



Earned Sick Time in Massachusetts

Summary of the Law

The earned sick time law, M.G.L. c. 149 § 148C, was approved by the voters on November 4, 2014. The law entitles employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees can earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers can earn and use up to 40 hours of unpaid sick time per calendar year.

An employee can use earned sick time if required to miss work in order (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. Employees will earn one hour of sick time for every 30 hours worked, and begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees can begin to use earned sick time on the 90th day after first day of actual work.

Employees of a particular city or town are covered only if, as required by the state constitution, the law is made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time will be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees can carry over up to 40 hours of unused sick time to the next calendar year, but cannot use more than 40 hours in a calendar year. Employers do not have to pay employees for unused sick time at the end of their employment. If an employee misses work for a reason eligible for earned sick time, but agrees with the employer to work the same number of hours or shifts in the same or next pay period, the employee will not have to use earned sick time for the missed time, and the employer will not have to pay for that missed time. Employers will be prohibited from requiring an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers may require certification of the need for sick time if an employee uses sick time for more than 24 consecutively scheduled work hours. Employers cannot delay the taking of or payment for earned sick time because they have not received the certification. Employees must make a good faith effort to notify an employer in advance if the need for earned sick time is foreseeable.

Employers are prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The law does not override employers' obligations under any contract or benefit plan with more generous provisions than those in the law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions as the law, are not be required to provide additional paid sick time.

The Attorney General enforces the law, using the same enforcement procedures applicable to other state wage laws, and employees can file suits in court to enforce their earned sick time rights.

The law takes effect on July 1, 2015.