

## Massachusetts Voters Approve Earned Sick Time Law

November 5, 2014

Yesterday, Massachusetts voters approved a ballot initiative that will mandate sick time for employees. Under the new law, which will take effect on July 1, 2015, employers must allow employees to accrue and use up to 40 hours of sick time per calendar year. For employers with 11 or more employees, whether full-time or part-time, the sick time must be paid. For smaller employers, the sick time can be unpaid.

The law specifies the rate at which employers must allow employees to accrue sick time. In particular, employees will earn one hour of sick time for every 30 hours worked. Employees must be permitted to begin using earned sick time 90 days after hire, and both part-time and full-time employees are eligible for sick leave. Employees must be permitted to use earned sick time for the following reasons: (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employers must allow employees to use sick time in increments as small as one hour, and employers may not require employees to "make up" the time they missed when using sick time.

Employers can require certification of the need for sick time, but only if the employee uses more than 24 consecutive hours of sick time. Moreover, employers are not permitted to delay the taking or payment of sick time because of an employee's failure to provide certification.

Employers must also allow employees to carry over up to 40 hours of unused sick time to the next calendar year, although they may limit employees from using more than 40 hours in a given year. Unlike vacation time, employers will not have to pay employees for unused sick time at the end of their employment.

This law does not preclude employers from offering more expansive sick leave policies, nor does it require employers who already offer at least as much time off that can be used for these same purposes to add additional sick time. However, in light of the new law and its several provisions, employers should review their policies carefully to ensure compliance.

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