Issues Update:

Payment Method for Commission Employees

The Massachusetts State Supreme Judicial Court has issued an opinion in the case of “Sullivan v. Sleepy’s LLC” that will change how employers must pay overtime wages to 100% commissioned employees. Under the current law, an employer must ensure that a commissioned employee receive at least the minimum wage for the first 40 hours worked. The total amount of the minimum wage due can be deducted from the employee's commissions that total more than the minimum wage. The court held that the payment of the overtime and time-and-a-half pay cannot be deducted from the employee's commissions but instead must be paid separately by the company as it would to any other hourly wage employee. The court found that it was the intention of the Legislature to ensure that commissioned employees are entitled to separate and additional payments for the overtime work.

Low Income Residents Criticize Governor’s Housing Bill

The Legislature's Committee on Housing last month held a hearing on the legislation filed by Governor Baker that seeks to increase the number of housing units starts by reducing the voting threshold by which cities and towns can change their zoning laws to encourage more housing construction. However, critics of his plan claim the bill will only lead to more development of market rate and luxury units that will continue to be out of reach of low- and moderate-income residents. They claim the Governor's plan has no incentives for the building of housing which will be affordable for the average working person. They reject the argument that the development of more units will lower the cost of housing in Massachusetts. Representatives of suburban communities have also expressed their concern with changing the voting thresholds because they fear that the increased development will lead to more traffic congestion and increase their cost to serve the additional residents.

House Requires Use of Hands-Free Mobile Devices

The House of Representatives has passed legislation that will prohibit all drivers from using a mobile electronic telephone device unless the device is being used in hands-free mode. Operators will not be allowed to read, or view texts, images or videos displayed on mobile electronic devices. The law does allow the operator to view a map generated by a navigational system or application on a mobile electronic device that is mounted on or affixed to a vehicle's windshield, dashboard or center console that does not impede the operation of the vehicle. The motor vehicle shall not be deemed to be in operation when it is stopped and not on a public roadway.

The bill provides for exemptions for use of a hand-held device in those instances where the driver must call for emergency assistance in the case of a medical or vehicle emergency. The fine for the first offense shall be $100 for the first offense, $250 for the second offense and $500 for a third or subsequent offense. The bill is designed to become law 90 days after being signed into law by the Governor. However, the bill gives the police the authority to provide warnings for violations through December of 2019. The bill will now go to the Senate which has passed similar legislation during the past two legislative sessions. Governor Baker has indicated that he will sign the bill if it reaches his desk.

Events:

MRLDA Lobby Day will be held on June 5th. For more information please contact Jamie McCormick at jmccormick@nrla.org.

Questions?

Please contact Kirk Ives, Director of Government Affairs at 518-880-6376 or kives@nrla.org.