

LABOR

Since 1953

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

employees can readily see it.

An employee must be at least 16 years old to work in most non-farm jobs and at least

18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14

and 15 years old may work outside school hours in various non-manufacturing, non-

Employers of "tipped employees" who meet certain conditions may claim a partial

wage credit based on tips received by their employees. Employers must pay tipped

employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their

minimum wage obligation. If an employee's tips combined with the employer's cash

wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer

The FLSA requires employers to provide reasonable break time for a nursing employee

time the employee needs to express breast milk. Employers must provide a place, other

Fair Labor Hotline

(617) 727-3465

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

TTY (617) 727-4765

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

to express breast milk for their nursing child for one year after the child's birth each

FED

OVERTIME PAY

CHILD LABOR

TIP CREDI

in agricultural employment

must make up the difference.

PUMP AT WORK

DEPARTMEN

UNITED STATES

OF AMERICA

MA

The minimum wage is

\$15.00

OF LABOR

LAWS

FED

PROHIBITIONS

EXEMPTIONS

MA

FEDERAL

MASSACHUSETTS

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMEN

The Department has authority to recover back wages and an equal amount in The law requires employers to display this poster where At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

mining, non-hazardous jobs with certain work hours restrictions. Different rules apply

- the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students. student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates



Public Works and Public Construction Workers M.G.L. Chapter 149, Section 26-27H

	M.G.L. Chapter 151, Secti	on 16; 454 C.M.K. 27.07(1)	
Minimum Wage M.G.L. Chapter 151, Sections 1, 2, 2A, and 7 Beginning January 1, 2023, the minimum wage in Massachusetts is \$15/hour. In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except: • 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.		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 To learn about rights of temporary workers and e 617-626-6970 or go to: <u>www.mass.gov/dols</u> .	M.G.L. Chapter 149, Section 159C mployees hired through staffing agencies, call:
Tips Beginning Januar	M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7 y 1, 2023, the service rate in Massachusetts is \$6.75/hour. The hourly "service orkers who provide services to customers and who make more than \$20 a month	Rights of Domestic Workers To learn about additional rights for workers who childcare, cooking, home management, elder car www.mass.gov/090/DW.	

liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the ADDITIONAL INFORMATION Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements Special provisions apply to workers in American Samoa, the Commonwealth of

issued by the Department of Labor.



The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employmen

Employers are generally prohibited from requiring or requesting any employe

Federal, State and local governments are not affected by the law. Also, the

The Act permits polygraph (a kind of lie detector) tests to be administered in

the private sector, subject to restrictions, to certain prospective employees of

security service firms (armored car, alarm, and guard), and of pharmaceutical

The Act also permits polygraph testing, subject to restrictions, of certain

law does not apply to tests given by the Federal Government to certain private

or job applicant to take a lie detector test, and from discharging, disciplining, or

discriminating against an employee or prospective employee for refusing to take

screening or during the course of employment.

a test or for exercising other rights under the Act.

manufacturers, distributors and dispensers.

individuals engaged in national security-related activities.

FAIR EMPLOYMENT IN MASSACHUSETTS

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

EXAMINEE RIGHTS

own court actions.

disclosed to unauthorized persons.

ENFORCEMENT

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 **MILITARY SERVICE**

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

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to o 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

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

REV. 02/2022

vorkplace incident (theft, embezzlement, etc.) that resulted in economic loss to

The law does not preempt any provision of any State or local law or any collective

bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict

standards concerning the conduct and length of the test. Examinees have a

the right to refuse or discontinue a test, and the right not to have test results

number of specific rights, including the right to a written notice before testing,

The Secretary of Labor may bring court actions to restrain violations and assess

civil penalties against violators. Employees or job applicants may also bring their



M.G.L. c. 151B prohibits discrimination the basis of disability, a record

compensation, benefits, training, classification and other aspects of

of disability or perceived disability, in hiring, promotion, discharge,





Applicants to and employees of private employers with 6 or more employees*, state and local governments, employment

DISABILITY

IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY,

employment. Disability discrimination may include failing to reasonably M.G.L. c. 151B protects applicants and employees from discrimination in hiring accommodate an otherwise qualified person with a disability. 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, abet,

HARASSMENT

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 INOUIRIES

Employers may not refuse to hire or terminate an employee for failing to urnish information regarding his/her admission to a facility for the care and reatment of mentally ill persons. An employment application may not seek nformation 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

YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **HEALTH INSURANCE PROTECTION** You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. you ensure that your employer receives advance written or verbal notice of your service; Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or you have five years or less of cumulative service in the uniformed services while with that particular exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. you return to work or apply for reemployment in a timely manner after conclusion of service; and **ENFORCEMENT** The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate you have not been separated from service with a disqualifying discharge or under other than honorable and resolve complaints of USERRA violations For assistance in filing a complaint, or for any other information on USERRA, contact VETS at If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA not been absent due to military service or, in some cases, a comparable job. Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra. **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. are a past or present member of the uniformed are obligated to serve in the uniformed service; You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and have applied for membership in the uniformed may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. promotion; or U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel any benefit of employment Employer Support of the Guard and Reserve • 1-800-336-4590 In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service REV. 05/2022

FED

FED

service and:

If you:

service

service: or

because of this status

connection

then an employer may not deny you:

initial employment

retention in employment:

reemployment;

REEMPLOYMENT RIGHT

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for: The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to work. To care for your spouse, child or parent with a serious mental or

- physical health condition, and Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.
- An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for

the servicemember

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet

requirements You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar You work for an elementary or public or private secondary

school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel

You do not have to share a medical diagnosis but must provide

enough information to your employer so they can determine whether

employer if FMLA leave was previously taken or approved for the

the leave gualifies for FMLA protection. You **must also inform your**

YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Airline flight crew employees have different "hours of service"

Management. How do I request FMLA leave?

same reason when requesting additional leave.

Generally, to request FMLA leave you must

Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.

#28M(c) for more information

What does my employer need to do? If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you** are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLAprotected leave.
- Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to **DOMESTIC WORKERS** M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employee.* 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 INOUIRIES**

