

# Massachusetts Employment Law

## Fact Sheet

This employment law fact sheet is intended to provide a brief overview of key provisions of significant Massachusetts employment laws. It is not an all-inclusive list of every law that could potentially apply to employment relationships in Massachusetts.

### Wage and Hour

- **Meal and Rest Breaks** – If an employee works six or more hours in a calendar day, they must be provided the opportunity to take a 30-minute meal break.
- **Reporting Pay** – Employers must pay employees reporting pay of at least three hours at no less than the applicable minimum wage if (1) the employee is scheduled to work three hours or more; (2) the employee reports to work at the time scheduled; and (3) the employer does not have sufficient work for the employee to perform.
- **Wage Payment Frequency** – Nonexempt employees must be paid at least biweekly (semimonthly is not sufficient) within six days of the end of the pay period during which the wages were earned.
- **Vacation** – All earned, unused vacation time must be cashed out upon separation of employment.
- **Final Paycheck** – Employees who are involuntarily terminated must receive their final paycheck on the day of termination. Employees who voluntarily resign must receive their final paycheck no later than the next regularly scheduled pay day.

### Discrimination and Harassment

- **Sexual Harassment** – Employers are required to maintain written sexual harassment policies that include specific elements, including but not limited to internal reporting procedures and contact information (name, address, and phone number of individual to receive internal complaints), and information regarding how to contact state and federal enforcement agencies. Employers are encouraged to conduct sexual harassment prevention training for new employees with one year of hire and additional training for supervisors within one year of promotion.
- **Pregnant Workers Fairness Act** – Massachusetts law expressly prohibits employment discrimination based on pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. Employers are required to provide reasonable accommodations for employees due to pregnancy-related conditions, including post-pregnancy conditions, unless doing so would pose an undue hardship. Employers cannot require a qualifying employee to accept a particular accommodation that the employee chooses not to accept if the accommodation is unnecessary to enable the employee to perform the essential functions of the job, and employers cannot require an employee to take leave if another reasonable accommodation can be provided without undue hardship. The law also restricts the circumstances under which an employer can require medical documentation.

## Family and Medical Leave / Sick Leave

- **Massachusetts Paid Family and Medical Leave (PFML)** – Eligible employees may receive up to (1) 12 weeks of family leave in a benefit year to bond with a new child, care for a covered family member, or because of a qualifying exigency; (2) 20 weeks of medical leave for the employee’s own serious health condition; and (3) 26 weeks of family leave to care for an injured service member. PFML is limited to 26 total weeks, in the aggregate, of paid family leave and paid medical leave in a single benefit year. PFML is funded by employee and employer tax contributions, and benefits are paid by the Commonwealth of Massachusetts.
- **Massachusetts Paid Sick Leave (PSL)** – Eligible employees are entitled to up to 40 hours of protected paid sick leave during each designated 12-month period due to (1) the illness, injury, or health condition of the employee or a covered family member, or for preventive care, including travel to and from an appointment, pharmacy, or other location related to the purpose for which PSL is taken; or (2) for certain absences related to domestic violence.

## Miscellaneous

- **Business Expense Reimbursement** – Although there is no statute or regulation requiring reimbursement of general business expenses in Massachusetts, there is at least some case law suggesting that an employer may not shift business costs to an employee, as doing so effectively reduces the employee’s wages.
- **Temporary Worker Right to Know Law** – Staffing agencies are required to provide temporary employees with comprehensive, individualized pre-employment information regarding each new work assignment. Staffing agencies and work site employers are also limited in the fees and costs for which they may charge temporary employees. Staffing agencies are required to reimburse temporary employees sent to work sites where no work is available for the full cost of transportation.
- **Miscellaneous Leaves** – Additional protected leaves in Massachusetts include, but are not limited to, parental leave, small necessities leave, domestic violence leave, military leave, veterans’ time off for Veterans Day and Memorial Day, jury duty leave, voting leave, crime victim / witness leave, emergency responder leave, etc.

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