

Massachusetts Earned Sick Time Law Overview

- Per the Massachusetts Earned Sick Time law, effective July 1, 2015, employees can earn and use up to 40 hours of paid sick time per 'benefit year.'
 - The 'benefit year' can be any consecutive 12-month period set by the employer.
 - Employers **can** designate different benefit years for different groups of employees, for example; teachers vs. school staff.
- A covered employee is any person who provides services for wages or other remuneration.
 - **This includes full-time, part-time, seasonal & temporary staff.**
- Employers that provide employees with a lump sum of 40 hours or more of sick leave or paid time off at the beginning of each benefit year do not need to track accrual or allow any rollover.
- For employees that accrue sick time, they must earn at a rate of one hour of sick time for every 30 hours worked up to 40 hours in a benefit year.
- Employees who accrue sick time can carry over up to 40 hours of unused sick time to the next benefit year, but they cannot use more than 40 hours in a benefit year.
- Employees can begin to use earned sick time on the 90th day after hire.
- An employee can use earned sick time if required to miss work for the following purposes;
 - For the employee to care for his/her child, spouse, parent, or parent of a spouse, who has a physical or mental illness, injury, or medical condition necessitating home care, professional medical diagnosis or care, or preventative medical care;
 - To care for the employee's own physical or mental illness, injury, or medical condition necessitating home care, professional medical diagnosis or care, or preventative medical care;
 - For the employee to attend a routine medical appointment for himself/herself or his/her child, spouse, parent or parent of a spouse;
 - For the employee to address the psychological, physical or legal effects of domestic violence; or
 - To travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken. Employers do not have to pay employees for unused sick time at the end of their employment.
- Following a break in service of up to four months, an employee shall maintain the right to use any unused earned sick time accrued before the break in service.
- Following a break in service of between four and 12 months, an employee shall maintain the right to use earned sick time accrued before the break in service if the employee's unused bank of earned sick time equals or exceeds 10 hours.
- Employers may require certification of the need for sick time in the following instances where the absence:
 - exceeds 24 consecutively scheduled work hours;
 - exceeds 3 consecutive days on which the employee was scheduled to work;
 - occurs within 2 weeks prior to an employee's final scheduled day of work before termination of employment, except in cases of temporary employees;
 - occurs after 4 unforeseeable and undocumented absences within a 3-month period; or
 - for employees aged 17 and under, occurs after 3 unforeseeable and undocumented absences within a 3-month period.
- Employers cannot delay the taking of, or payment for, earned sick time because they have not received the certification.
- For foreseeable or pre-scheduled use of earned sick time, employers may have a written policy requiring up to seven (7) days' advance notice, except where they learn of the need to use it within a shorter time period.
- Employers are prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.
- The law does not override employers' obligations under any contract or benefit plan with more generous provisions than those in the law.
 - If you currently have a sick plan that provides more than 40 hours of sick time to staff, you are not obliged to 'take away' additional time—you can continue to be more generous than the law requires.

The new regulations provide additional detail in areas such as use of earned sick time, documentation of use and allowable substitution of paid leave policies. These details and their impact on locations policies will be covered in more detail in future trainings on Earned Sick Time Law.