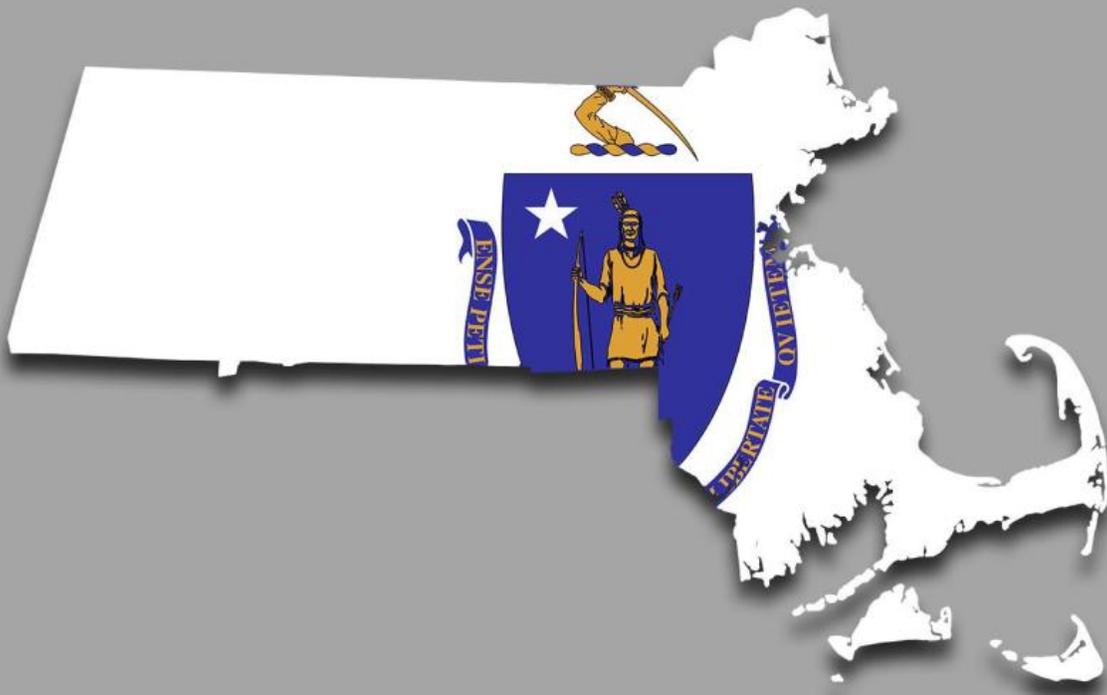


MASSACHUSETTS

HR LAW REFERENCE GUIDE



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WAGE AND HOUR LAWS

MINIMUM WAGE

Massachusetts' current minimum wage is **\$15.00**. [MA House Bill 4640](#), [MA Statute 151-1](#); [MA Dept. of Labor and Workforce Dev. – Minimum Wage Program](#)

Massachusetts minimum wage laws require that the state's minimum wage remains at least fifty (50) cents higher than the federal minimum wage set forth in the [Fair Labor Standards Act](#). [MA Statute 151-1](#).

Massachusetts employers must also comply with federal minimum wage laws, which currently sets the federal minimum wage at \$7.25. See [FLSA: Minimum Wage](#).

If an employer chooses to pay employees minimum wage, the employer must pay those employees in accordance with the minimum wage law, either federal or state, that results in the employees being paid the higher wage. In most instances in Massachusetts, the Massachusetts minimum wage will apply as it generally guarantees a higher wage rate for employees than federal law.

OVERTIME

Massachusetts labor laws require employers to pay employees overtime at a rate of 1½ time their regular rate when they work 40 hours or more in a workweek, unless otherwise exempt. [MA Statute 151-1A](#); [Mass. Labor and Workforce Development FAQ](#). See [FLSA: Overtime](#) for more information regarding overtime requirements.

BLUE LAWS

Massachusetts maintains laws, known as Blue Laws, that limit an employer's ability to require employees to work on Sundays and some holidays. Also, in situations where employers are permitted to employ employees on Sundays or holidays, they may be required to pay those employees at a rate of 1½ times their regular rate. See [Holiday Leave](#), [Mass. Blue Laws Overview](#).

