

EARNED SICK TIME

Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

WHO QUALIFIES?

All employees in Massachusetts can earn sick time.

This includes full-time, part-time, temporary, and seasonal employees.

HOW IS IT EARNED?

- ☐ Employees earn 1 hour of sick time for every 30 hours they work.
- ☐ Employees can earn and use up to **40 hours per year** if they work enough hours.
- ☐ Employees with unused earned sick time at the end of the year can **rollover up to 40 hours**.
- ☐ Employees **begin earning** sick time on their first day of work and **may begin using** earned sick time 90 days after starting work.

WILL IT BE PAID?

- ☐ If an employer has 11 or more employees, sick time must be paid.
- ☐ For employers with 10 or fewer employees, sick time may be unpaid.
- ☐ Paid sick time must be paid on the same schedule and at the same rate as regular wages.

WHEN CAN IT BE USED?

- ☐ An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.
- ☐ The smallest amount of sick time an employee can take is one hour.
- ☐ Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.
- ☐ Use of sick time for other purposes is not allowed and may result in an employee being disciplined.

CAN AN EMPLOYER HAVE A DIFFERENT POLICY?

Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

RETALIATION

- ☐ Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.
- ☐ Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.

NOTICE & VERIFICATION

- ☐ Employees must **notify** their employer before they use sick time, except in an emergency.
- ☐ Employers may require employees to **use a reasonable notification system** the employer creates.
- ☐ If an employee is out of work for 3 consecutive days **OR** uses sick time within 2 weeks prior to leaving their job, an employer may require documentation from a medical provider.

DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 ☐ E-Mail us at EarnedSickTime@state.ma.us

Visit www.mass.gov/ago/earnedsicktime



Commonwealth of Massachusetts
Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations.

It is unlawful to violate any provision of the Earned Sick Time Law. Violations of any provision of the Earned Sick time law, M.G.L. c. 149, §148C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of M.G.L. c. 149, §27C(b) and to §150. **This notice is intended to inform.**

Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime.



Employee Verification Regarding Authorized Use of Earned Sick Time

Under the Massachusetts Earned Sick Time Law (M.G.L. c. 149, § 148C), employers are permitted to ask employees to verify that an instance of sick leave of any length was used for an authorized purpose under the law.

I, _____ (print or type name), attest that I used earned sick time for the authorized reason/s checked below:

☐ to care for my child, spouse, parent, or parent of my spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;

☐ to care for my own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;

☐ to attend a routine medical appointment or a routine medical appointment for my child, spouse, parent, or parent of my spouse;

☐ to address the psychological, physical, or legal effects of domestic violence; or

☐ to travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

I used earned sick time in the amount of _____ hours and _____ minutes on the following date/s: _____ (date/s).

I understand that if an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for earned sick time under M.G.L. c. 149, § 148C, an employer may discipline the employee for misuse of sick leave.

I understand that if an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, an employer may discipline the employee for misuse of earned sick time, unless the employee provides verification of authorized use under M.G.L. c. 149, § 148C.

Employee Signature

Employee Name (Print)

Date Signed