

Paid Sick Leave Bill May be on Move in Massachusetts

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The Massachusetts Legislature's Joint Committee on Labor and Workforce Development is considering a bill that would require all employers in the Commonwealth to provide sick time to their employees and employers with more than six employees to compensate their employees for this sick time. While passage by the Legislature in the remaining months of the session is uncertain, employers may want to consider the bill's potential effects on their operations.

Currently in Massachusetts, there is no requirement that employers provide any sick time (paid or unpaid) to employees (although laws such as the Family and Medical Leave Act provide employees with a right to unpaid leave under certain circumstances). Under the bill, workers would be eligible for an hour of sick time for every 30 hours worked. Whether the sick time is paid would depend on the employer's size. Businesses with fewer than six employees would be required to provide 40 hours of unpaid sick time in a year to employees. Businesses with six to 10 employees would need to provide 40 hours of paid sick time, and businesses with more than 10 employees would be required to provide 56 hours of paid sick time.

The revised bill would allow businesses that offer other forms of paid time off – including vacation or other leave policies – to meet the mandate as long as they provide an equal or greater number of hours. The bill would give the Attorney General authority to enforce the paid sick time provisions; however, similar to other wage and hour provisions, an employee could bring his own suit after providing the Attorney General with 90 days notice. Prevailing employees would be eligible for treble damages, lost wages, the costs of litigation and attorneys' fees.

The release of the revised bill mirrors efforts in other states and municipalities to mandate paid sick leave time. As mentioned in our Bulletin in December 2011, Connecticut passed legislation to mandate paid sick leave days; however, businesses with less than 50 employees are exempted from that law. Seattle, San Francisco and the District of Columbia also require certain employers to provide paid sick time.

If the bill is reported favorably from the Labor and Workforce Development Committee, it is likely headed to the Senate Ways and Means Committee before reaching the Senate floor. The legislative session ends on July 31. We will keep you posted as to the progress of this bill.

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