair Labor Division at (617) 727-3465.

Payment of Wages M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02
The law says when, what, and how employees must be paid.
An employer's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.
Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.
Employees who *quit* must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are *fired* or *laid off* must be paid in full on their last day of work.

Paystub Information M.G.L. Chapter 149, Section 148
All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period.

Pay Deductions M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05
An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account).
An employer cannot take money from an employee's pay for the employee's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.
The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

Hours Worked 454 C.M.R. 27.02
Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete the work.

Meal Breaks M.G.L. Chapter 149, Sections 100 and 101
Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

Payroll Records M.G.L. Chapter 151, Section 15
Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).
Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

Sick Leave M.G.L. Chapter 149, Section 148C
Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick time on their first day of work. Employees must have access to their sick leave 90 days after starting work.
Eligible employees may use their sick leave if they or their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for themselves or their child to address the effects of domestic violence.
Unless it is an emergency, employees must notify the employer before using sick leave.
Employees who miss more than 3 days in a row may need to provide their employer a doctor's note.

Paid Sick Leave
Employees with 11 or more employees must provide paid sick leave. Employees with fewer than 11 employees must provide sick leave; however, it does not need to be paid.

Employers Must Not Discriminate M.G.L. Chapter 149, Section 105A; M.G.L. Chapter 151B, Section 4

Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of a different gender.
They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a person's:
• Race or color
• Religion, national origin, or ancestry
• Sex (including pregnancy)
• Military service
• Sexual orientation or gender identity or expression
• Genetic information or disability
• Age

Small Necessities Leave M.G.L. Chapter 149, Section 52D
In some cases, employees have the right to take up to 24 hours unpaid leave every 12 months for their:
• child's school activities,
• child's doctor or dentist appointment, or
• elderly relative's doctor or dentist appointments, or other appointments.

Contact the Attorney General's Fair Labor Division:
(617) 727-3465 – www.mass.gov/ago/fairlabor

Rev. 06/2021

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.
THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Discrimination

Fair Employment in Massachusetts

Applicants to and employees of private employers with 6 or more employees*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

RACE, COLOR, RELIGION, DISABILITY, NATIONAL ORIGIN, AGE, SEX, PREGNANCY AND PREGNANCY-RELATED CONDITIONS, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE
M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, disability, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex, pregnancy or a condition related to pregnancy, gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue hardship.

HARASSMENT
Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. **The law also prohibits harassment based on the protected classes set forth above.**

PREGNANCY
The Pregnant Workers Fairness Act prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child, and describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive.

PARENTAL LEAVE
The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

Reporting Pay 454 C.M.R. 27.04(1)
Most employees must be paid for 3 hours at no less than minimum wage if the employee is scheduled to work 3 or more hours, and reports to work on time, and is not given the expected hours of work.

Rights of Temporary Workers M.G.L. Chapter 149, Section 159C
To learn about rights of temporary workers and employees hired through staffing agencies, call: 617-626-6970 or go to: www.mass.gov/dols.

Rights of Domestic Workers M.G.L. Chapter 149, Section 190
To learn about additional rights for workers who provide housekeeping, cleaning, childcare, cooking, home management, elder care, or similar services in a household, go to www.mass.gov/ago/DW/.

Public Workers and Public Construction Workers M.G.L. Chapter 149, Section 26-27H
Workers who work on public construction projects and certain other public work must be paid the prevailing wage, a minimum rate set by the Department of Labor Standards based on the type of work performed.

Sexual Harassment

Sexual Harassment at work does not have to be tolerated. It's Illegal.

If you are being sexually harassed, report it immediately to your supervisor or contact:

SEXUAL HARASSMENT OFFICER

You can file a complaint with the Massachusetts Commission Against Discrimination (MCAD).
Visit or contact MCAD at one of the following locations:

ONE ASHBURTON PLACE
ROOM 601
BOSTON, MA 02108
617/994-6000
617/994-6196 TTY

436 DWIGHT STREET
ROOM 220
SPRINGFIELD, MA 01103
413/739-2145

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Earned Sick Time

Earned Sick Time

Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

WHO QUALIFIES?
All employees in Massachusetts can earn sick time.
This includes full-time, part-time, temporary, and seasonal employees.
HOW IS IT EARNED?
• Employees earn 1 hour of sick time for every 30 hours they work.
• Employees can earn and use up to **40 hours per year** if they work enough hours.
• Employees with unused earned sick time at the end of the year can **roll over up to 40 hours**.
• Employees **begin earning** sick time on their first day of work and **may begin using** earned sick time 90 days after starting work.
WILL IT BE PAID?
• If an employer has 11 or more employees, sick time must be paid.
• For employers with 10 or fewer employees, sick time may be unpaid.
• Paid sick time must be paid on the same schedule and at the same rate as regular wages.
WHEN CAN IT BE USED?
• An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.
• The smallest amount of sick time an employee can take is one hour.
• Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.
• Use of sick time for other purposes is not allowed and may result in an employee being disciplined.
CAN AN EMPLOYER HAVE A DIFFERENT POLICY?
Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

RETALIATION
• Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.
• Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work duties, or giving the employee undesirable assignments.
NOTICE & VERIFICATION
• Employees must **notify** their employer before they use sick time, except in an emergency.
• Employees may require employers to use a **reasonable notification system** the employer creates.
• If an employee's out of work for 3 consecutive days **OR** uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider.

DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 • Visit www.mass.gov/ago/earnedsicktime
Commonwealth of Massachusetts
Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations.
It is unlawful to violate any provision of the Earned Sick Time Law.
Violations of any provision of the Earned Sick time law, M.G.L. c. 149, § 148C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of M.G.L. c. 149, § 27C(b) and to § 150.

