

The Bennett Law Firm

Client Update

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Labor Relations ~ Employment Law ~ Business Litigation
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Employers With Massachusetts Based Employees Must Provide Paid Sick Leave Effective July 1, 2015

Effective July 1, 2015, employers with more than 10 employees will need to provide their Massachusetts employees with the right to earn up to 40 hours of paid leave per calendar year. Unfortunately, the law is silent as to whether individuals employed outside of Massachusetts should be included in the employee count. Based on how the statute is structured, it appears likely that out of state employees will be included in the count to determine whether an employer meets the 11 employee threshold. With regard to determining the number of individuals an employer employs, there is no distinction between part time and full time employees.

Employers who employ 10 or fewer employees will be required to allow Massachusetts employees to earn up to 40 hours of unpaid sick leave per calendar year.

Types of Absences Covered

A Massachusetts employee may use the earned sick time to:

- Care for the employee's spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
- Care for the employee's own physical or mental illness, injury or medical condition that requires home care, professional medical diagnosis or care or preventative medical care; or
- Attend the routine medical appointments of the employee or for the employee's child, spouse, parent or parent of spouse; or
- Address the psychological or legal effects of domestic violence on the employee or the employee's dependent child.

Rate of Accrual of Sick Time

Employers must permit Massachusetts employees to earn at least one hour of sick time for every 30 hours worked by the employee, up to a maximum of 40 hours in a year. Although employees will begin to earn sick time as of the date of hire, employees will not be entitled under the law to start using any earned sick time until 90 calendar days following their date of hire.

Right to Require Medical Certification Limited

An employer may require medical certification for the absence, but only if the employee is absent for more than 24 consecutive scheduled work hours. Any reasonable documentation signed by a health care provider indicating the need for the absence shall be considered acceptable certification. An employer is not entitled to an explanation of the nature of the illness.

Notice for Foreseeable Absences

When the need for time off is foreseeable, the employee is supposed to make a good faith effort to provide advance notice to the employer.

Enforcement and Posting of Notice

The Massachusetts Attorney General is tasked with enforcement of the law and will be issuing a notice that employers will be required to post along with the employers' other employment notices.

If you have any questions, please contact Peter Bennett (pbennett@thebennettlawfirm.com) or Rick Finberg (rfinberg@thebennettlawfirm.com).