TIPPED MINIMUM WAGE

Massachusetts' minimum wage for tipped employees, also known as the service rate, is \$6.75. [MA House Bill 4640](#), [MA Statute 151-7](#)

To qualify as a tipped employee, an employee must customarily and regularly receive more than \$20 a month in tips or service charges. [MA Statute 149-152A](#); [MA Statute 151-7](#); [MA Regs. 454-27.02](#)

Tips are defined as money, gifts, or gratuities paid by customers to wait staff, service employees, or service bartenders as an acknowledgment of services performed. Customers may pay tips by credit card. [MA Statute 149-152A](#)

Service charges are defined as fees charged by employers to customers, whether designated as service charges, tips, gratuities, or fees, that the customer would reasonably believe would be given to wait staff, service employees, and service bartenders instead of or in addition to tips. [MA Statute 149-152A](#) Employers must distribute service charges paid by customers to the wait staff, service employees, and service bartenders instead of or in addition to tips that provided services to the customer. However, an employer may charge customers administrative fees that do not need to be distributed employees but only if the employer has informed the customers in writing that the fee is not a tip or a service charge. [MA Statute 149-152A\(d\)](#)

A wait staff employee is an employee who:

- serves beverages or prepared food directly to customers or clears tables;
- works in a restaurant, banquet facility, or other place where beverages and/or prepared food is served; and
- has not managerial responsibilities.

[MA Statute 149-152A](#)

A service employee is an employee who:

- works in an occupation in which tips are customarily received;
- provides services directly to customers;
- provides services other than food or beverage services;
- has no managerial responsibilities.

[MA Statute 149-152A](#)

A service bartender is an employee who prepares beverages for customers that are served by other employees. [MA Statute 149-152A](#)

Before an employer can pay an employee the service rate, the following three requirements must be met:

- the employer must inform the employee of its rights as a tipped employee;
- the employee is paid the standard minimum wage when the employee’s service rate wages earned are combined with tips received;
- the employee retains all tip he or she receives or the tips are distributed through a valid tip pooling agreement.

[MA Statute 149-152A](#); [MA Statute 151-7](#); [MA Regs. 454-27.03\(2\)](#)

Employers must typically pay tips or service charges to employees the same day received, but in no case later than the next payday. [MA Statute 149-152A](#)

TIP POOLING AND SHARING

An employer may require employees to participate in a tip pooling or sharing arrangement. However, the tip pool must be limited exclusively to wait staff, service employees, and service bartenders and tips must be divided in proportion to the service provided by the employees in the pool. [MA Statute 149-152A\(c\)](#); [MA Statute 151-7](#); [MA Regs. 454-27.03\(2\)](#)

PREVAILING WAGES

Under certain circumstances, employers in Massachusetts may be required to pay residents wage rates established by the federal or state prevailing wage rates and rules. The prevailing wage rates may be different from the state’s standard minimum wage rates.

Employees may be eligible for prevailing wages if they work on federal or state government or government-funded construction projects or perform certain federal or state government services. See the [Massachusetts Prevailing Wages, Davis-Bacon and Related Acts, McNamara-O’Hara Service Contract Act \(SCA\)](#), and [Walsh-Healey Public Contracts Act \(PCA\)](#) for more information about prevailing wages.

SUBMINIMUM WAGES

Employees with Disabilities

Massachusetts minimum wage laws allow employers to pay employees with disabilities less than the standard minimum wage if they receive a certificate from the Department of Labor and Workforce Development allowing them to do so. Eligible employees include individuals whose earning capacity is limited by age or physical or mental disability or injury or individuals

who have been designated as handicap by the Department of Health and Human Services. [MA Statute 151-9](#); [MA Regs. 454-27.06\(2\), \(3\)](#).

Trainees

Massachusetts minimum wage laws allow hospitals or laboratories to obtain a special license to pay 80% of the applicable minimum wage to students whose employment is part of a formal training program. The license is issued by the Department of Labor and Workforce Development which sets a fixed period of time the license will be valid. [MA Regs. 454-27.06\(1\)\(a\)](#).

Apprentices

Massachusetts minimum wage laws allow employers to pay apprentices less than the standard minimum wage if they receive a certificate from the Department of Labor and Workforce Development allowing them to do so. [MA Statute 151-9](#).

Learners

Massachusetts minimum wage laws allow employers to pay learners less than the standard minimum wage if they receive a certificate from the Department of Labor and Workforce Development allowing them to do so. [MA Statute 151-9](#).

Student Learners

Massachusetts minimum wage laws do not allow employers to pay student learners a subminimum wage rate that is less than the standard minimum wage.

