

## Massachusetts Voters Approve Mandatory Sick Time Law, Effective July 1, 2015

On Tuesday, November 4, voters approved Ballot Question 4, making Massachusetts the third state in the nation to guarantee paid sick time to employees. The new law, which takes effect July 1, 2015, allows employees to take time off from work to address their health and safety needs or, in some cases, to care for sick family members, without losing pay. Connecticut was the first state to mandate paid sick leave in January 2012 and the state of New York did the same on September 10, 2014.

### Employers Who Must Provide Sick Leave

Under this new law an employer must provide paid sick leave if it has eleven (11) or more employees (including both part-time and full-time); employers with ten (10) or fewer employees must also adhere to the requirements of the law, but the time can be unpaid time off.

### Leave Accrual and Carryover

Under the new law:

- Eligible employees will be entitled to begin accruing sick time immediately upon hire (after July 1, 2015); however, employers can prohibit employees from using accrued sick time until after 90 days of employment.
- Employees receive one (1) hour of sick leave for every thirty (30) hours worked.
- Time accrues in one (1) hour increments.
- Maximum accrual required is forty (40) hours per calendar year.
- An employee may carry over up to forty (40) hours of unused sick time to the next calendar year, but employers may limit an employee's use of sick time to forty (40) hours in a calendar year.
- Employers are not required to pay employees for any accrued but unused paid sick time at the time of termination.
- Employers may require certification of the need for sick time if an employee uses more than twenty-four (24) consecutive hours of sick time.

### What Sick Time Can Be Used for

- Employees will be able to use accrued sick time for the following reasons:
  - To care for a physical or mental illness, injury, or medical condition affecting the employee or the employee's child, spouse, parent, or spouse's parent;
  - To attend routine medical appointments for themselves or for their child, spouse, parent, or spouse's parent; or
  - To address the effects of domestic violence on the employee or the employee's child
- Employees will be able to use accrued sick time intermittently in the smallest increment that the employer's payroll system uses to account for absences.

### Employers with 10 or Fewer Employees

For employers with 10 (ten) or fewer employees, these same obligations apply, except that sick time can be provided on an *unpaid* basis.



### Next Steps for Employers

We will continue to monitor and provide updates from the Attorney General's Office (AGO) regarding the new law. This e-alert reflects our understanding of the law as of right now; however, the AGO may make changes as it determines the final rulings:

- Employers must comply with these changes by July 1, 2015.
- Employers should update their employee handbooks with this new policy:
  - Employers that have not previously offered sick time to employees will be required to do so and should create a new policy to comply with these provisions.
  - Employers that already provide sick time should review their current policies to make sure they comply with the provisions of the new law.
- Employers are prohibited from taking adverse action (e.g., disciplinary warnings or negative performance evaluations) against employees for using accrued sick time.
- If you are one of our full-service clients, we will work with you to review your current Paid Time Off policies to ensure they are compliant with these new regulations once the final rules have been published.

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