

# CAIN HIBBARD

Cain Hibbard & Myers PC | Counselors at Law

## CLIENT ALERT

November 5, 2014

### **New Law Mandates Employees provide Sick Leave; paid time-off bank policies may need to be modified**

On November 4, 2014, the voters of Massachusetts approved a ballot question that grants employees forty hours of sick time per calendar year. Employers with eleven or more employees must provide paid leave. Employers with ten or fewer employees may provide unpaid leave. All employees are entitled to the leave, including part-time and temporary workers. The new law takes effect on July 1, 2015.

Employees may use the sick time to (1) attend to their own illness or the illness of their child, spouse, parent, or in-laws; (2) attend routine medical appointments; or (3) address the effects of domestic violence in their household.

One hour of sick time is earned for every thirty hours an employee works. Employees begin accruing sick time on their date of hire, or on July 1, 2015, whichever is later. Employees are not eligible to use accrued sick time until ninety days after the start of their employment. They may carry over accrued sick time into the next year, but may only use a maximum of forty hours of sick time in one year.

Employees may use sick time in hourly increments, or in the smallest unit of time that their employer uses to track absences.

An employer may require a doctor's note when an employee takes sick leave for more than twenty-four consecutively scheduled work hours. Employers are not permitted to delay paying an employee for used sick time just because the employee has not yet provided a doctor's note.

The employee is required to make a good faith effort to notify the employer when the need for sick leave is foreseeable.

Employees may make up their sick time, but that is not required. Employers are not required to pay employees for unused sick time at the end of their employment.

Employers may not interfere with or retaliate against an employee for exercising his or her rights under this law, or for supporting another employee who exercises such rights.

A notice regarding rights under this section is being prepared by the Attorney General. When it is available, employers must post the notice in a conspicuous place, and must provide a copy to their employees.

The new law does not supersede more generous arrangements, and employers who already provide at least forty hours of sick time per year are not required to provide additional time. However, paid time off “banks” may not satisfy the requirements of the new law. Members of our Employment Law group are available to advise you on how this new law may impact your business.

If you would like to speak to someone about these or other aspects of the law, please contact Diane DeGiacomo, Chair of our Employment Law Group.

---

Copyright © 2014 Cain Hibbard & Myers PC

Cain Hibbard & Myers PC  
ww.cainhibbard.com  
66 West Street  
Pittsfield, MA 01201  
Phone: (413) 443-4771

309 Main Street  
Great Barrington, MA 01230  
Phone: (413) 528-4771

377 Main Street  
Williamstown, MA 01267  
Phone: 413-884-0006