

## CLIENT ALERT: Massachusetts Recognizes Juneteenth as a State Holiday

On July 24, 2020, Governor Baker signed a bill recognizing Juneteenth, June 19<sup>th</sup>, as an annual state holiday in Massachusetts. Juneteenth is a celebration which commemorates the end of slavery in the United States. With this new legislation, Governor Baker hopes to “recognize the continued need to ensure racial freedom and equality.” Now, more than 150 years after its inaugural observance, the holiday will be included among Massachusetts’ officially recognized holiday observances.

The new law includes Juneteenth (referred to as “Juneteenth Independence Day”) among those holidays on which employers can be open and operating under the Massachusetts Blue Laws (which impose certain restrictions, subject to a number of exceptions, on employers’ operations on Sundays and holidays). However, on Juneteenth (as with Memorial Day, July Fourth, and Labor Day) businesses which qualify for certain retail exemptions to Sunday closing laws (including the exemption for general retail operations) and have seven or more employees must pay employees, except bona fide executive, administrative or professional employees earning more than \$200 per week, a premium rate. The premium rate, which is currently 1.3 times the employee’s regular pay rate, is scheduled to be eliminated by 2023, decreasing annually by .1% until then. Retail employers will need to pay employees a premium rate of 1.2 times their regular rate on Juneteenth in 2021 and 1.1 times their regular rate in 2022. On January 1, 2023, the premium pay multiplier will be 1.0, which represents the regular rate of pay.

In addition to the premium pay requirement, retail employers should be aware that most retailers will not be able to require workers to work on Juneteenth, and cannot punish or retaliate against an employee for refusing to work on that day. Retailers should, therefore, be prepared to accommodate their employees who choose to celebrate the holiday in the future. Employers may consult their MBJ attorneys for guidance on requirements pertaining to the observance of next year’s Juneteenth celebration and other state-recognized holidays.

*Maura McLaughlin and Yetunde Buraimoh are attorneys with Morgan, Brown & Joy, LLP, and may be reached at (617) 523-6666, or at [mmclaughlin@morganbrown.com](mailto:mmclaughlin@morganbrown.com) and [yburaimoh@morganbrown.com](mailto:yburaimoh@morganbrown.com). Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.*

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