

Massachusetts Earned Sick Time Safe Harbor is Closing

The Massachusetts Earned Sick Time Law, which took effect on July 1, 2015, requires most employers to allow employees to earn and use up to 40 hours of sick time each year. Employers with existing PTO or paid sick leave plans on May 1, 2015 that satisfied certain criteria were able to take advantage of a transition year safe harbor, which allowed them to continue to operate their current plans after July 1, 2015 instead of going into full compliance with the new law. Employers that have been operating under the transition year safe harbor will need to adjust their PTO/paid sick leave policies to conform fully with the new law by January 1, 2016.

Background

Massachusetts voters approved the Earned Sick Time Law in 2014, entitling workers in the state to earn and use sick time to care for their own or a family member's health. (See our [November 13, 2014 For Your Information.](#)) The law, which became effective July 1, 2015, generally requires employers with 11 or more employees to provide up to 40 hours of paid sick leave annually, and smaller employers to provide the same amount of unpaid leave.

The attorney general issued [regulations](#) on the application and enforcement of the new law that provided a temporary safe harbor for employers with paid time off (PTO) policies in existence on May 1, 2015. Under the safe harbor, an employer would be deemed in compliance for 2015 if its policy provided employees with least 30 hours of PTO/paid sick leave during calendar year 2015 and met certain other criteria. Employers satisfying the safe harbor criteria could either continue to administer those policies through year-end or choose full compliance with the new law beginning July 1, 2015 for some or all employees. (See our [July 1, 2015 For Your Information.](#))



Safe Harbor Ends December 31

The safe harbor provided only temporary transition year relief for employers that were able to take advantage of it. Because the safe harbor period will expire at the end of 2015, all employers operating under it must make any

needed adjustments to their PTO/paid sick leave policies to conform to the Earned Sick Time Law on or before January 1, 2016.

In Closing

The safe harbor that has given Massachusetts employers additional time to update their PTO/paid sick leave policies is drawing to a close. Employers that have been operating under the safe harbor will want to carefully review their PTO/paid sick time policies and make any adjustments needed to ensure that they will fully comply with the Earned Sick Time Law by January 1, 2016.

Authors

Nancy Vary, JD
Abe Dubin, JD

Produced by the Knowledge Resource Center of Buck Consultants at Xerox

The Knowledge Resource Center is responsible for national multi-practice compliance consulting, analysis and publications, government relations, research, surveys, training, and knowledge management. For more information, please contact your account executive or email fyi@xerox.com.

You are welcome to distribute *FYI*® publications in their entirety. To manage your subscriptions, or to sign up to receive our mailings, visit our [Subscription Center](#).

This publication is for information only and does not constitute legal advice; consult with legal, tax and other advisors before applying this information to your specific situation.