

Massachusetts Sick Leave Law – Safe Harbor for Employers

Description

The Massachusetts paid sick leave law is scheduled to go into effect on July 1, 2015. A recent client alert provides a summary of the law: [Massachusetts Voters Pass Mandatory Paid Sick Time](#).

While regulations have been proposed and public hearings are currently taking place, there is still much confusion over the law. While some in the business community are attempting to delay implementation of the law, the Attorney General is urging the Senate's Ways and Means Committee to reject any such request. However, the Attorney General and business advocates reached an agreement this past weekend on a "safe harbor" provision for employees who have an existing paid time off policy. The safe harbor provides some level of comfort for businesses struggling to understand how to implement the new law. A statement from the Attorney General's office states that "This new provision accomplishes two things. First, it continues to ensure that the nearly 1 million Massachusetts workers currently without access to earned sick time will receive that important protection starting on July 1, as the voters intended. Second, it gives the businesses and non-profits that have already been offering earned sick time to their employees slightly more time to update their systems without fear of legal action."

The safe harbor provides as follows:

Transition Year: Safe Harbor for Employers with Existing Paid Time Off Policies

For the period July 1 to December 31, 2015, any employer with a paid time off policy in existence as of May 1, 2015, providing to employees the right to use at least 30 hours of paid time off during the calendar year 2015 shall be in compliance with the law with respect to those employees and to any other employees to whom the use of at least 30 hours of paid time off under the same conditions are extended.

To remain in compliance, any paid time off, including sick time, used by an employee from July 1 to December 31, 2015, must be job protected leave subject to the law's non-retaliation and non-interference provisions. In all other respects, during this transition period, the employer may continue to administer paid time off under policies in place as of May 1, 2015.

On or before January 1, 2016, all employers operating under this safe harbor provision must adjust their paid time off policy to conform with the earned sick time law.

Stay tuned...

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