



ARCHDIOCESE OF BOSTON
66 BROOKS DRIVE
BRAintree, MASSACHUSETTS 02184-3839

MEMO

Date: May 11, 2022

TO: Pastors, Administrators, Principals, Business Managers, Finance & Operations Managers

FROM: Jim DiFrancesco, Human Resources

RE: MA Wage Act & Treble Damages

As you likely know, Massachusetts has had a provision in the law known as the Wage Act which provides for triple damages and attorney's fees for wage and hour violations. Common violations include failing to pay all wages and vacation time (if applicable) by the last day of work for involuntary terminations; failing to pay regular wages timely; failing to pay overtime in accordance with the law; and similar wage and hour issues.

Despite this provision in the law, some employers interpreted the Wage Act statute to mean it could avoid having to pay triple damages and attorney's fees if they corrected the pay issue(s) prior to the time a person demanded payment or filed a complaint. The Massachusetts Supreme Judicial Court in its most recent decision (*Reuter v. City of Methuen*), made it clear that this interpretation was, and is, wrong. The Court clarified and affirmed that the provisions of the Wage Act impose strict liability on the employer and that a violation of the Act occurs as soon as a final payment is late. Once the violation has occurred it triggers an individual's right to triple damages and attorney's fees (if applicable). As the Court stated in its decision, "The statute leaves no wiggle room."

The decision unambiguously interprets the Wage Act to mandate an employee is entitled to payment of triple damages, even if the payment is only one day late, and/or paid prior to a demand from the individual or the filing of a claim and, if applicable, attorney's fees.

Based on this ruling, it is essential that we handle pay upon termination, including the payment of accrued vacation time and other wage payments, properly and in a timely way.

The Human Resources team is available to work with you on all issues related to the payment of wages. As always, please reach-out to any one of us, or send an email to [HR @rcab.org](mailto:HR@rcab.org) if you need to terminate an employee, or if you have any wage payment questions or concerns.

Thanks.

Jim