Student Workers

Massachusetts minimum wage laws allow schools, college, universities, or bona fide education institutions to pay enrolled students who work for the institution a subminimum wage rate that is no less than 80% of the standard minimum wage if they obtain a special license to do so from the Massachusetts Department of Labor and Workforce Development. The license issued by the Department of Labor and Workforce Development will fix the period of time for which the license will be valid. [MA Regs. 454-27.06\(1\)\(b\)](#).

Massachusetts minimum wage laws allow employers to pay employees working as camp counselors or counselor trainees a subminimum wage rate less than the standard minimum wage if they obtain a special license to do so from the Massachusetts Department of Labor and Workforce Development. To be considered a camp counselor or counselor trainee, the

employee must be involved directly with camp programming and camper supervision. The license is issued by the Department of Labor and Workforce Development will set a fixed period of time the license will be valid. Employers may not pay subminimum wage rates to employees who are not directly supervision campers including dish washers, kitchen workers, maintenance workers, life guards or other similar jobs. [MA Regs. 454-27.06\(2\)](#).

HOURS WORKED

Massachusetts requires an employer to pay employees for all hours worked, also referred to as working time. Working time includes all time employees are required to be on duty and on the employer's premises or at a designated workplace. It also includes any time employees work before or after their normal shift to complete assigned work. [MA Regs. 454-27.02](#)

Workweek

Massachusetts' law does not address what constitutes a workweek for purposes of its minimum wage and overtime requirements. The Massachusetts' Department of Labor and Workforce Development and state courts have relied on the rules and regulations regarding [workweeks](#) set forth in the federal [Fair Labor Standards Act](#), which defines a workweek as a fixed and regularly recurring period of 168 hours – seven (7) consecutive 24-hour periods ([29 CFR 778.105](#)). [MA Dept. of Labor and Workforce Dev. Opinion Letter 07-21-08](#)

Meals and Breaks

Under Massachusetts labor laws, employers may not require employees to work more than six hours in a calendar day without providing them a 30-minute break, except in those situations listed below. [MA Statute 149-100](#). The break period may be unpaid if employees are (1) free from all duties and (2) free to leave the workplace during the break. [MA Dept. of Labor and Workforce Dev., Opinion Letter 08-05-03](#).

An employer must compensate an employee at least minimum wage for the 30-minute break if the employee has voluntarily agreed to forgo the break period by (1) working through his or her break or (2) remaining on the premises during the break at the request of the employer even though no work is performed. [MA Dept. of Labor and Workforce Dev., Opinion Letter 08-05-03](#); see also [MA Dept. of Labor and Workforce Dev., Opinion Letter 04-27-05](#).

Employers are not required to provide the 30-minute break to employees working in the following:

- iron works,

- glass works,
- paper mills,
- letterpress establishments,
- print works,
- bleaching works,
- dyeing works, or
- any other factories, workshops, or mechanical establishments the Attorney General of Massachusetts designates as exempt due to the continuous nature of the process or other special circumstance, so long as it does not result in injury to the affected employees.

[MA Statute 149-101.](#)

Nursing Mother Breaks

Massachusetts' labor laws require employers to provide nursing employees which reasonable accommodations which includes giving the nursing employees time to express milk in private non-bathroom spaces. [MA Statute 151-4A.](#)

Waiting Time

Massachusetts minimum wage laws do not specifically address when employers must count employee waiting time as hours worked for purposes of minimum wage and overtime requirements. Based on the standards for hours worked and on-call time, an employer is likely required to pay an employee for waiting time if they are required to remain at the employer's premises or other designated workplace and are not able to effectively use the time for their own purposes.

On-call Time

Massachusetts law does not require employers to pay an employee for on-call time if the employee is not required to be at the employer's premises and if the employee is able to effectively use this time for his or her own personal purposes. [MA Regs. 454-27.04\(2\).](#) Conversely, employers must pay employees for on-call time if the employee is not able to leave the employer's premises and/or effectively use the time for his or her own purposes.

Sleeping Time

Massachusetts law requires employers to count as hours worked time spent by employees sleeping or engaging in other personal activities when they are to be on duty less than 24 hours and the employees are permitted to engage in such activities when not busy.

