**Minimum Wage $8.00**

Effective January 1, 2008

M.G.L. chapter 151, sections 1 and 2

The minimum wage law applies to all employees except those being habituated or trained in charitable, educational, religious institutions; members of religious orders; agricultural, horticultural, and horticulture 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 Division of Occupational Safety at (617) 626-6075 or visit www.mass.gov/dos.

Wages paid, service employees and service bartenders may be paid a service rate of $2.65 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.

Agricultural employees may be paid $1.60 per hour. M.G.L. chapter 151, section 2A. A higher rate may apply under Federal law. For more information, contact the Department of Labor at (617) 624-6700 or visit www.dol.gov/esa/wd.

**Payment of Wages**

M.G.L. chapter 149, section 148

Wages (payment for all hours worked, including tips, on call, vacation pay, holiday pay, and defined discontinued and deceased commissions) must be paid weekly following time periods:

- If employed for five or six days in a calendar week, within six days of the end of the pay period in which the wages were earned.
- If employed seven days in a calendar week, within seven days of the end of the pay period in which the wages were earned.

- An employee who has worked for a period of less than five days (also known as a casual employee), within seven days of the end of the period.

An employee who resigns his or her employment must be paid in full on the day following the last day of work. M.G.L. chapter 151, section 7.

**Tips**

M.G.L. chapter 149, section 152A

Tip pooling in which tips are distributed to any person not a wait staff, service bartender is prohibited.

**Time and Hour Restrictions**

14-15-Year-Old Minors

14-15-Year-old minors may NOT be employed:

- during school hours EXCEPT as provided in approved work experience and career exploration programs (M.G.L. chapter 151, sections 1 and 2, as amended by M.G.L. chapter 149, sections 57 and 58, and 455 CMR 2.03(4))
- between 7:00 p.m. and 7:00 a.m. EXCEPT from July 1 through Labor Day, when employment may extend until 9:00 p.m.
- more than 3 hours per day during school weeks, or more than 8 hours per day during weeks when school is in session.
- more than 18 hours per week EXCEPT in approved work experience and career exploration programs, in which case, they may work 25 hours per week; more than 40 hours per week when school is not in session; more than 6 days per week.

*The Federal Fair Labor Standards Act, enforced by the U.S. Department of Labor, also restricts the employment of minors. This list contains the most restrictive state and federal time and hour requirements.*

**Hazardous Occupation Restrictions**

Minors 14-15 years of age are prohibited from certain occupations, industries, and tasks. For example, 14-15 year-old minors may not work in or around manufacturing facilities or garages or tunnels. Minors 16-17 years of age are prohibited from certain occupations, industries, and tasks. For example, they may not drive a motor vehicle or fork lift on the job or work 30 feet or more off the ground. All minors are prohibited from working any job requiring the possession of a hazardous substance.

**Employee’s Right to Sue**

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. M.G.L. chapter 149, sections 27, 27E, 27F, 27Ha, 36E, 36D, 148, 148A, 148B, 150, 150C, 152, 152A, 159, and chapter 151, sections 1B, 19 and 20.

For violations of chapter 149 and chapter 151, section 19, employers must first file a complaint with the Attorney General’s Office (and wait 90 days or obtain permission from the Attorney General before proceeding 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 three years after the violation.

**Investigation of Payroll Records**

M.G.L. chapter 149, section 15

Employees have a right to inspect their own payroll records at reasonable times and places. Such records must be kept for two years and must include: a true and accurate record of the name, address and identification of the employee, the amount paid each pay period and of the daily and hourly wages worked by the employee.

**Small Necessities Leave Act**

M.G.L. chapter 149, section 52D

Certain employees are permitted 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 or appointments for other professional services related to the elder’s care. Employees are eligible for the 24 hours of leave if: (1) their employee 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 for the employee during the previous 12-month period. For more information, visit the Attorney General’s Office website at www.mass.gov/ago.

**No Retaliation**

M.G.L. chapter 149, section 148A

M.G.L. chapter 151, section 19

No employee shall be penalized by an employer or any person acting on the employer’s behalf for exercising any rights as described in this chapter.

**Workplace Notices**

This workplace notice is issued in accordance with the provisions of Massachusetts General Laws M.G.L. c. 151, s. 16 and the Code of Massachusetts Regulations 455 CMR 2.06(1), which require that employers post it in a conspicuous location.

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**Child Labor**

M.G.L. chapter 149, sections 56 through 105

Employment permits are required for minors under age 18. Employment permits must be issued for and maintained at the site where the minor is working. Employment permits are issued by the superintendent of schools in the city or town where the minor attends school or lives. For information on obtaining an employment permit, please contact the Division of Occupational Safety at (617) 626-6707 and or visit www.mass.gov/dos.

**Tips**

M.G.L. chapter 151, section 19

Employees who work a period of more than six hours are entitled to a 30-minute meal period. Employers are required to provide meal periods of not less than 30 minutes when employees work more than six hours. M.G.L. chapter 151, section 148.

**Travel Time**

455 CMR 2.03(4)

Ordinary travel between home and work is not compensable working time. However, if an employee who regularly works at a fixed location is required, for the convenience of the employer, to report to a location other than his or her home on a regular basis, the employee may be compensated for all travel time from the onset of his or her ordinary travel time between home and work. An employee required to report to a fixed location on a regular basis is entitled to a travel time allowance for all travel time from the fixed location to the workplace.

**Reporting Pay**

455 CMR 2.03(1)

When an employee is scheduled to work these or more hours reports for pay at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage. This provision shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code.