

CLIENT ADVISORY:

MASSACHUSETTS VOTERS APPROVE NEW SICK LEAVE LAW: WHAT IT MEANS TO YOUR BUSINESS

Massachusetts employers would be well advised to update their written policies, employee handbooks and internal record keeping procedures to prepare for a new law that provides one of the most generous sick leave mandates in the country.

On November 4, 2014, Massachusetts voters approved by a wide margin the new law, known as "Question 4: The Massachusetts Paid Sick Days Initiative," which is effective July 1, 2015. The law applies to all private Massachusetts employers and certain governmental employers, although only employers with more than 10 employees are required to provide paid sick leave. Note, for purposes of the 10 employee cut off, full time, part time and temporary employees are counted.

An overview of the law follows:

Accrual of Sick Time

The new law provides that all employees are entitled to accrue one hour of sick leave for each 30 hours worked up to a maximum of 40 hours of sick leave per calendar year. As noted above, this is paid sick leave, except in the case of small employers with 10 or fewer employees. Small employers are still required to provide sick leave, but it may be unpaid. Unused sick leave can be carried over to the next calendar year, though an employer is permitted to limit sick leave taken in a calendar year to 40 hours, even if accrued sick leave exceeds that amount. Unlike accrued vacation, the new law does not require employers to pay for accrued but unused sick leave upon a termination of employment. Accrual of sick leave commences on the later of the date of hire or July 1, 2015, although new hires are not permitted to use accrued sick leave during their first 90 days of employment, unless permitted by the employer.

Uses of Accrued Sick Leave

Accrued sick leave may be used to (i) care for a physical or mental illness, injury or medical condition affecting the employee or his or her child, spouse, parent or parent of a spouse; (ii) attend routine medical appointments of the

employee or his or her child, spouse, parent or parent of a spouse; or (iii) address the effects of domestic violence on the employee or his or her dependent child. In certain cases, the employer can require certification of the need for sick leave.

Existing Employer Benefits

Employers are permitted to offer more generous benefits but employers who currently offer sick leave benefits that are equal to or more generous than those mandated by the new law are not required to offer additional sick leave.

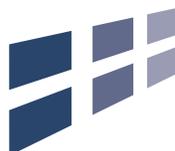
Some Practical Advice

In keeping with best business practices, employee handbooks that include the most up-to-date policies and laws help employers mitigate risk for their organization and can be used as a constructive communications tool between employers and employees. Since the new law in Massachusetts takes effect in a few short months, employers would be well advised to be pro-active in preparing to respond to employee questions, making the appropriate changes to their handbooks and record keeping procedures in a timely manner to insure they are consistent with the new law before July 1, 2015.



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