



Massachusetts Paid Sick Leave – Effective July 1, 2015

Who is Covered?

Massachusetts Employers with ten or fewer employees (including temporary and part-time workers) will be required to provide sick leave but may provide it on an unpaid basis.

Massachusetts Employers with 11 or more employees must provide paid sick leave. Employees will be eligible to use accrued sick leave once they have been employed by the organization for 90 days.

Accrual Employees will begin to accrue sick leave on the later of their date of hire or **July 1, 2015** at a rate of one hour of sick leave for every 30 hours worked.

For exempt employees, a workweek will be considered to be the lesser of 40 hours or the actual normal workweek. Employers may cap the accrual of sick leave at 40 hours but must allow employees to roll over 40 hours of sick leave to the next calendar year. Accrued sick time is not required to be paid out at termination unless it is part of a combined paid time off (PTO) plan.

Employees May Use Sick Leave to:

1. Care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
2. Care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
3. Attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse;
4. Address the psychological, physical or legal effects of domestic violence.

More Detail: Employees are required to make a "good faith effort" to provide advanced notice of the leave. A note from a medical provider may be required if more than 24 consecutive working hours are taken as sick leave. Employers may not ask for the note to contain details of the reason for leave.

Annual use of paid sick leave may be capped by the employer at 40 hours. Though employees begin accruing sick leave on their date of hire (or July 1, 2015, whichever is later) they are not eligible to use sick leave until 90 days after hire.

Sick leave may be used in one hour increments or the smallest increment that the employer uses to account for absences or use of other time, whichever is smaller. If the employer and the employee agree, the employee may make up missed hours in the same or next pay period and preserve his or her accrued leave.

Compliance Requirements Employers will need to post a multilingual notice about the new sick leave law and provide copies to employees. This notice will be prepared by the State Attorney General prior to the law's effective date.

Sick leave accrual and usage records will need to be maintained by the employer and kept for at least two years.

The law forbids employers from interfering with or retaliating against an employee using sick leave. This includes prohibiting employers from taking disciplinary action or negative employment action for sick leave use, requiring employees to find coverage for their missed hours, and forcing an employee to make up hours taken as sick leave.

Next Steps:

Employers who already have paid sick leave or PTO policies in place should determine if their current policies will satisfy the new requirements.

Employers who do not currently offer paid sick leave should begin to determine how they plan to implement the new requirements. Contact your PayData CSR for help. All employers should ensure that they have the appropriate notice and record keeping procedures in place prior to July 1, 2015.

Please Note: *There are several details that will be important in implementing sick leave that we do not yet know. For example, the law does not detail how employers should go about counting employees to determine if they will need to provide the leave on a paid basis. It is unclear whether that count includes all employees of an organization or only those in Massachusetts, whether employees provided by a staffing agency will be included in the count, and when in a month or year an employer should make the count. For these and other details, we will be watching for additional guidance in the coming months.*