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Massachusetts Earned Sick Time Safe Harbor is Drawing to an End: Are Your Policies Compliant?

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On July 1, 2015, the Massachusetts earned sick time law took effect, requiring most Massachusetts employers to provide their employees with the right to accrue and take up to 40 hours of paid sick leave per year. The law does not require employers with paid time off plans or policies equivalent to, or more generous than, the new law to provide additional paid sick time.

Determining whether an employer's existing policies were compliant turned out to be a difficult task in light of questions left open by the law. Accordingly, the Attorney General enacted a safe harbor period to allow employers with paid time off policies in existence as of May 1, 2015 additional time to update their policies to ensure compliance with the law and its regulations. The safe harbor period is now drawing to an end, and employers must ensure their paid time off policies are fully compliant with the law by January 1, 2016. Simply ensuring that a policy satisfies the law's accrual rate (a minimum of one hour for every 30 hours worked up to a maximum of 40 hours per year) is not sufficient. Employers must carefully review their policies to ensure that they satisfy the earned sick time law in all respects.