

Wage & Hour Tip: Payment Rules

Understanding the Frequency of Payment Rules

February 20, 2013

An employer who does not pay its non-exempt employees every two weeks may technically be violating [Massachusetts law](#).

In Massachusetts, non-exempt employees must be paid at least weekly or biweekly (every two weeks) and both exempt and non-exempt employees must be paid within six days of the end of the pay period during which wages were earned. Employers who instead pay non-exempt employees only semi-monthly (twice a month, e.g. on the 15th and 30th of the month) potentially violate these rules in two ways: by paying less frequently than biweekly, and by failing to pay within six days of the end of the pay period. An employer who pays employees on a weekly basis must, prior to paying employees on a bi-weekly basis, provide each employee with written notice of such change at least ninety days in advance of the first such bi-weekly paycheck.

Employees who come within the executive, **administrative** or professional exemptions, i.e. are exempt, may be paid on a semi-monthly basis, or if the employee consents, on a monthly basis. Before paying an employee on a semi-monthly or monthly basis, however, employers should be certain that the employee is **properly classified**, because there are no exemptions to the biweekly payment rule for non-exempt employees.

For more information on this topic, please contact a member of the [Employment Practice Group](#).