



# THE COMMONWEALTH OF MASSACHUSETTS THE STATE OF NEW HAMPSHIRE

Massachusetts  
Attorney General  
Martha Coakley

July 31, 2014

Keith O. Cowan, Chair  
James Gooch, Co-Chief Executive  
Felicia Thorton, Co-Chief Executive  
DeMoulas Super Markets Inc.  
875 East Street  
Tewksbury, MA 01876



New Hampshire  
Attorney General  
Joseph Foster

Dear Messrs. Cowan and Gooch and Ms. Thorton:

We write to you as the chief law enforcement officers of our respective states, which includes our duty to protect the rights of workers under Massachusetts and New Hampshire law. We are keenly aware of recent reports that Market Basket has terminated a number of employees and of reports today that more workers may face termination and replacement in the coming days.

As a threshold matter, we urge Market Basket to be mindful of the fact that its decisions have broad implications. Your decisions of course directly impact thousands of employees and thousands of customers in Massachusetts and New Hampshire. Those decisions also have serious implications for the many small businesses that supply your stores or otherwise rely on a close business relationship with Market Basket for their livelihood. Please keep all of these impacted persons in mind as you chart the course for Market Basket.

In addition, we have received an uptick of calls from Market Basket's employees, many of whom are concerned about their rights under the law. Among our duties as Attorney General is to protect the rights of workers under chapters 149 and 151 of the Massachusetts General Laws (the "Massachusetts Wage and Hour Law") and New Hampshire Revised Statutes Annotated chapters 275, 275-A, and 275-F. These laws ensure timely payment of all wages and protect other workplace rights. We wish to remind you of your company's obligations to workers whose employment may be terminated, whether or not a result of any restructuring or reorganization:

- Any Massachusetts worker whose employment is terminated must be paid all wages that are due, on the final day of employment. An employer may not pay those wages due in the next biweekly check for the pay period in which termination occurs. The wages due must be paid on that final day, no matter where that falls in the pay period.
- Any New Hampshire worker whose employment is terminated must be paid all wages that are due within 72 hours of the discharge.

- The wages due include any bonuses, earned sick time, holiday or vacation pay and benefit plan contributions due under any written or oral agreement.
- Wages due may, in proper circumstances, include commissions earned by the employee as of the date of termination.

An employer who violates these or any other protections provided to workers under chapter 149 and 151 of the General Laws faces criminal or civil penalties by the Attorney General's Fair Labor Division, and a potential civil suit by the individual workers for treble damages, attorneys' fees and costs of suit. Similarly, an employer who violates these or any other protections provided under New Hampshire labor laws, may also face such penalties.

Whatever decisions you make in the coming days, needless to say our offices expect and will require compliance with our respective laws.

Cordially,



Martha Coakley  
Massachusetts Attorney General



Joseph Foster  
New Hampshire Attorney General