

CLIENT ALERT: Massachusetts Blue Laws Update for 2011 - Regulators Issue Notice Prohibiting Thanksgiving and Christmas Retail Sales

In an electronic bulletin issued in September 2011, the Massachusetts Department of Labor Standards has notified retail employers that the state will not authorize local authorities to issue holiday permits allowing Thanksgiving or Christmas retail store openings. Under Massachusetts' blue laws, the state must authorize issuance of local permits for the performance of work at retail stores on four state holidays, including Thanksgiving, November 24, 2011, and Christmas Day, December 25, 2011. State law requires permits to first be approved by the Department of Labor Standards on "a uniform basis statewide." Local police departments then have the discretion to issue holiday waivers on an individual basis.

The new regulatory notice reads as follows: "Please be advised that the Department of Labor Standards will not be issuing statewide approval for permits allowing businesses to open on Thanksgiving Day or Christmas Day, 2011. Please be further advised that retail stores and businesses may be open on Monday, December 26th without the need for a permit."

In addition to Christmas and Thanksgiving, Massachusetts also places certain restrictions on retail stores on New Year's Day, Memorial Day, Independence Day, Labor Day, Columbus Day before 12 noon and Veterans' Day before 1:00 p.m. Retailers may open on Columbus Day before noon and veteran's day before 1 p.m. if they obtain an individual permit from the appropriate local police department. Most larger retailers may not penalize employees who do not wish to work on holidays and must pay a time and a half overtime premium for work on all of the holidays identified above.

Most non-retail and manufacturing business are also prohibited from opening on most holidays under separate provisions of the blue laws. In addition, there are exceptions that permit certain kinds of businesses to operate on state holidays.

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