If an employee is required to be on duty at the employer's workplace for 24 hours or longer, the employer and employee may agree prior to the employee performing any work that the employee will not be compensated for bona fide sleeping periods that are regularly scheduled and do not last more than eight (8) hours. For the agreement to be valid, the employer must provide adequate sleeping quarters and the employee must usually be able to enjoy an uninterrupted sleep period. If the sleep period is interrupted so the employee may perform work, the work time must be compensated. If the interruptions occur too frequently or last too long so that the employee cannot enjoy a reasonable amount of sleep, the entire sleep period must be paid.

When an employee resides on the employer's premises, the employer and employee may reach an agreement, based on all pertinent fact, as to which hours will be compensated and which will not be. [MA Regs. 454-27.04\(3\)](#)

Travel Time

Massachusetts does not typically require employers to count an employee's commuting time from home to work as hours worked. However, if an employee is required to report to a location other than his or her regular place of work, the employer is required to pay the employee for any extra time it takes the employee to get to the other location beyond what it would have taken to get to his or her regular place of work.

Employers are also required to compensate employees for travel time when they are required to travel from one place to another after their regular work day has begun or before it ends. The employer must reimburse employees for all travel expense when such travel occurs.

Employers must compensate employees for travel time that keeps them away from home overnight consistent with the standards set forth by the federal [Fair Labor Standards Act](#) and its regulations regarding [travel time \(29 CFR 785.39\)](#). [MA Regs. 454-27.04\(4\)](#)

Meeting, Lecture, and Training Time

Massachusetts' minimum wage law does not specifically address when employers must count an employee's time at meetings, lectures, and training as working time. However, because employers are required to compensate employees for all time they are on duty, it is likely employers must at minimum compensate employees when they require the employees to

attend the meetings, lectures, or training. [MA Regs. 454-2.01](#) The standards set forth by the federal Fair Labor Standards Act related to [meeting time](#) provide additional guidance.

Show Up and Reporting Time

Massachusetts' minimum wage law requires employers to pay employees for a minimum of three (3) hours of work at the minimum wage when the employees:

- are scheduled to work a shift that is three (3) hours or longer;
- report to work at their scheduled time; and
- do not end up working at least three (3) hours.

Organization that have been granted charitable status by the Internal Revenue Service are not required to pay reporting pay. [MA Regs. 454-27.04\(1\)](#)

MINIMUM WAGE AND OVERTIME EXEMPTIONS

Executive Exemption

Massachusetts minimum wage law exempts bona fide executive employees from its overtime requirements. [MA Laws 151-1A\(3\)](#) To qualify for the [executive employee](#) exemption, an employee must meet the requirements established under the federal Fair Labor Standards Act and its related regulation. [MA Regs. 27.03\(3\)](#).

Administrative Exemption

Massachusetts minimum wage law exempts bona fide administrative employees from its overtime requirements. [MA Laws 151-1A\(3\)](#) To qualify for the [administrative employees](#) exemption, an employee must meet the requirements established under the federal Fair Labor Standards Act and its related regulation. [MA Regs. 27.03\(3\)](#).

Professional Exemption

Massachusetts minimum wage law exempts bona fide professional employees from its overtime requirements. [MA Laws 151-1A\(3\)](#) To qualify for the [professional employees](#) exemption, an employee must meet the requirements established under the federal Fair Labor Standards Act and its related regulation. [MA Regs. 27.03\(3\)](#).

Outside Salesman Exemption

Massachusetts minimum wage law exempts outside salesman from its overtime requirements; however, Massachusetts does not define the criteria for an employee to be deemed an outside salesman employee. [MA Laws 151-1A\(4\)](#) The standards set forth by the federal Fair Labor Standards Act regarding [outside sales employees](#) may provide reasonable guidance.

Computer Employee Exemption

Massachusetts minimum wage law does exempt computer systems analysts, computer programmers, software engineers, or other similarly skilled workers from its minimum wage and overtime requirements. Because Massachusetts minimum wage law does not address computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, the standards set forth by the federal Fair Labor Standards Act related to [computer systems analyst, computer programmer, software engineer, or other similarly skilled workers](#) would likely apply.

Other Minimum Wage and Overtime Exemptions

Massachusetts does not exempt any individuals working for an employer from both its minimum wage and overtime requirements.

Overtime only exemptions

Massachusetts exempts the following individuals from its overtime requirements. Employers are required to comply with any minimum wage requirements for these employees.

