



MASSACHUSETTS MARINE TRADES ASSOCIATION

Webinar and Public Hearings For New MA Sick Time Regs

Draft regulations published late Friday by Massachusetts Attorney General Maura Healey for the new Earned Sick Time law represent a mixed bag for employers.

The rules are designed to help employers comply with a law currently scheduled to take effect on July 1. AIM has urged policymakers to postpone the effective date until January 1, 2016 since the state's six planned public hearings on the proposed regulations will leave employers inadequate time to comply with the measure approved by voters in November.

"It is enormously important now for employers to [read the proposed regulations](#) and provide comments about what is good and what remains a challenge," said Brad MacDougall, Vice President of Government Affairs at AIM.

"Employers need to be part of this process since labor unions and other groups will be pushing during the public hearings to make the rules more Draconian."

Click Read More Below To Register For Webinar Thursday, April 30th.

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FAQ Page Provided By Associated Industries of MA Regarding New Sick Time Law

Here are some questions and answers for employers on the new Massachusetts paid sick time law:

1. How much paid sick time is a company required to offer?

Businesses with 11 or more employees will be required to offer up to 40 hours of paid sick time per calendar year. Businesses with fewer than 11 employees will be required to offer up to 40 hours of unpaid time to workers each calendar year.

2. How do I count employees for the purposes of the law?

Any person who performs services for an employer for "wage, remuneration or other compensation," including all full-time, part-time or temporary employees.

3. How and when is mandatory sick time earned?

An eligible employee will earn a minimum of one hour of sick time for every 30 hours worked. Employees will begin to accrue this earned sick time on their date of hire, or on July 1, 2015, whichever date is later. Exempt employees will earn paid sick time based upon the assumption of a 40-hour work week, unless their normal work week is less than 40 hours, and in that case their paid time would accrue based upon their normal work week. Employees may begin to use earned sick time on the 90th day after hire.

4. For what reasons may an employee use earned sick pay?

An eligible employee may utilize earned time to care for a physical or mental illness, injury or medical condition, or to attend routine medical appointments for him/herself or one of the following relations: child, spouse, parent, or parent of a spouse. Earned sick time may be taken to address the physical, psychological or legal effects of domestic violence.

5. Can an employer require an employee to work additional hours to make up for missed time?

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 would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

6. Are employees permitted to take earned sick time in less than full work day increments?

An employee will be able to use earned sick time in increments as small as one hour, or the smallest increment or the smallest unit that employer's payroll system allows for taking time off.

7. Will earned sick time carry over from one calendar year to the next?

Employees will be able to carry over up to 40 hours of earned unused sick time to the next calendar year, but may not use more than 40 hours in a calendar year.

8. Is an employer required to pay earned but unused sick time at the time of an employee's termination?

An employer will not be required to pay employees for earned unused sick time at the end of their employment.

9. Is documentation required to take sick time?

Employers may require certification of the need for sick time when more than 24 consecutive hours of earned sick time are requested. But employers may not delay the taking of, or payment for, earned sick time because they haven't received the certification. The employee does not need to provide documentation for absences of fewer than 24 consecutive hours.

10. Does an employee have to provide advance notice of the need to take time off?

An employee must make a good-faith effort to notify the employer in advance if the need for the earned sick time is foreseeable.

11. What if I have a Paid Time-Off program?

Employers with a Paid Time-Off (PTO) program that combines vacation, holidays, sick time and personal time should determine whether it makes sense to carve out sick time so that the mandatory paid sick time is not applied on top of their employees' PTO bank.

12. Our business has a "good attendance" policy for our employees. Will our policy be impacted by this legislation?

"Good Attendance" policies must be reviewed since the ballot question makes it unlawful for any employer to prevent an employee from utilizing paid sick days or to penalize an employee for using leave. "Good attendance" policies provide incentives to employees who do not use their earned paid time off.

13. Who enforces the law?

The attorney general will enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees.

[Read more](#)



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