This notice is intended to inform.
Full text of the law and regulations are available at
www.mass.gov/ago/earnedsicktime.

Rev. 07/2016

Parental Leave

Commission Against Discrimination

Parental Leave

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

The parental leave law is now gender neutral. Both men and women are entitled to parental leave.

If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave. The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons beyond the employee's control.

Rev. 3/10/2015

Unemployment Ins.

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Information on Employees' Unemployment Insurance Coverage

EMPLOYER NAME _____
EMPLOYER DUA ID # _____
ADDRESS _____

Employees of this business or organization are covered by Unemployment Insurance (UI), a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits.

If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to apply for Unemployment Insurance (UI) benefits. Before you file, your employer will give you a copy of the pamphlet: *How to Apply for Unemployment Insurance Benefits*, provided by the Massachusetts Department of Unemployment Assistance (DUA).

You must be in the United States, its territories, or Canada when filing a claim or certifying for weekly UI benefits.

There are two ways to apply for UI Benefits:

Apply by Using UI Online

UI Online is a secure, easy-to-use, self-service system. You can apply for benefits, reopen an existing claim, request weekly benefit payments, check your claim status, sign up for direct deposit, update your address, and even file an appeal online. To apply for benefits using UI Online, go to www.mass.gov/dua, and select *UI Online for Claimants*, and complete the required information to submit your application.

Apply by calling the TeleClaim Center

Unemployment Insurance services are available by telephone. You can apply for Unemployment Insurance benefits, reopen a current claim, obtain up-to-date information on the status of your claim and benefit payment, resolve problems, and sign up for direct deposit – all by telephone. To apply for benefits by telephone, call the TeleClaim Center at 1-877-626-6800 from area codes 351, 413, 508, 774, and 978; or 1-617-626-6800 from any other area code. You will be asked to enter your Social Security Number and the year you were born. You will then be connected to an agent who will take the information necessary to file your claim.

Note: During peak periods from Monday through Thursday, call scheduling may be implemented, providing priority for callers based on the last digit of their Social Security Number. This helps ensure that you and others can get through to the TeleClaim Center in a timely manner. Please check the schedule on the right before calling.

If the last digit of your Social Security Number is:	Assigned day to call Teleclaim is:
0, 1	Monday
2, 3	Tuesday
4, 5, 6	Wednesday
7, 8, 9	Thursday
Any last digit	Friday

This document contains important information. Please have it translated immediately.

В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.

Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.

Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.

Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.

Este documento contém informações importantes. Por favor, traduza-lo imediatamente.

Dockman sa gen enformasyon enpòtan. Tanpri fè yon moun tradwi li touswit.

본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록하십시오.

ເອກະສານຂະໜົບນີ້ ບັນຈຸຂໍ້ມູນສໍາຄັນ. ສະຫຼຸບເອົາເອກະສານຂະໜົບນີ້ໄປແປອອກ ຢ່າງເປັນລະບົບ.

此文件含有重要信息。請立即找人翻譯。

ဤစာရွက်ထဲတွင် အရေးကြီးသော အချက်အလက်များပါရှိပါသည်။ မြန်မာစာဖြင့် ဖတ်ရှုပါ။

تحتوي هذه الوثيقة على معلومات هامة. يرجى ترجمتها فوراً.

Ge document contient des informations importantes. Veuillez le faire traduire au plus tôt.

IMPORTANT: Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer, and the identification number assigned to the employer by the Department of Unemployment Assistance.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services, call 711.

www.mass.gov/dua
Form 2553-A

REV. 10/6/2015

Workers' Comp.

Notice to Employees

The Commonwealth of Massachusetts
DEPARTMENT OF INDUSTRIAL ACCIDENTS
LAFAYETTE CITY CENTER, 2 AVENUE DE LAFAYETTE, BOSTON, MA 02111
(617) 727-4900 - www.mass.gov/dia

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with:

NAME OF INSURANCE COMPANY _____
ADDRESS OF INSURANCE COMPANY _____
POLICY NUMBER _____
EFFECTIVE DATES _____
NAME OF INSURANCE AGENT _____
ADDRESS _____
PHONE # _____
EMPLOYER _____
ADDRESS _____
EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY) _____
DATE _____

MEDICAL TREATMENT

The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers' Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

NAME OF HOSPITAL

ADDRESS

TO BE POSTED BY EMPLOYER

Notice of Benefits Available Under M.G.L. Chapter 175M

Paid Family and Medical Leave (PFML)

Available Leave
Covered individuals may be entitled to family and medical leave for the following reasons:
• up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work.
• up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, to care for a family member with a serious health condition, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces.
• up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition.
Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

Benefits
To fund PFML benefits, employers may deduct payroll contributions of up to 0.318% (adjusted annually) from a covered individual's wages or other earnings. A covered individual's average weekly earnings will determine his or her benefit amount, for a maximum weekly benefit of up to \$1,129.82 (adjusted annually).

Who is a Covered Individual Under the Law?

Generally, a worker qualifies as a covered individual eligible for PFML benefits if they are:
• covered by unemployment insurance in Massachusetts and paid wages by a Massachusetts employer; or
• a self-employed individual who resides and works in Massachusetts and chooses to opt-in to the program; and
• has earned more than 30 times the expected benefit and more than \$6,000 (adjusted annually) in the last four completed quarters preceding the application for benefits.

If you have questions or concerns about your Paid Family and Medical Leave rights, please call: (833)344-7365 or visit: <https://www.mass.gov/DFML>

This notice must be posted in a conspicuous place on the employer's premises.

Rev. 11/2022

To update your labor law posters contact
J. J. Keller & Associates, Inc.
JKeller.com/laborlaw
800-327-6868

J. J. Keller
& Associates, Inc.[®]
Since 1953

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