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CLIENT ALERT

**MANDATORY EARNED SICK TIME LAW TAKES
EFFECT ON JULY 1, 2015**

The new earned sick time labor standard takes effect today, July 1, 2015, throughout Massachusetts. This law, which originated from a November 2014 ballot initiative, gives most employees in Massachusetts the right to accrue earned sick time.

The new law is codified at M.G.L. c. 149, § 148C, and the interpreting regulations are set forth at 940 C.M.R. 33.00.

Employers not specifically exempt from the statute (e.g., certain government employers) must implement this new law immediately.

The sick time law requires, among other things, that:

- Employers provide at least one hour of earned sick time for every 30 hours worked by an employee, and an employee may earn and use up to 40 hours of sick time each year.
- Earned sick time begins accruing on the later of the employee's date of hire or the date on which this law is effective. Employees may begin using accrued earned sick time after the expiration of a 90-day accrual period. Employees may use earned sick time in hourly increments or for amounts beyond one hour, in the smallest increment that the employer's payroll system uses to account for absences or use of other time.
- Employers of 11 or more employees compensate employees for earned sick time.
- Employees may carry over up to 40 hours of unused earned sick time in any calendar year. Importantly, the employer may specify which 12-month period constitutes the "calendar year."

Employers should be aware that the new regulations include a "safe harbor" provision which gives certain employers until January 1, 2016 to fully implement the law. This safe harbor provides, among other things, that:

- Certain employers with paid time off or paid sick leave policies in place on May 1, 2015 will be considered to be in compliance with the new law until January 1, 2016, at which time all covered employers must fully comply with the law.
- Employers eligible for the safe harbor still must adopt policies during the safe harbor period for employees not previously covered by their policy, such as part-time employees, per diem employees, new employees, and the like. The regulations addressing the safe harbor provide a detailed overview of the manner in which these newly covered employees should be provided with sick leave until the full implementation of the law on January 1, 2016.

For additional information on the Earned Sick Time Law, please see the following K&B resources:

K&B's November 2014 Client Alert, **Mandatory Earned Sick Time is the Law of the Land in Massachusetts**, accessible at: <http://kb-law.com/articles/documents/alert-2014-11-20-MANDATORY-EARNED-SICK-TIME-IS-THE-LAW-OF-THE-LAND-IN-MASSACHUSETTS.pdf>

K&B Article published in the Boston Bar Journal, Spring 2015, entitled **Earned Sick Time: Tips for Compliance**: <http://www.kb-law.com/articles/documents/article-2015-04-22-Earned-Sick-Time-Tips-for-Compliance.pdf>

K&B's April 2015 Client Alert, **Employment Law Update, Proposed Regulations Clarify Open Issues Regarding Earned Sick Time**, accessible at: <http://www.kb-law.com/articles/documents/alert-2015-04-30-EMPLOYMENT-LAW-UPDATE-PROPOSED-REGULATIONS-CLARIFY-OPEN-ISSUES-REGARDING-EARNED-SICK-TIME.pdf>.

For assistance with reviewing your leave policies, or any other employment issues, please contact Attorney Paul Holtzman (pholtzman@kb-law.com) or Attorney Jill Meixel (jmeixel@kb-law.com).