

MASSACHUSETTS PACKAGE STORES ASSOCIATION



Employer Primer on Sunday – Holiday Pay (Blue Laws)

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Overview:

The Massachusetts Blue Laws control which businesses may legally operate on Sundays and some legal holidays. *M.G.L. ch. 136* provides guiding authority regarding the operation of a business on Sunday, holidays and premium pay. Based on M.G.L. ch. 136, various retail and non-retail businesses are allowed to operate on those days, but some retailers must pay premium pay to workers. Special rules also apply to factories and mills and to the **sale of alcoholic beverages**.

If any business falls within one of the 55 exemptions that allow work on Sundays, it may also operate on most legal holidays. For example, retailers of alcoholic beverages may operate on Sundays and most holidays. If you have questions about the statewide approval of local permits allowing businesses to open on Columbus Day, Veteran's Day, Thanksgiving and Christmas, please contact the Department of Labor Standards Minimum Wage Program at (617) 626-6952. Also note that the Alcoholic Beverages Control Commission (ABCC) regulates when alcoholic beverage retailers may be open. If you have questions about these businesses' hours, please contact the ABCC at (617) 727-3040.

Sundays - retail establishments

In general, retailers may open at any time on Sunday without the need for approval by the Department of Labor Standards, and without the need for local police permit. Retailers of alcoholic beverages can open on Sunday between 10:00 am to 11:00 pm, but local restrictions may apply. To find out about permissible days and hours of operation for alcoholic beverage retailers, contact the ABCC at 617-727-3040.

Certain retail establishments that operate on Sundays are subject to the following restrictions:

Premium pay: Most retailers that employ more than seven (7) workers, including the owner, are required to pay employees at least a premium rate on Sundays (see rates and special notes below).

Effective	Sunday Premium Pay
Through December 31, 2018	1.5x regular rate
January 1, 2019	1.4x regular rate
January 1, 2020	1.3x regular rate
January 1, 2021	1.2x regular rate
January 1, 2022	1.1x regular rate
January 1, 2023	Eliminated

Special Notes:

1. Full or part time employment is not distinguished under M.G.L. ch. 136, Section 6 (50)), which likely means they are treated as the same by the Department of Labor and the Office of the Attorney General.
2. The higher rate does not need to be paid to bona fide executive, administrative and professional employees.
3. It is important to recognize that retailers cannot require workers to work on Sunday, and an employer cannot punish or retaliate against a worker in any way for refusing to work on a Sunday.

Premium Pay for Holidays - Retail Establishments

Special rules apply to the sale of alcoholic beverages (see ABCC). Otherwise, the following rules apply:

Unrestricted Holidays:

Work may be performed without a permit. Premium pay and voluntariness of employment requirements do not apply:

Martin Luther King Day	President's Day
Evacuation Day	Patriots' Day
Bunker Hill Day	

Partially Restricted Holidays:

Work may be performed without a permit. Premium pay and voluntariness of employment requirements do apply:

New Year's Day	Memorial Day*
Independence Day*	Labor Day*
Columbus Day after 12:00 noon	Veterans Day after 1:00 p.m.

***Premium pay required only if retailer employs more than seven (7) workers, including the owner.**

Effective	Holiday Premium Pay:	Holiday Premium Pay:
	Memorial Day	New Year's Day
	Independence Day	Columbus Day
	Labor Day	Veterans Day
Through December 31, 2018	1.5x regular rate	1.5x regular rate
January 1, 2019	1.4x regular rate	1.5x regular rate
January 1, 2020	1.3x regular rate	1.5x regular rate
January 1, 2021	1.2x regular rate	1.5x regular rate
January 1, 2022	1.1x regular rate	1.5x regular rate
January 1, 2023	Eliminated	1.5x regular rate

Restricted Holidays:

The Department of Labor Standards may issue uniform, statewide approval of permits for each of the following holidays. If the Department of Labor Standards issues a statewide approval, work may only be performed if the retailer has obtained a local police permit issued at the discretion of the local police chief.

Columbus Day before 12:00 noon**	Veterans Day before 1:00 p.m.**
Thanksgiving Day	Christmas Day

** Regardless of whether a permit is granted, premium pay and voluntariness of employment requirements apply to work performed prior to 12:00 noon, and 1:00 p.m, respectively.

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The Massachusetts Package Stores Association (MassPack) is a non-profit trade organization representing the interests of the thousands of independently-owned retail liquor stores across Massachusetts. MassPack is keenly aware of the business challenges its members face including: rising operational costs; changing competitive landscape; new insurance requirements; wage and labor issues; government regulations; legislative issues; preventing illegal sales and more.