- janitors or caretakers of residential property who, when furnished with living quarters, are paid not less than \$30 per week;
- golf caddies;
- newsboys;
- child actors or performers;
- outside buyers;
- fishermen or individuals who employed in the catching or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;
- switchboard operators in a public telephone exchange;
- drivers or helpers on a truck with respect to whom the federal Interstate Commerce Commission has power to establish qualifications and maximum hours of service

pursuant to the federal Motor Carrier Act, the Interstate Commerce Act, or the Railway labor Act;

- employees of businesses or specified operations of a business which are carried on during a period or accumulated periods of no more than 120 days in any year, and determined by the commissioner to be seasonal in nature;
- seamen;
- employees of an employer licensed and regulated pursuant to MA Laws 159A;
- employees of hotels, motels, motor courts, or like establishments;
- employees of gasoline stations;
- employees of restaurants;
- garagemen, which does not include parking lot attendant;
- employees of hospitals, sanitoriums, convalescent or nursing homes, infirmaries, rest homes, or charitable homes for the aged;
- employees of non-profit schools or colleges;
- employees of summer camps operated by a non-profit charitable corporations
- laborers engaged in agriculture and farming on a farm; and
- employees of amusement parks containing a permanent aggregation of amusement devices, games, shows, and other attractions operated during a period or accumulated periods of no more than 150 days in any one year.

[MA Statute 151-1A.](#)

LEAVE LAWS

BEREAVEMENT LEAVE

Massachusetts law does not require employers to provide employees bereavement leave or leave to attend funerals. Bereavement leave is leave that is taken by an employee due to the death of another individual, usually a close relative. Employers may choose to provide bereavement leave and may be required to comply with any bereavement policy or practice they maintain.

HOLIDAY LEAVE

The State of Massachusetts has designated several days each calendar year as state holidays. The implications of these state holidays on [public employers](#) and [private employers](#) is discussed below.

State Legal Holidays

The following list contains the state holidays recognized by Massachusetts.

- New Year's Day (January 1)
- Martin Luther King Jr. Day (3rd Monday in January)
- Presidents' Day (3rd Monday in February)
- Evacuation Day (March 17 – Suffolk County Only)
- Patriot's Day (3rd Monday in April)
- Memorial Day (last Monday in May)
- Bunker Hill Day (June 17 – Suffolk County Only)
- Juneteenth Independence Day (June 19)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (2nd Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

If a holiday falls on a Sunday, it is observed on the following Monday. [MA Statute 4-7\(18\)](#)

Click here for a list of [federal holidays](#).

Private Employers

Massachusetts is one of the few states that require private employers to give employees holiday leave. The laws, known as Massachusetts' Blue Laws, differentiate between retailers, non-retailers, and manufacturers. Those differences are discussed below. [MA Statute 136](#); [Mass. Blue Laws Overview](#).

Retail

Holidays on which work can be performed only with a permit:

- Christmas
- Columbus Day before 12:00 p.m.
- Thanksgiving
- Veteran's Day before 1:00 p.m.

Retailers with more than seven (7) employees must pay premium pay on the following holidays as follows, although they are not required to obtain a permit:

- New Year's Day
- Columbus Day before 12:00 p.m.
- Veteran's Day before 1:00 p.m.
 - 1.5 times the hourly rate
- Memorial Day
- Juneteenth Independence Day
- Independence Day
- Labor Day
 - January 1, 2021 – 1.2 times the hourly rate
 - January 1, 2022 – 1.1 times the hourly rate
 - January 1, 2023 – 1.0 times the hourly rate

Holidays on which work can be performed without limitations:

- Martin Luther King Day
- Patriots' Day
- President's Day
- Bunker Hill Day
- Evacuation Day

Non-Retail

Holidays on which work can be performed only with a permit (If the permit is acquired an employee can be required to work and is only entitled to regular pay unless standard overtime or Sunday Blue Laws apply):

- Christmas
- Thanksgiving
- Columbus Day before 12:00 noon
- Veterans Day before 1:00 p.m.

Holidays on which work can be performed without limitation:

- New Year's Day
- Patriots Day
- Martin Luther King Day
- Bunker Hill Day
- President's Day
- Juneteenth Independent Day
- Columbus Day after 12:00 noon
- Evacuation Day
- Veterans Day after 1:00 p.m.

Manufacturing

The non-retail holiday requirements generally apply to manufacturing. However, although manufacturers may lawfully stay open on legal holidays with the proper permits, employees cannot be required to work on those days, but instead must be given the

option to work or not, except in very limited circumstances where the work being performed:

- is absolutely necessary and
- the enterprise requires continuous operation. Otherwise work must be voluntary.

