

# Cooley

June 12, 2015

[As we previously reported](#), Massachusetts voters approved a ballot measure that will allow Massachusetts employees to earn and use sick time under certain conditions. Under the new Earned Sick Time law, employees who work for employers with 11 or more employees will be eligible to earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers will be eligible to earn and use up to 40 hours of unpaid sick time per calendar year. The law covers both private and public employers and applies to exempt, non-exempt, full-time, part-time, and temporary employees.

## Notice

Even though the obligation to provide sick time does not take effect until July 1, 2015, employers should immediately post the Attorney General's new "Earned Sick Time Notice of Employee Rights" poster in a conspicuous location. The poster is available [here](#). Employers should also provide a copy of this poster to their employees.

## Safe Harbor

While the Earned Sick Time law goes into effect on July 1, 2015, the legislature has yet to adopt supporting regulations. (The Attorney General's proposed regulations are available [here](#).) In light of this, the Attorney General has granted a safe harbor for certain employers. Under the safe harbor, employers that have existing paid time off or paid sick leave policies as of May 1, 2015 will be deemed to be in compliance with the Earned Sick Time law until January 1, 2016 provided that:

1. Full time employees have the right to earn and use at least 30 hours of paid time off/sick leave during the 2015 calendar year; and
2. On and after July 1, 2015, all employees who were not previously covered by the employer's policy (including part-time, new and per diem employees) must either: (a) accrue paid time off at the same rate of accrual as covered full-time employees; or (b) if the policy provides lump sum allocations, receive a prorated lump sum allocation based on the policy as it applies to full-time employees.

All employers covered by this safe harbor must adjust their paid time off policies to comply with the Earned Sick Time law on or before January 1, 2016.

## Frequently Asked Questions

For additional information, employers may review the Attorney General's answers to Frequently Asked Questions about the Earned Sick Time law, which are available [here](#).

The time for providing earned sick time is just around the corner. All employers—even employers who fall under the safe harbor—should review and revise their existing sick leave or PTO policies for compliance with the new law if they have not already done so. To discuss these issues further or pose questions about this Alert, please contact one of the attorneys listed above.

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## Key Contacts

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