Wage and Hour / Overtime Claims

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Related Services

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Wage and Hour / Overtime Claims
Wrongful Termination

Overview

Wage violations are more common than most employees realize, and more consequential for employers than most recognize. Both federal law under the Fair Labor Standards Act and state wage statutes establish requirements for overtime compensation, minimum wage, and worker classification, and in certain respects state law provides protections that exceed the federal floor. For instance, under the Massachusetts Wage Act, employers who fail to pay earned wages or misclassify workers face mandatory treble damages and attorney's fees, a remedy that materially changes the economics of wage claims at every scale. Cohen Cleary represents employees across Massachusetts and Rhode Island in wage and hour matters, from individual overtime disputes to misclassification claims.

Unpaid Wages and Overtime Violations in Massachusetts

Most wage theft does not look like an employer refusing to pay. It looks like overtime hours are classified as straight time. It looks like a salaried title used to avoid paying time-and-a-half. It looks like tips are diverted to managers, final paychecks are delayed for weeks, or commissions are quietly reduced.

Massachusetts wage laws are among the strictest in the country, and the consequences for employers who violate them are not discretionary. Under the Massachusetts Wage Act (M.G.L. c. 149, § 148), employees who prevail on wage claims are entitled to mandatory treble damages, meaning three times the unpaid amount, plus attorneys' fees and costs. That changes the economics of even small claims significantly.

Cohen Cleary represents employees in wage and hour disputes across Massachusetts and Rhode Island, pursuing full compensation through every available enforcement mechanism.

How We Help with Wage and Hour Claims

Wage and hour violations take many forms, and the legal strategy for recovery depends on the violation type, the employer's classification decisions, and the applicable statutory framework. We handle claims involving:

- Unpaid overtime, including situations where employers miscalculate hours, apply incorrect rates, or misclassify workers as exempt from overtime under state or federal law
- Misclassification of employees as independent contractors, which strips workers of wage protections, overtime eligibility, and benefits they are entitled to receive
- Tip pool violations and improper diversion of service charges, including arrangements where managers or non-tipped employees share in pooled tips in violation of Massachusetts tip law (M.G.L. c. 149, § 152A)
- Unpaid final wages, which Massachusetts law requires employers to pay on the day of

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termination for involuntary separations and by the next regular payday for voluntary departures

- Commission and bonus disputes, where employers withhold earned compensation by changing payment terms retroactively or refusing to honor agreed-upon structures

Each claim carries distinct procedural requirements and damage calculations. We evaluate the full scope of what is owed, not just the most obvious shortfall.

Why Clients Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our wage and hour practice, this approach helps clients pursue the full compensation they are owed with clarity, efficiency, and confidence.

Our Approach to Wage and Overtime Recovery

Wage claims in Massachusetts proceed through multiple potential forums: the Attorney General's Fair Labor Division, the Massachusetts Superior Court or District Court, or federal court for claims arising under the Fair Labor Standards Act. We tell our clients that forum selection matters as much as the underlying claim. Filing in the wrong venue can delay recovery or limit available remedies.

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Whether a client needs an overtime attorney to challenge an exempt classification or broader representation to recover withheld wages, our preparation begins with a detailed wage audit: reviewing pay stubs, time records, employment agreements, and classification decisions to quantify every dollar owed and identify the strongest statutory basis for recovery.

Representing Employees Throughout Massachusetts and Rhode Island

Cohen Cleary represents employees in wage and hour matters throughout Massachusetts and Rhode Island, with offices in Taunton and Plymouth. Our attorneys regularly handle claims in Bristol County, Plymouth County, and Norfolk County courts, and appear before agencies across southeastern Massachusetts and the greater Boston area. We are familiar with wage theft enforcement proceedings before the Attorney General's Fair Labor Division, filings with the Department of Labor Standards, and civil litigation in state and federal courts.

We also have the capacity to serve clients across New England in matters involving multi-state employment relationships or employers operating across state lines.

Speak with a Massachusetts Wage and Hour Attorney

If your employer has failed to pay wages, overtime, tips, or commissions you are owed, contact Cohen Cleary for a case evaluation. Understanding the full scope of what is owed is the first step toward recovery. Reach out to schedule a consultation with our wage and hour team.

Frequently Asked Questions About Wage and Hour Claims

Can I file a wage claim if I signed an agreement waiving my right to overtime?

An employee cannot waive rights under the Massachusetts Wage Act. Agreements purporting to waive overtime, classify a worker as exempt without meeting the legal criteria, or limit an employer's liability for unpaid wages are generally unenforceable under Massachusetts law. The statute's protections exist regardless of what an employment agreement says.

What is the difference between being misclassified as exempt and being misclassified as an independent contractor?

Exempt misclassification occurs when an employer treats a salaried worker as exempt from overtime even though the worker's duties do not meet the legal test for exemption. Independent contractor misclassification occurs when an employer classifies a worker as a contractor rather than an employee, avoiding wage and benefit obligations entirely. Massachusetts applies a strict three-prong "ABC test" for contractor status, and the burden falls on the employer to satisfy all three.

How much can I recover in a Massachusetts wage claim?

Under the Massachusetts Wage Act, employees who prevail are entitled to treble (triple) damages, meaning three times the unpaid amount, plus reasonable attorneys' fees and costs. This is mandatory, not discretionary. A $5,000 unpaid overtime claim, for example, becomes a $15,000 recovery before fees and costs are added.

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Do I have to join a class action, or can I file a wage claim on my own?

You are not required to join a class or collective action. Individual wage claims are common and often effective, particularly under Massachusetts law, where treble damages apply. A collective approach may strengthen certain claims, but that is a strategic decision we evaluate with each client based on the circumstances.

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