JURY DUTY LEAVE

An employer must pay regular employees their regular wages for the first three (3) days, or part thereof, of juror service. Regular employees include part-time, temporary, and casual employees as long as the hours of the employee may reasonably be determined by a schedule or by custom and practice established during the three-month period preceding the term of juror service. Each self-employed juror is responsible for compensating himself for the first three (3) days, or part thereof, of juror service. [MA Statute 234A.48](#)

A court has the authority to excuse an employer from the duty to compensate an employee on jury duty or to excuse a self-employed juror from the duty to compensate himself for the first three (3) days, or part thereof, of juror service upon a finding that the employer or self-employed juror would suffer extreme financial hardship if the duty to pay wages for the first three (3) days were not removed. If an employer or self-employed juror is excused from paying wages, the court must award reasonable compensation in lieu of wages to the juror to be paid by the state for the first three (3) days, or part thereof, of juror service, up to \$50 per day. [MA Statute 234A.49](#)

An employer may not discharge, penalize, deny benefits to, harass, threaten, or coerce an employee because the employee has received and/or responds to a juror summons or performs any obligation related of juror service. An employer may not impose compulsory work assignments upon any employee or do any other intentional act which substantially interferes with the availability, effectiveness, attentiveness, or peace of mind of the employee during the performance of his or her juror service. [MA Statute 234A.61](#)

SICK LEAVE

Massachusetts requires employers to provide sick leave to eligible employees. Find out more about the sick leave requirements by visiting our [Massachusetts Sick Leave Law](#) page.

An employer in Massachusetts may also be required to provide an employee unpaid sick leave in accordance with the [Family and Medical Leave Act](#) or other federal laws.

VACATION LEAVE

In Massachusetts, an employer is not required to provide its employees with vacation benefits, either paid or unpaid. [MA Off. of Labor FAQs](#). If an employer chooses to provide such benefits, it must comply with the terms of its established policy or employment contract.

If an employer chooses to provide vacation benefits, it must pay employees for the accrued or earned leave upon separation from employment, regardless of the reason. [MA Atty. Gen. Advisory 1999/1](#). An employer cannot enforce a vacation leave policy where an employee forfeits all or part of their accrued or vested vacation upon separation from employment. [MA Atty. Gen. Advisory 1999/1](#).

An employer may place a reasonable cap on the amount of vacation leave employees may accrue. [MA Atty. Gen. Advisory 1999/1](#).

An employer may lawfully implement a “use-it-or-lose-it”² policy requiring employees to use their leave by a set date or lose it, so long as employees have a reasonable opportunity to use their leave. [MA Atty. Gen. Advisory 1999/1](#).

VOTING LEAVE

Massachusetts law prohibit employers from requiring any employee that works in a manufacturing, mechanical, or mercantile establishment to work within the first two (2) hours after the polls open. To be eligible for voting leave, the employee must request the leave. [MA Statute 149.178](#)

Massachusetts law does not have a law which requires an employer, other than those with manufacturing, mechanical, or mercantile establishments, to provide employees with leave, paid or unpaid, to vote.

WAGE PAYMENT LAWS

FREQUENCY OF WAGE PAYMENTS

An employer must pay wages weekly or every two (2) weeks. An employer must pay employees who work five (5) or six (6) days in a calendar week within six (6) days of the end of the pay period. An employer must pay employees who work seven (7) days in a calendar week within seven (7) days of the end of the pay period.

An employer must pay employees who work fewer than five (5) days in a calendar week within seven (7) days of the end of the pay period. An employer may pay employees engaged in a bona fide executive, administrative or professional capacity as determined by the attorney general weekly every two (2) weeks or twice per month, however, such employees can elect at their own option to be paid monthly. [MA Statute 149-148](#)

MANNER OF WAGE PAYMENTS

An employer may pay wages by cash and by check redeemable at face value without deduction. [MA Statute 149-148](#)

DIRECT DEPOSIT

Massachusetts law appears to be silent regarding an employer's ability to pay employee by direct deposit. Although it is likely employers may pay employees by direct deposit, the law does not indicate whether an employer can require an employee to be paid by direct deposit.

PAYROLL CARD

Massachusetts labor laws do not specifically address whether an employer may pay an employee their wages by payroll card.

