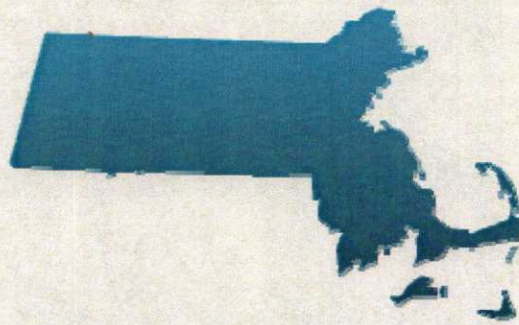


Massachusetts



LABOR LAW
POSTINGS

Massachusetts Wage & Hour Laws

MINIMUM WAGE \$10.00

Effective January 1, 2016

M.G.L. chapter 151, sections 1 and 2

Effective January 1, 2017, the minimum wage will be \$11.00.

The minimum wage law applies to all employees except those being rehabilitated or trained in charitable, educational, or religious institutions; members of religious orders; agricultural, floricultural, and horticultural workers; those in professional service; and outside salespersons not reporting to or visiting their office daily. For further information regarding the Massachusetts state minimum wage, contact the Massachusetts Department of Labor Standards at (617) 626-6975 or visit www.mass.gov/dols.

Wait staff, service employees and service bartenders may be paid the service rate of \$3.35 per hour if they regularly receive tips of more than \$20 a month, and if their average hourly tips, when added to the service rate, are equal to or exceed the basic minimum wage. M.G.L. chapter 151, section 7. The service rate will increase to \$3.35 on January 1, 2016, and to \$3.75 on January 1, 2017.

Agricultural employees may be paid \$8.00 per hour. M.G.L. chapter 151, section 2A. A higher rate may apply under Federal law. For more information, contact the U.S. Department of Labor at (617) 624-6700 or visit www.dol.gov/whd.

PAYMENT OF WAGES

M.G.L. chapter 149, section 148

Wages (payment for all hours worked, including tips, earned vacation pay, holiday pay, and definitely determined and due commissions) must be paid within the following time periods:

- **If employed for five or six days in a calendar week**, within six days of the end of the pay period during which the wages were earned;
- **If employed seven days in a calendar week**, within seven days of the end of the pay period during which the wages were earned;
- **An employee who has worked for a period of less than five days (also known as a casual employee)**, within seven days of the end of the period.

An employee who resigns his or her employment must be paid in full on the following regular pay day, or in the absence of a regular pay day, no later than the following Saturday. An employee involuntarily terminated from employment or laid off must be paid in full on the day of discharge.

Employees who are paid on an hourly basis must be paid weekly or bi-weekly. Employers may not make agreements with employees to be paid in another manner.

Employers must give each employee a pay statement setting forth the name of employer, name of employee, date of check (including the day, month and year), number of hours worked during the pay period, hourly rate, and all deductions or increases made during the pay period. This statement must be provided with each payment of wages.

Deductions: No deduction, other than those required or allowed by law or specifically requested by an employee and for the employee's sole benefit shall be made.

TIPS

M.G.L. chapter 149, section 152A

Tip pooling in which tips are distributed to any person not a wait staff, service employee or service bartender is prohibited.

FAIR LABOR HOTLINES

Monday through Friday, 10:00 a.m. to 4:00 p.m.

Boston: (617) 727-3465

New Bedford: (508) 990-9700

Springfield: (413) 784-1240

Worcester: (508) 792-7600

Fair Labor Division • One Ashburton Place • Boston, MA 02108

(617) 727-2200 • (617) 727-4765 TTY

www.mass.gov/ago • www.laborlowdown.com • www.mass.gov/ago/youthemployment

Office of the
Massachusetts Attorney
General

MEAL BREAKS

M.G.L. chapter 149, sections 100 and 101

Employees who work a period of more than six hours are entitled to a 30-minute meal break. Employees must be relieved of all duties during the meal break.

Compensation for the 30-minute meal break must be paid if the employee has voluntarily agreed to waive his or her meal break by (1) working through his or her meal break, or (2) agreeing to remain on premises during the meal break.

This law does not apply to: iron works, glass works, paper mills, letterpress establishments, print works, bleaching works or dyeing works. Exemptions may be granted for other continuous processes in factories, workshops or mechanical establishments, or under other special circumstances.

EARNED SICK TIME

M.G.L. chapter 149, section 148C

All employees in Massachusetts have the right to earn and take up to 40 hours of sick leave from work per year. Employees earn 1 hour of sick time for every 30 hours they work and may begin using their sick time 90 days after starting work. An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or to address the effects of domestic violence. If an employer has 11 or more employees, sick time must be paid. For employers with 10 or fewer employees, sick time may be unpaid. Employees must notify their employer before they use sick time, except in an emergency. If an employee is out of work for 3 consecutive days, an employer may require documentation from a medical provider. For more information, visit www.mass.gov/ago/earnedsicktime

NON-DISCRIMINATION AND EQUAL PAY

M.G.L. chapter 149, section 105A

M.G.L. chapter 151B, section 4

Employers may not discriminate against employees based on sex by paying them less than employees

Total proceeds of a tip or service charge contained in a bill must be remitted only to wait staff employees, service employees or service bartenders in proportion to the service provided by those employees.

Under no circumstances may management employees or owners receive any portion of their employees' tips.

of the opposite sex who perform the same or comparable work. Similarly, no employee shall be discriminated against with respect to wages, compensation, or terms of employment on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, genetic information, age, ancestry, disability, or veteran or active military status.

