

# Massachusetts' Sick Time Law

## *What you need to know*

### Overview

On November 4, 2014, Massachusetts' voters approved a ballot question that requires all private sector employers to provide employees with up to 40 hours of sick time per calendar year. Beginning July 1, 2015 employers with 11 or more employees must provide **PAID** sick time for all employees (full time, part time, seasonal, temporary and interns). Employers with less than 11 employees must provide unpaid sick leave.

### How will the New Law Work?

- Sick time begins to accrue on an employee's first day of work, and can be used after a 90 day vesting period, regardless of the number of days actually worked during the vesting period. Employees who have worked for the employer for at least 90 days as of July 1, 2015, are fully vested and may use sick time as it accrues.
- Employees accrue at least one (1) hour of sick time per thirty (30) hours worked. Salaried employees will be deemed to work forty (40) hours per week unless their job specifies a lower number of hours per week.
- Time is accrued in one (1) hour increments.
- Employees are only entitled to accrue and use 40 hours of sick time per calendar year.
- An employee may carry over up to forty (40) hours of sick time to the next calendar year.
- Employers are not required to pay employees for any accrued but unused paid sick time at the time of termination.

### Determining Employer Size

An employer must provide earned **paid** sick time to all eligible employees if the employer maintained an average of 11 or more employees on the payroll during the preceding benefit year. Employers shall determine the average number of employees by counting the number of employees, including full time, part-time, seasonal, and temporary employees, on the payroll during each pay period and dividing by the number of pay periods.

### Notices, Recordkeeping and Posting Requirements

Employers may require up to seven (7) days advance notice for scheduled or foreseeable sick time. Employers must keep and maintain complete records of every employee's accrual and use of sick time. Employers must also post a notice of the sick time law in a conspicuous location.

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