

## New Massachusetts Sick Time Law Explained

November 22nd, 2014 by [Susan Horwitz](#)

As you know, on November 4, 2014 Massachusetts voters approved ballot question 4 which enacts a new section of MGL c. 149 section 148C and provides for Massachusetts employees to earn and use 40 hours of sick leave in a calendar year. This new law is effective July 1, 2015. The law applies to employees of private and public entities with eleven or more employees. However, employees employed by cities and towns shall not be considered employees for purposes of this law until this law is accepted by vote of the city or town as a local option or by appropriation as provided for in Article CXV of the Amendments to the Constitution of the Commonwealth. A local option law for a city must be voted on by the city council in accordance with its charter and in the case of a town by town meeting or town council. Although most unionized employees already earn sick leave, some benefits of the new law that may not already exist are as follows:

1. Any and all of the 40 hours of sick leave can be used to care for an employee's child, spouse, parent or parent of spouse.
2. The sick leave can be used for both physical and mental illness.
3. The sick leave can be used for routine medical appointments for the employee or family members.
4. The sick leave can be used for time needed to address the psychological, physical or legal effects of domestic violence.
5. Employees may carry over up to 40 hours of unused sick time to the next calendar year.
6. An employer may only require medical certification for use of sick time when an earned sick time period covers more than 24 consecutively scheduled work hours and such certification cannot require that the documentation explain the nature of the illness or the details of the domestic violence.
7. It is unlawful for the employer to use the taking of earned sick time as a negative factor in any employment action such as evaluation, promotion, disciplinary action or termination or to otherwise discipline an employee for using sick time.

This new law provides minimum benefits and employers can adopt or retain earned sick time policies that are more beneficial than the requirements of this Law. Sick leave also continues to be subject to collective bargaining. However, any sick time employment benefit program or plan cannot provide any lesser sick time rights than the rights established under this law.