

Petrucelly, Nadler & Norris, P.C. 1983-2013

SUMMER, 2013

Celebrating 30 Years of Legal Services

Established by Jeffrey Petrucelly and Burton Nadler in 1983, Petrucelly & Nadler, now Petrucelly, Nadler & Norris, P.C., is celebrating its 30th Anniversary in June.

From their beginnings in Boston's legal services community, Jeff and Burt built a successful general civil litigation firm, while working for social justice and the public interest.

When Burt retired in 2007 to teach, Jennifer Norris took the reigns as co-partner with Jeff. Along with associates, Eliza Minsch and Daniel McCabe, they have continued to provide superior personalized legal services to individuals, families, small businesses and non-profit organizations.



THEN AND ...



NOW!

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Highlights of Our Work

Over the past 30 years, our firm has had the pleasure and challenge of representing a variety of clients in a wide array of civil legal proceedings, including:

2013 – After defeating an employer's attempt to limit our client's employment discrimination claims in Federal Court, we achieved a favorable settlement for a male employee whose request to work from home was denied by his employer after his first child was born.

2011 - Successfully represented an Asian-American female professor who was denied promotion on the grounds of discrimination and retaliation. In an "unprecedented step", the MCAD ordered the University to promote her to Full Professor and awarded \$354,503 in lost wages and emotional distress damages.

2010 - In a Superior Court jury trial, obtained a jury award, with interest, totaling over \$750,000 for our client whose property was repeatedly flooded due to her neighbor's negligent construction of a driveway and drainage pipe.

2007 - Prosecuted a wrongful death action for the estate of a young bicyclist who was run over by a boom lift construction vehicle while she waited at a crosswalk. We were able to effectively negotiate a settlement for the estate in the amount of \$4,030,000 just before trial.

2004 - Co-litigated a constitutional and Voting Rights Act claim challenging the re-districting of the MA House of Representatives. The plaintiffs in the case won a great victory for City of Boston voters when the Court held that the re-districting violated the Voting Rights Act.

2000 - Pursued lawsuits for a class of former residents of the Fernald State School who had been secretly experimented on with radioactive isotopes in the 1940-50s and settled those suits favorably with a Class Wide fund of over \$2.5 million dollars for the victims and their families.

1983-1985 – As one of our first cases, we filed a discrimination lawsuit against the Boston Water & Sewer Commission. As a result, BWSC changed its policies and practices to properly meter all homes in Boston free from arbitrary, capricious and discriminatory actions.

IMPORTANT RIGHTS FOR EMPLOYEES IN MASSACHUSETTS

In this issue of our newsletter, we highlight some of the major rights and protections provided to employees under Massachusetts law and some recent developments in the Commonwealth's employment laws. If you believe your rights as a worker have been violated, you should feel free to contact an attorney at **Petrucelly, Nadler & Norris, P.C.** at (617) 720-1717 to discuss your legal options.

PAYMENT OF WAGES

- Under Mass. Gen. Laws ("M.G.L.") ch. 149, § 148, employers must pay their employees for all hours worked within a certain time period, which depends on the number of days an employee works each week. If an employer fails to timely pay wages, an employee may bring a lawsuit and seek damages, including back pay, triple damages, attorneys' fees, and court costs.
- If an employer provides paid vacation as a benefit, that time is treated as wages under Massachusetts law. When the employment relationship ends, the employer must pay the employee for all earned, but unused, vacation time.
- The Payment of Wages Law and its triple damages provision also apply to employees who are paid commissions as a form of wages, which must be paid when those commissions are "determined and due." The Massachusetts Appeals Court confirmed this in its recent decision in *Weber v. Coast to Coast Medical, Inc.* (April 2013).

EMPLOYEE MISCLASSIFICATION

- Workers are sometimes misclassified as "independent contractors" instead of "employees," and therefore deprived of certain benefits such as health care coverage, workers' compensation benefits, and overtime pay. M.G.L. ch. 149, § 148B sets out the factors for correctly classifying a worker.

PERSONNEL RECORDS

- The Massachusetts Personnel Records Statute (M.G.L. ch. 149, § 52C) entitles employees, upon written request, to obtain a copy of their personnel file within five (5) business days of such a request.
- In August 2010, the Statute was amended to require that employers notify employees promptly of any adverse entries made to employees' personnel files.



NO DISCRIMINATION

- The Massachusetts Fair Employment Law, M.G.L. ch. 151B, makes it illegal to discriminate on the basis of race, color, religious creed, national origin, sex, sexual orientation, genetic information, military service, age, ancestry, or disability. It is also illegal to retaliate against an employee for engaging in protected legal activities.
- Effective July 1, 2012, "gender identity" was added to the list of protected categories under Chapter 151B listed above. That term is defined to mean "a person's gender-related identity, appearance or behavior ..." and provides protections in the workplace for individuals who identify as transgendered.

SMALL NECESSITIES LEAVE ACT

- Under M.G.L. ch. 149, § 52D, certain eligible employees may take a total of 24 hours of unpaid leave during any 12-month period for certain kinds of family-related care or activities. These 24 hours are in addition to the 12 weeks already allowed to eligible employees under the federal Family and Medical Leave Act.

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