

Earned Sick Time



**Information Sessions
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Earned Sick Time Timeline of Implementation

- The Earned Sick Time Law went into effect on July 1, 2015.
- As of July 1, 2015, all employees in Massachusetts begin to accrue (earn) sick leave that may be used for authorized purposes.



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

Employees must be able to use Earned Sick Time to:

1. care for their child, spouse, parent, or parent of a spouse;
2. care for themselves;
3. attend a routine medical appointment their child, spouse, parent, parent of a spouse, or themselves;
4. address the effects of domestic violence; or
5. travel to and from the location related to the purpose for which the time was taken.



Which employees are eligible for Earned Sick Time?

All employees whose primary place of work is Massachusetts are eligible:

- Full-time employees
- Part-time employees
- Seasonal employees
- Temporary employees



Accruing Earned Sick Time

- Employees will accrue (earn) 1 hour of sick time for every 30 hours worked OR may receive a lump sum of earned sick time at the beginning of each month or each year.
- Accrual begins on the employee's first date of actual work.
- All hours worked, including hours worked outside of MA, count towards accrual.



40 Hours of Earned Sick Time

- Employees 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.
- Employers MAY delay further accrual while an employee has 40 hours in their bank.



Using Earned Sick Time

- Although employees begin to EARN sick time immediately, employees may begin using sick time 90 days after their first day of work.
- Employees may only use earned sick time for authorized purposes.
- The smallest increment of sick time that may be taken is one hour.



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.



Employees Obligations to Provide Notice

- Employees must provide advance notice of sick leave absence, except in an emergency.
- Employers may require employees to use reasonable notification systems to request leave.
- During multi-day absences, an employer may require notification on a daily basis from the employee or the employee's surrogate.



Documentation Obligations for Employers

- Generally, an employer may only require written documentation from a health care provider in the case of an absence of more than 24 consecutive hours OR 3 consecutive work days.
- Employers may never require, as a condition of granting, using, or verifying earned sick time, that an employee provide documentation to explain the nature of their illness or the details of domestic violence.
- Employers in certain industries with specific safety concerns may require a “fitness for duty” certification before an employee is cleared to return to work.
- If an employee fails to provide required documentation without a reasonable justification, the employer may recoup the sick time pay as an overpayment.



Record Keeping

- Employers have to maintain records of earned sick time or records of their paid time off policy for three years.
- Employers must give employees access to their own earned sick time / paid time off records.
- Employers must post a notice of the EST law in each workplace and give a copy of the notice to each employee.



No Retaliation or Interference

- Employers 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.



Contact Information

**Questions about the Earned Sick Time Law may
be directed to the Attorney General's Office**

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