



*Attorney General of Massachusetts*  
*MA Sick Pay Leave Law*  
*Important Employer Summary*

(NOTE: Some notes below refer you to the MA Attorney General's FAQ sheet for further definition. The web site can be accessed by clicking on this link.)

<http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>

- The earned sick time law, M.G.L. c. 149 § 148C, was approved by the voters on November 4, 2014. **The law becomes effective July 1, 2015.**
- **The law requires all employers** (not including federal or local government entities but does include non-profit employers) that have employees working in Massachusetts to earn **1 hour of earned sick leave time for every 30 hours of work** not to exceed 40 hours earned in a calendar year. (See FAQ sheet referenced above)
- **An employee is** any person who performs services for an employer for wage, remuneration, or other compensation, as further defined by M.G.L. c. 149, § 148B, **including full time, part-time, seasonal, and temporary employees. The definition also includes interns** who must be treated as employees under Massachusetts state law. (See FAQ sheet referenced above)
- Employee's whose **primary place of work is in Massachusetts** are included in this law even if they are not a resident of MA and the employer does not have a nexus in MA. (See FAQ sheet referenced above)
- Employers **with 11 or more employees must pay the employees** for the time off at their regular rate of pay. **All of an employer's employees must be counted** to determine employer size, including all employees working outside Massachusetts. (See FAQ sheet referenced above)
- **Employers with 10 or fewer employees**, you must provide unpaid leave and may provide paid leave.
- **Employees begin to earn sick time** under this law on their first day of employment but employers are not required to provide the time off until after 90 days of employment.
- **All hours worked by an employee** including overtime and hours worked outside of Massachusetts **count towards the accrual of earned sick time.** (See FAQ sheet referenced above)

## ***MA Sick Pay Leave Law- Important Employer Summary – page two***

- ***Employees can earn and use*** up to 40 hours per “calendar year”. ***Unused earned time*** can be carried forward to the next year but the employee can never use more than 40 in a given year.
- ***Any consecutive 12-month period of time*** as determined by an employer ***can be considered “calendar year”*** for tracking accrual, use, and carryover of earned sick time. It can be January through December but could also be employee anniversary year or business fiscal year. (See FAQ sheet referenced above)
- The law establishes minimum requirements. ***An employer is permitted to have a policy that is more generous.*** For example, an employer may allow employees to earn or use more sick time than the law would require, give employees 40 hours of sick time up front at the beginning of the calendar year, or permit employees to use sick time before it has accrued. (See FAQ sheet referenced above)
- ***The employer can also offer other paid time off (PTO) policies to satisfy an employer’s obligation to provide paid sick leave without having to add a separate sick time policy,*** but employees must be able to use the PTO (such as vacation time or personal leave) for the same purposes and with the same rights that they would be able to use earned sick time. An employer may substitute their existing plan so long as employees:
  1. accrue at the rate of at least one hour of PTO for every 30 hours worked;
  2. may use up to 40 hours per year of PTO;
  3. are paid at least the amount that would be required for earned sick time;
  4. can use PTO for the same purposes as earned sick time;
  5. receive a notice of their rights under the law; and
  6. receive the same job protections.
- 7. ***Employers have to maintain records of the sick time that employees accrue and use for at least three years.*** Employers must give employees access to their own earned sick time records. Further, employers ***must post a notice of the law including the company policy*** of coverage under the law such as what the company’s “calendar year” will be and/or if the company will satisfy the law with something other than “sick time” such as “PTO.” The notice must be in each workplace and a copy of the notice must be given to each employee. The notice must be posted where employees are likely to see it. (See FAQ sheet referenced above)

***The Attorney General will also release a Labor Poster*** for this law that must be posted along with the other required labor posters in each place of business. ConnectPay will notify all clients when the Attorney General office releases the poster.

For further information including answers to other Frequently Asked Questions,

visit the Attorney General’s Web site at <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/> or

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