



Earned Sick Time Regulations

**Listening Sessions
Spring 2015**

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Timeline of Earned Sick Time Implementation

- The AG's Office is hosting 5 Listening Sessions and 6 Public Hearings throughout the Commonwealth
- Formal comments on the draft regulations can be sent to AGORregulations@state.ma.us by June 10
- The law goes into effect July 1, 2015



Earned Sick Time: Overview

- The law entitles employees in Massachusetts to earn and use up to **40 hours of sick time** per year.
- For employers with **11 or more** employees, sick time **must be paid**.
- For employers with **1 to 10** employees, sick time **may be unpaid**.



Earned Sick Time: Purposes

1. If the employee is ill;
2. If the employee's child, spouse, parent, or parent of spouse is ill;
3. If the employee, or the family member has a medical appointment;
4. If the employee is addressing an incidence of domestic violence



Which employees are eligible for Earned Sick Time?

- All employees whose primary place of work is in Massachusetts are eligible. They include:
 - Full-time employees
 - Part-time employees
 - Seasonal employees
 - Temporary Employees



Accruing Earned Sick Time

- Employees will accrue, or earn, 1 hour of sick time for every 30 hours worked.
- Accrual begins on the employee's first date of actual work.
- All hours worked, including overtime and hours worked outside of MA, count towards accrual.



40 Hours

- Employee must be able to ACCRUE 40 hours in a year if they work sufficient hours;
- Every employee must be able to USE 40 hours in a year, if accrued;
- Employees who have unused time of up to 40 hours must be allowed to roll it over into the next year.



Using Earned Sick Time

- Employees can begin using sick time 90 days after they start work.
- Employees may carry over up to 40 hours of unused sick time to the next year.
- Employers may have more generous policies if they choose – the law establishes minimum requirements.



Paying Earned Sick Time

- Generally, employees are paid what they would have been paid if they had worked.
- Employees using sick time do not make overtime or premium pay.
- Employers must pay earned sick time on the same pay period as regular pay.



Providing Notice about Using Earned Sick Time

- An employee must make a good faith effort to provide notice of the need in advance of the use of earned sick time.
- Employers may require employees to use reasonable notification systems to request leave.
- In requesting leave, an employee does not need to reference the law or use the words “earned sick time.”
- During multi-day absences, an employer may require notification on a daily basis from the employee or the employee’s surrogate.
- Employers may require employees to submit written verification that they used earned sick time for allowable purposes after using any amount of sick leave.



Documentation

- An employer may only require written certification from a health care provider or other formal documentation in the case of an absence of more than 24 consecutive hours.
- Documentation explaining the nature of the illness or details of domestic violence may not be required.
- If the employer requires documentation from a medical provider to clear an employee for return to a particular work environment, that is permissible.
- Employees who fail to provide required documentation without a reasonable justification may have their access to sick time delayed or denied.



Record Keeping

- Employers have to maintain records for three years.
- Employers must give employees access to their own earned sick time records.
- Employers must post a notice of the EST law in each workplace and give a copy of the notice to each employee.
- When an employee is hired, the employer must inform the employee of the earned sick time policy.



No Retaliation or Interference

- An employer cannot retaliate against an employee for exercising or attempting to exercise rights under the law, including: requesting and using sick leave; filing a complaint for violations; or telling others about the law.
- Retaliation includes: denying use or delaying payment of earned sick time, terminating an employee, taking away work hours, giving the employee undesirable assignments, etc.



How to Contact Us

If you have questions call:

- Fair Labor Hotline: (617) 727-3465
- Email: earnedicksicktime@state.ma.us
- Comment: AGOregulations@state.ma.us
- Website: www.mass.gov/ago/earnedicksicktime