

Bond Case Briefs

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EMPLOYMENT - MASSACHUSETTS

Fernandes v. Attleboro Housing Authority

Supreme Judicial Court of Massachusetts, Bristol - November 19, 2014 - N.E.3d - 2014 WL 6460260

Employee brought action against employer, alleging violations of the Wage Act. Following jury verdict in favor of employee, the Superior Court Department denied employer's motion for judgment notwithstanding the verdict (JNOV), employee's motion for reinstatement of employment, and employee's motion for new trial on damages. Employer appealed and employee cross-appealed. The case was transferred from the Appeals Court.

The Supreme Judicial Court held that:

- Civil Service Commission did not have exclusive authority over Wage Act claim filed by housing authority employee;
- Reinstatement of employment was not available remedy under Wage Act; and
- \$130,000 award of damages was supported by sufficient evidence.

Civil Service Commission did not have exclusive authority, pursuant to civil service law, over housing authority employee's claims under the Wage Act, and therefore dismissal of employee's judicial action against employer was not required under doctrine of primary jurisdiction.

Reinstatement of employment following termination was not an available remedy for violations of the Wage Act, where Act provides that employee claiming to be aggrieved by violation of Act could bring civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits, and Act did not expressly authorize reinstatement as available remedy.