



Federal Court Broadens Employer Protections Against Mass Wage Act Claims

News

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Jeff Fritz was quoted in the July 28, 2014 *Boston Business Journal* article "Federal Court Broadens Employer Protections against Mass Wage Act Claims."

A federal court has dismissed a case filed by a former TD Bank executive against the bank, broadening the interpretation of the language employers can use to protect themselves from claims under the Massachusetts Wage Act.

In a July 14 decision, the U.S. District Court in Massachusetts decided that release of claims agreements that employees sign do not need to specifically mention the Massachusetts Wage Act in order for employers to be released from claims under it.

The Massachusetts Wage Act is a broad law that covers employment related matters such as overtime and the minimum wage.

The decision in the TD Bank case presents a new understanding of the wording of release agreements than was handed down in a 2012 state Supreme Judicial Court decision.

In that case – *Crocker v. Townsend Oil Co., Inc.* – the Supreme Judicial Court said that Wage Act claims could be released if the release is "plainly worded and understandable to the average individual" and "specifically refer(s) to the rights and claims under the Wage Act that the employee is waiving."

The conventional interpretation of the Supreme Judicial Court ruling has been to make sure that severance agreements specifically name the Wage Act for a release of claims, said Jeff, who represented TD Bank in the recent Wage Act matter. "I argued it was a different thing," he said.

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