**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.

Visit, staff, service employees and service bartenders 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, when added to the service rate, are equal to or exceed the basic minimum wage. M.G.L. chapter 151, section 7. The service rate will increase to $3.75 on January 1, 2017.

Agricultural employees may be paid $8.00 per hour. M.G.L. chapter 151, section 24. A higher rate may apply under federal law. For more information, contact the U.S. Department of Labor at (617) 566-7600 or visit www.dol.gov/whd.

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**Payment of Wages**

M.G.L. chapter 149, section 148

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

- If employed 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 in 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;
- An employee who works less than a period of less than five days (also known as a casual employee), within seven days of the end of the period during which the wages were earned;
- An 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.

Employers who pay an employee on an hourly basis must be paid weekly or biweekly. 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 employer, name of employee, date of check (including the day, month, and year), number of hours worked during the pay period, hourly rate, and all deductions or increases made during the pay period. This statement must be provided with each pay distribution.

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.

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**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. The meal break must be released of all duties during the meal break. Compensation for the 30-minute meal break must be paid if the employee has not been released of all duties during the meal break. The employee is entitled to receive compensation for any work through his or her meal break, or (2) agreeing to remain on premises during the meal break. This break does not apply to: iron works, glass works, paper mills, letterpress equipment, printing 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.

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**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 be using their sick time 90 days after starting work. 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 employers with 10 or fewer employees, sick time may be unpaid. Sick time may be limited to use by the employee before they use sick time, except in an emergency. An employee’s use of sick time for 3 consecutive days before the employee may require documentation from a medical provider. For more information, visit www.mass.gov/ago/earnedsicktime

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**Non-Discrimination and Equal Pay**

M.G.L. chapter 149, section 105A

M.G.L. chapter 151B, section 4

Employers may not discriminate against employees based on sex by paying them less than employees of the opposite sex who perform the same or comparable work. Similarly, no employee shall be discriminated against with respect to wages, compensation, or any other term or condition of his or her employment.

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**Fair Labor Hotlines**

Monday through Friday, 10:00 a.m. to 4:00 p.m.

Boston: (617) 727-3465

New Bedford: (508) 990-9700

Springfield: (413) 784-1240

Worcester: (508) 792-7600

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**Office of the Massachusetts Professional Employment**

www.mass.gov/ago • www.labordown.com • www.mass.gov/ago/youthemployment

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**Employee’s Right to Sue**

M.G.L. chapter 149, section 12A

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:


Employees who prevail in their lawsuits are entitled to back pay, triple damages, attorney’s fees and interest.

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

For violations of chapter 149, sections 18 and 20, employees do not need to file with the Attorney General’s Office, but must file in court within 3 years after the violation(s).

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**Small Necessities Leave Act**

M.G.L. chapter 149, section 25D

Certain employees are entitled to take a total of 24 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 if the employee is related to the elderly’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 in the previous working year.

For more information, visit the Attorney General’s Office website at www.mass.gov/ago.

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**Non-Referral**

M.G.L. chapter 149, section 248A

No employee shall be penalized by an employer or in any way discriminated against because he or she has made a complaint or otherwise sought to enforce rights under the wage and hour laws and collective bargaining agreements. The Massachusetts Wage and Hour Laws and the Massachusetts Wage and Hour Laws apply to all employees, regardless of immigration status, including undocumented workers. Reporting or threatening to report a worker to immigration authorities because the worker has complained about violation(s) of his or her rights under the wage and hour laws is prohibited. See 8 USC 1324a(a)(1)(A) and (B).

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**Workplace Notice**

This workplace notice is issued in accordance with the provisions of the Massachusetts General Laws M.G.L. c. 151, section 16 and the Code of Massachusetts Regulations 454 CMR 27.07(1), which require that employers post it in a conspicuous location.

Rev. 12/2013