

## Massachusetts Issues Final Earned Sick Time Regulations— Law Becomes Effective July 1, 2015

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On June 19, 2015, the Massachusetts Attorney General's Office filed its [final regulations](#) ("Final Regulations") to implement the Commonwealth's Earned Sick Time law, which was [enacted](#) through a ballot vote in November 2014. The Earned Sick Time law goes into effect on July 1, 2015. Additionally, the Attorney General's Office has finalized the required posters and notices, which must be posted conspicuously in the workplace and either distributed to all Massachusetts employees or placed in an employee handbook.

The Final Regulations clarify several outstanding questions left open by the Earned Sick Time law and by the [proposed regulations](#), including the following:

- Employers may require employees to use any sick time accrued under the Earned Sick Time law *concurrently* with leave required by other applicable laws, including the Family and Medical Leave Act, the Massachusetts Parental Leave Act, the Massachusetts Domestic Violence Leave Act, the Small Necessities Leave Act, and any other applicable leave laws.
- To determine the employer's size for purposes of providing paid or unpaid sick time,<sup>1</sup> an employer will look to the number of employees across all states (and not only those in Massachusetts).
- Employees who work in multiple states will accrue sick time under the Earned Sick Time law so long as his or her "primary place of work" is Massachusetts. Employees who work in multiple states accrue sick time for *all time worked*, not just time worked in the Commonwealth of Massachusetts.
- Employees stop accruing sick time after they possess a bank of 40 hours of sick time. Once an employee uses sick time, the employee can begin to accrue sick leave again.

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<sup>1</sup> As a reminder, employees who work for an employer having 11 or more employees will earn paid sick time, while employees working for an employer with 10 or fewer employees will earn unpaid sick leave.

- The smallest increment of sick time that employees may take cannot be larger than one hour.

### **What Employers Should Do Now**

- Review the Final Regulations to ensure that your sick leave or paid time off policy is in compliance with the Earned Sick Time law.
- Determine if your [prior sick leave policy](#) qualifies for the [Safe Harbor for Employers with Existing Paid Time Off Policies](#).
- Post the notice provided by the Attorney General's Office in a conspicuous place in your office by July 1, 2015.
- Provide copies of the notice to Massachusetts-based employees in [English](#), [Spanish](#), or [Portuguese](#). Keep watching the Attorney General's website to see if notices are posted in any additional languages.

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