

POSTER COMPLIANCE DATE 06/2019

Minimum Wage

Wage and Hour Laws
Office of Massachusetts
Attorney General
Maura Healey

OFFICE OF THE ATTORNEY GENERAL
COMMONWEALTH OF MASSACHUSETTS
www.mass.gov/ago/fairlabor

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

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)

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

Employees are eligible for this leave if the employer has at least 50 employees and the employee has:

- been employed for at least 12 months by the employer and
- worked at least 1,250 hours for the employer during the previous 12-month period.

Reporting Pay M.G.L. Chapter 149, Section 27A(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 Works 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.

Domestic Violence Leave M.G.L. Chapter 149, Section 52E
Employees who are victims, or whose family members are victims, of domestic violence, sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs, such as health care, counseling, and victims services; safe housing; care and custody of their children; and legal help, protective orders, and going to court.
The leave can be paid or unpaid depending on the employer's policy. This law applies to employers with 50 or more employees.

Employees Have the Right to Sue M.G.L. Chapter 149, Section 150;
M.G.L. Chapter 151, Sections 1B and 20
Employees have the right to sue their employer for most violations of wage and hour laws. Employees may sue as an individual or they may sue their employer as a group if they have similar complaints. Employees who win their case will receive back pay, triple damages, attorneys' fees, and court costs.

Important! There are strict deadlines for starting a lawsuit. For most cases, the deadline is 3 years after the violation.

Employers Must Not Retaliate M.G.L. Chapter 149, Section 148A;
M.G.L. Chapter 151, Section 19
It is against the law for an employer to punish or discriminate against an employee for making a complaint or trying to enforce the rights explained in this poster.

The laws explained in this poster apply to all workers, regardless of immigration status, including undocumented workers. If an employer reports or threatens to report a worker to immigration authorities because the worker complained about a violation of rights, the employer can be prosecuted and/or subject to civil penalties.

Employees Under 18 – Child Labor M.G.L. Chapter 149, Sections 56 – 105
All employers in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say *when, where, and how long* minors may work. They also say what kinds of work or tasks minors must NOT do.

Work Permits Required – Most workers under 18 must obtain a work permit. Employers must keep their minor workers' work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the school district where the minor lives or goes to school. To learn more about getting a work permit, contact the Department of Labor Standards at (617) 626-6975, or www.mass.gov/dols.

Dangerous Jobs & Tasks Minors Must Not Do

Age	Must Not
16 & 17	<ul style="list-style-type: none"> • Drive most motor vehicles or forklifts • Work at a job that requires that the employee have or use a firearm • Use, clean or repair certain kinds of power-driven machines • Handle, serve, or sell alcoholic beverages • Work 30 or more feet off the ground
14 & 15	<ul style="list-style-type: none"> • Cook (except on electric or gas grills that do not have open flames), operate fryolators, rotisseries, NEICO broilers, or pressure cookers • Operate, clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers • Work in freezers or meat coolers • Perform any baking activities • Work in or near factories, construction sites, manufacturing plants, mechanized workplaces, garages, tunnels, or other risky workplaces
Under 14	<ul style="list-style-type: none"> • Minors under 14 cannot work in Massachusetts in most cases.

These are just some examples of tasks prohibited under both state and federal law. For a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor Division: (617) 727-3465 - www.mass.gov/ago/youthemployment. Or contact the U.S. Department of Labor: (617) 624-6700 - www.youth.dol.gov

Time & Schedule Restrictions for Minors

Age	Must not work	At any time:
16 & 17	<ul style="list-style-type: none"> • At night, from 10 p.m. to 6 a.m. (or past 10:15 if the employer stops serving customers at 10 p.m.) • Exception: On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack. 	<ul style="list-style-type: none"> • More than 9 hours per day • More than 48 hours per week • More than 6 days per week
14 & 15	<ul style="list-style-type: none"> • At night, from 7 p.m. to 7 a.m. Exception: In summer (July 1 – Labor Day), may work until 9 p.m. • During the School Year* <ul style="list-style-type: none"> • During school hours • More than 3 hours on any school day • More than 18 hours during any week • More than 8 hours on any weekend or holiday 	<ul style="list-style-type: none"> • More than 8 hours on any day • More than 40 hours per week • More than 6 days per week

***Exception:** For school-approved career or experience-building jobs, students may be allowed to work during the school day, up to 23 hours a week.
Adult Supervision Required After 8 p.m. – After 8 p.m., all minors must be directly supervised by an adult who is located in the workplace and is reasonably accessible. Exception: Adult supervision is not required for minors working at a kiosk or stand in a common area of an enclosed shopping mall that has security from 8 p.m. until the mall closes.

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 (or more).

Managers, supervisors and owners must never take any part of their employees' 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 employee'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 employer'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. Employers 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. 10/2018

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

Appliants 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, NATIONAL ORIGIN, AGE, SEX, 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, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including 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.**

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.

DISABILITY

M.G.L. c. 151B prohibits discrimination the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

BOSTON OFFICE: 1 ASHBURTON PL., SUITE 601, BOSTON, MA 02108 - P: 617-994-6000 F: 617-994-6024

NEW BEDFORD OFFICE: 800 PURCHASE ST., ROOM 501, NEW BEDFORD, MA 02740 - P: 508-990-2390 F: 508-990-4260

SPRINGFIELD OFFICE: 436 DWIGHT ST., ROOM 220, SPRINGFIELD, MA 01103 - P: 413-739-2145 F: 413-784-1056

WORCESTER OFFICE, 484 MAIN STREET, ROOM 320, WORCESTER, MA 01608 - P: 508-453-9630 F: 508-755-3861

For more information, please see our website: www.mass.gov/mcad/

REV. 04/07/2015

NOTICE: Under the Massachusetts Pregnant Workers Fairness Act, employers must distribute a written notice of the right to be free from discrimination due to pregnancy or a condition related to pregnancy. The notice shall be provided to employees in a handbook, pamphlet, or by other means. Posting does not fulfill the notice requirement. For more information, contact the Massachusetts Commission Against Discrimination.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

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 **rollover 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.

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, 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 an employee seeking leave to provide care for a child who has 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 employer'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.

RETALIATION

It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

DOMESTIC WORKERS

M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employees. While some exclusions apply, domestic workers generally include individuals paid to perform work of a domestic nature within a household on a regular basis, such as housekeeping, housecleaning, nanny services, and/or caretaking. Employers are prohibited from engaging in sexual harassment and harassment and/or discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave.

CRIMINAL HISTORY INQUIRIES

The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists.

MENTAL HEALTH FACILITY ADMISSION INQUIRIES

Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility.

IF YOU HAVE BEEN DISCRIMINATED AGAINST

If you feel you have been harassed or discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, www.mcad.gov, at one of the offices below.

An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.

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.

If the last digit of your Social Security Number is:	Assigned day to call Teleclaim is:
0, 1	Monday
2, 3</	