PAYMENT UPON SEPARATION FROM EMPLOYMENT

Employees who are fired, discharged, terminated, or laid off

When an employer discharges or lays off an employee, the employer must pay the employee all wages due on the day of the discharge, except in Boston where they must be paid as soon as the employer has complied with the laws requiring pay rolls, bills and accounts to be certified. [MA Statute 149-148](#)

Employees who quit or resign

When an employee quits, the employer must pay the employee all wages due by the next regular payday, or, if the employer does not have a regular payday, on the next Saturday. [MA Statute 149-148](#)

Employees who are suspended or resigns due to a labor dispute (strike)

Massachusetts does not have a law specifically addressing the payment of wages to an employee who leaves employment due to a labor dispute, however, to ensure compliance with known laws, an employer should pay employees who resign due to a labor dispute no later than the next regular payday, or, if the employer does not have a regular payday, on the next Saturday. [MA Statute 149:148](#)

WAGES IN DISPUTE

Massachusetts does not have any laws requiring an employer to pay an employee wages conceded to be due when involved in a wage dispute with the employee.

DEDUCTIONS FROM WAGES

The Massachusetts Supreme Judicial Court held in [Camara v. Attorney General, 458 Mass. 756 \(January 25, 2011\)](#), held that an employer could only make deductions from an employee's wages where "there exists a clear and established debt owed to the employer by the employee."

The court determined that an employer could not deduct from an employee's wages the cost of damages to a company truck caused by the employee. This decision likely means that an employer would not be able to make deductions from an employees wages for:

- cash shortages,
- inventory shortages,
- dishonored checks,
- dishonored credit cards,
- damages to the employer's property in any form or
- damage to any merchandise purchased by a customer.

[See Mass. Office of Labor and Workforce Wage Deduction Notice](#)

UNIFORMS, TOOLS, AND OTHER EQUIPMENT NECESSARY FOR EMPLOYMENT

There is no law that prohibits an employer from requiring an employee to pay for a uniform. An employer may not require an employee to put a deposit down for a required uniform unless approved by the Mass. Department of Labor and Workforce Development. [MA Reg. 454 CMR 27.05\(4\)](#); [Mass. Office of Labor and Workforce Uniform Deposit Waiver Application Policy](#).

An employer may not require an employee to pay for the cost of the maintenance of uniforms requiring dry-cleaning, commercial laundering, or other special treatment if the cost reduces the employee's effective wage rate below minimum wage. [MA Reg. 454 CMR 27.05\(4\)](#). This restriction does not apply to "wash and wear" uniforms. [MA Reg. 454 CMR 27.05\(4\)](#).

PRE-HIRE MEDICAL, PHYSICAL, OR DRUG TESTS

An employer who requests or requires an employee or applicant to undergo a medical examination by a physician designated by the employer, as a condition of employment, must reimburse the employee or applicant for the medical expenses requested or required. [MA Statute 149-159B](#)

NOTICE OF WAGE REDUCTION

Massachusetts does not have any laws addressing when or how an employer may reduce an employee's wages or whether an employer must provide employees notice prior to instituting a wage reduction.

STATEMENT OF WAGES (PAY STUB)

An employer must provide to an employee at the time of payment a record of all deductions taken from wages, including:

- social security,
- unemployment compensation benefits,
- pension,
- vacation or health and welfare funds,
- state taxes,
- federal taxes,
- dues check-off, and

- contributions to credit unions.

[MA Statute 149-150A](#)

RECORDKEEPING REQUIREMENTS

An employer must keep for three (3) years a true and accurate record of:

- the name, address and occupation of each employee,
- the amount paid each pay period to each employee, and
- the hours worked each day and each week by each employee

[MA Reg. 454 CMR 27.07](#)

NOTICE REQUIREMENTS

An employer must notify new employees in writing at the time of the first payment of his wages about the nature of any deduction or contribution. [MA Statute 149-150A](#)

SEVERANCE PAY

Massachusetts labor laws do not require employers to provide employees with severance pay. [MA Off. of Labor FAQs](#). If an employer chooses to provide severance benefits, it must comply with the terms of its established policy or employment contract.

DISCLAIMER

The information contained in this document is not intended to constitute legal advice and should not be relied upon as such. Additionally, no attorney-client relationship has been created by your receipt and use of this document. Please consult a legal professional before taking any action you believe may result in liability or litigation. Nothing in this document creates an express or implied contract. While efforts are made to present only accurate and current information, laws can and do change and interpretations vary among jurisdictions, so all information is presented is on an “as-is” basis. This document is for informational purposes only.