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Client Bulletin #541

## Recent Amendments to the Massachusetts Wage Act

By Ellen Kearns and Angela Rapko  
Boston Office

Governor Deval Patrick has recently signed into law amendments to the Massachusetts Wage Act. The statute of limitations on claims based on employers' failure to pay overtime has now been extended one year, making it the same as the three-year statute of limitations that applies to claims for certain other violations of the Wage Act.

Employees who file wage complaints with the Massachusetts Attorney General will have even more time to file suit because the three-year limitation period is tolled from the time the employee files a complaint with the Attorney General until the date the Attorney General issues a right to sue letter or the date that an enforcement action becomes final.

The Wage Act was also amended to require employers to maintain payroll records for three years instead of two years. Employers of non-exempt workers are already required by federal law to maintain the following payroll records for three years:

- Employee's full name, social security number, address, birth date (if younger than 19), gender, and occupation
- Time and day of week when employee's workweek begins;
- Hours worked each day and each workweek;
- Basis on which employee's wages are paid (per hour/per week/per piece);
- Regular hourly pay rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- Additions to or deductions from the employee's wages;
- Total wages paid each pay period; and
- Date of payment and the pay period covered by the payment.

### Reminder on Minimum Wage Increase

On January 1, 2015, the Massachusetts minimum wage will increase to \$9 per hour and the service rate for tipped employees will increase to \$3 per hour.

The minimum wage will increase another dollar to \$10 per hour on January 1, 2016,

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and to \$11 on January 1, 2017. On the same dates, the minimum wage for tipped workers will increase to \$3.35 per hour and then to \$3.75 per hour.

Employers are reminded to ensure that employees are paid the minimum wage (and overtime, if earned) for all hours they perform any services, including mandatory work meetings, travel time that does not qualify as commuting time, and meal breaks when they are not relieved of all duties.

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