

Massachusetts Earned Sick Time Law: Safe Harbor Expires December 31, 2015; Full Compliance Deadline is January 1, 2016

By Jeffrey S. Brody, Samia M. Kirmani, Michael R. Bertoncini and Brian E. Lewis

December 3, 2015

Employers operating under the Massachusetts Earned Sick Leave Law “safe harbor” should prepare to fully comply with the Law beginning January 1, 2016.

Background

The Massachusetts Earned Sick Leave Law became effective July 1, 2015. Under the Law, *all* employees who work primarily in Massachusetts are entitled to accrue and use up to 40 hours of sick time each year. Employers with at least 11 employees anywhere must provide this time on a paid basis to their Massachusetts employees. Employers with fewer than 11 employees anywhere must provide this time on an unpaid basis. The Earned Sick Leave Law also limits how and when an employer can seek documentation from employees taking sick leave and prevents employers from interfering or retaliating against employees for taking sick leave. (For additional details on the Massachusetts Earned Sick Leave Law, see our articles, [Massachusetts Voters Pass Mandatory Sick Time Law for All Employers, Effective July 1, 2015](#), [Massachusetts Earned Sick Leave Law Update: Proposed Regulations Released by Attorney General’s Office](#), and [Massachusetts Earned Sick Time Law Update: Safe Harbor Clarified, Form Notice Available](#).)

Safe Harbor

Prior to the July 1, 2015, effective date, the Massachusetts Attorney General’s Office announced that employers with existing paid time off policies that met certain requirements could take advantage of a “safe harbor” to comply with the sick leave law through the end of 2015. Under the announced “safe harbor,” employers with paid time off (“PTO”) policies in effect as of May 1, 2015, that provided employees with at least 30 hours of paid time off in calendar year 2015, would be “deemed to be compliant” with the sick leave law for calendar year 2015. As of January 1, 2016, however, the “safe harbor” expires.

Next Steps

Many employers with existing sick leave, vacation, or PTO policies became compliant with the Massachusetts Earned Sick Leave Law under the announced “safe harbor.” *This temporary reprieve expires on December 31, 2015.* As of January 1, 2016, *all* employers must have a sick leave or PTO policy that is *fully compliant* with the Law and its implementing regulations. Employers, therefore, would be well-served to review and update existing sick leave and PTO policies to ensure continued compliance. For additional information on whether your company’s paid time off or sick leave policy is fully compliant with the Massachusetts Earned Sick Leave Law, please contact the Jackson Lewis attorney with whom you work.

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.’s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-

Meet the Authors



[Jeffrey S. Brody](#)

Office Managing Principal
Boston 617-367-0025
Email



[Samia M. Kirmani](#)

Principal
Boston 617-367-0025
Email



[Michael R. Bertoncini](#)

Principal
Boston 617-305-1270
Email

functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.



Brian E. Lewis

Principal
Boston 617-367-0025
Email

©2020 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.