

FED EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY
At least 1.5 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
An employee must be at least 16 years old to work in non-farm jobs and at least 18 to work in non-farm jobs deemed hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT
Employers of tipped employees who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers may 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 cash wage combined with the employer's cash wage of at least \$2.13 per hour does not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS
The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employer to express breast milk for her infant child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other 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.

WHD WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

MA 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 Charge
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 23, 2023	\$15.00	\$6.75

Minimum Wage
In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:
- agricultural workers (\$3.00 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.

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 employer's hourly pay, plus the hourly service rate paid to the worker must equal the minimum wage per each shift.

Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any tips.
Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any tips. Service charges billed 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
General employees who work more than 40 hours in any workweek are entitled to overtime pay at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.

Payment of Wages
M.G.L. Chapter 149, Section 14B, 454 C.M.R. 27.02
The law says when, what, and how employers must pay. An employer pays (or wages) including payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.

Payroll Records
M.G.L. Chapter 151, Section 15
Payroll records must include the employee's name, address, job classification, amount paid each pay period, and hours worked (each day and week).

Sick Leave
M.G.L. Chapter 149, Section 14B
Most employees have the right to an hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave. Employees begin accruing sick time on their first day of work. Employees may have access to their sick leave 90 days after starting 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 not have to work. If at the request of the employee, an employer agrees to work or stay at the workplace during the meal break, the employer must get paid for that time.

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 workplace or other location, and works before or after the normal shift to complete the work.

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FED EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from disclosing, displaying, or disseminating any information or report generated by a lie detector test.

EXEMPTIONS
Federal, state and local governments are not affected by the law. Also, the law does not apply to investigations by the Federal Government conducted in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

WHD WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR
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MA Fair Employment in Massachusetts

Applicants 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, IDENTIFYING CHARACTERISTICS, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE

Domestic Violence Law
M.G.L. Chapter 149, Section 22E
Employers who are victims, or whose family members are victims, of domestic violence, sexual assault, or other forms of violence, are entitled to certain workplace accommodations.

Parental Leave
M.G.L. Chapter 149, Section 159C
The law requires employers to provide up to 12 weeks of unpaid leave for the care and protection of a child under the age of 18, or the adoption of a child under the age of 18, or the adoption of a child under the age of 18, or the adoption of a child under the age of 18.

Disability
M.G.L. Chapter 149, Section 26B
Employers are prohibited from discriminating against an employee on the basis of disability.

Sexual Harassment
M.G.L. Chapter 149, Section 26B
Employers are prohibited from allowing a hostile or abusive work environment.

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FED 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.

REEMPLOYMENT RIGHTS
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge and/or non-honorable conditions.

RIGHTS TO BE FREE FROM DISCRIMINATION AND RETALIATION
You are protected from discrimination and retaliation if you:
- are a past or present member of the uniformed service;
- are obligated to serve in the uniformed service;
- have applied for membership in the uniformed service;
- are then an employer must deny you:
- reemployment;
- promotion; or
- any benefit of employment because of this status.

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FED EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employer's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

Eligibility Requirements
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:
- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's workplace.

Requesting Leave
Generally, employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Retaliation
It is illegal to retaliate against any person because he or she has exercised any rights under the FMLA. Retaliation includes any adverse action taken against an employee because of his or her exercise of FMLA rights.

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FED Private Employees, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Title VII of the Civil Rights Act of 1964, as amended, prohibits employers and employees from discriminating in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

Disability
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

Age
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

Sex (and Sexes)
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work. Title IX of the Education Amendments of 1972, as amended, prohibits sex discrimination in employment on the basis of sex in educational programs or activities which receive Federal financial assistance.

Genetics
Title I of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members;

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