



THE COMMONWEALTH OF MASSACHUSETTS
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May 21, 2020

SENT BY EMAIL TO: jones@aftma.net

Harold Jones
Associate Counsel
American Federation of Teachers Massachusetts
38 Chauncy Street, Suite 402
Boston, MA 02111

Re: Massachusetts Wage Act, M.G.L. c. 149, § 148

Dear Attorney Jones:

I am in writing in response to your inquiry concerning the operation of the Massachusetts Wage Act, M.G.L. c. 149, § 148, with respect to the schedule of wage payments for certain public employees. Please be advised that the authority of the Attorney General to render formal legal opinions extends only to state officials, district attorneys, and branches and committees of the Legislature M.G.L. c. 12, §§ 3, 6, and 9. Accordingly, the following should not be construed as a legal opinion of the Attorney General and is for informational purposes only.

The plain language of the Wage Act expressly permits employees of the Commonwealth and its political subdivisions, counties, cities and towns to agree to be paid at intervals other than those established under the Wage Act. See M.G.L. c. 149, § 148 (“Every person having employees in his service shall pay weekly or bi-weekly each such employee the wages earned by him to within six days of the termination of the pay period during which the wages were earned . . . and the commonwealth . . . and every county and city shall so pay every employee engaged in its business the wages or salary earned by him, unless such . . . employee requests in writing to be paid in a different manner; and every town shall so pay each employee engaged in its business if so required by him.” (emphasis added)). Thus, the Wage Act explicitly contemplates that public sector employees can waive the timeliness provisions contained in the law.

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I hope this information is helpful. You may share with school districts, as appropriate. I may be contacted at 617-963-2626 or cynthia.mark@mass.gov if you or any school district should have any questions.

Very truly yours,



Cynthia Mark
Chief, Fair Labor Division