CHILD LABOR

M.G.L. chapter 149, sections 56 through 105

Employment permits are required for minors under age 18. Employment permits must be issued for and maintained at the site where the minor is working. Employment permits are issued by the superintendent of schools in the city or town where the minor attends school or lives. For information on obtaining an employment permit, please contact the Department of Labor Standards at (617) 626-6975 and or visit www.mass.gov/dols.

TIME AND HOUR RESTRICTIONS*

14-15 YEAR OLD MINORS

14-15 year old minors may NOT be employed:

- during school hours EXCEPT as provided in approved work experience and career exploration programs;
- between 7:00 p.m. and 7:00 a.m. EXCEPT from July 1 through Labor Day, when they may work until 9:00 p.m.;
- more than 3 hours per day during school weeks, or more than 8 hours per day during weeks when school is not in session;
- more than 18 hours per week EXCEPT in approved work experience and career exploration programs, in which case, they may work 23 hours per week;
- more than 40 hours per week when school is not in session; more than 6 days per week.

16-17 YEAR OLD MINORS

16-17-Year-Old minors may NOT be employed between 10:00 p.m. and 6:00 a.m. EXCEPT:

- when an establishment stops serving customers at 10:00 p.m., the minor may work until 10:15 p.m.;
- on nights not preceding a regularly scheduled school day they may work until 11:30 p.m.; and
- in restaurants and race tracks, they may work until 12:00 a.m. on nights not preceding a regularly scheduled school day.

16-17 year old minors may NOT be employed:

- more than 9 hours per day;
- more than 48 hours per week;
- more than 6 days per week.

**The Federal Fair Labor Standards Act, enforced by the U.S. Department of Labor, also restricts the employment of minors. This list combines the most restrictive of state and federal time and hour requirements.*

HAZARDOUS OCCUPATION RESTRICTIONS**

Minors 14-15 years of age are prohibited from certain occupations, industries, and tasks. For example, 14-15 year old minors may not work in or around manufacturing facilities or factories, mechanical establishments where machinery is used, on construction sites, in garages or tunnels. Minors 16-17 years of age are prohibited from certain occupations, industries and tasks. For example, they may not drive a motor vehicle or forklift on the job or work 30 feet or more off the ground. All minors are prohibited from working any job requiring the possession or use of a firearm.

***This is not an exhaustive list. For a complete list of prohibited occupations for minors 14-15 and 16-17 years of age, please contact the Fair Labor Division of the Attorney General's Office at (617) 727-3465 or visit www.mass.gov/ago/youthemployment, or the U.S. Department of Labor at (617) 624-6700 or visit www.dol.gov.*

SUPERVISION REQUIREMENTS

After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

OVERTIME

M.G.L. chapter 151, section 1A

Employees must be paid at least one and one-half times their regular hourly rate of pay for all hours in excess of 40 per week. The overtime rate for employees who receive the service rate must be calculated based upon the basic minimum wage. Certain categories of employment are exempt from the state overtime requirement†, including:

- as a janitor or caretaker of residential property, who when furnished with living quarters is paid a wage of not less than \$30 per week
- as a golf caddy, newsboy or child actor or performer
- in a business which is operated during a period or accumulated periods not in excess of 120 days in a year, and determined by the Director of the Department of Labor to be seasonal in nature

- as a bona fide executive, administrator, professional person or a qualified trainee for such position earning more than \$80 per week
- as an outside salesman or outside buyer
- as a learner, apprentice or handicapped person under a special license as provided in section nine
- as a fisherman or as a person employed in the catching or taking of any kind of fish, shell-fish or other aquatic forms of animal and vegetable life
- as a switchboard operator in a public telephone exchange
- as a driver or helper on a truck with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service
- by a common carrier of passengers by motor-vehicle

- as a seaman
- in a hotel, motel, motor court or like establishment
- in a gasoline station
- in a restaurant
- as a garageman, which term shall not include a parking lot attendant
- in a hospital, sanatorium, convalescent or nursing home, infirmary, rest home or charitable home for the aged
- in a nonprofit school or college
- in a summer camp operated by a nonprofit charitable corporation
- as a laborer engaged in agriculture and farming on a farm
- in an amusement park containing a permanent aggregation of amusement devices, games, shows, and other attractions operated during a period or accumulated periods not in excess of 150 days in any one year

†Note that some of these occupations may not be exempt under federal law.

EMPLOYEE'S RIGHT TO SUE

Employees have the right to bring private lawsuits against their employers on behalf of themselves and other similarly situated employees under the following wage and hour laws: M.G.L. chapter 149, sections 27, 27F, 27G, 27H, 33E, 52D, 52E, 148, 148A, 148B, 148C, 150, 150C, 152, 152A, 159C, 190 (Eff. 4/1/2015); and chapter 151, sections 1B, 19 and 20.

Employees who prevail in their lawsuits are entitled to back pay, triple damages, attorneys' fees and litigation costs.

For violations of chapter 149 and chapter 151, section 19, employees must first file a complaint with the Attorney General's Office (and wait 90 days or obtain permission from the Attorney General to proceed with a private lawsuit before the 90-day period has passed) before filing in court. Any lawsuit under these provisions must be filed in court within three years after the violation(s).

For violations of chapter 151, sections 1B and 20, employees do not need to file with Attorney General's Office, but must file in court within 3 years after the violation(s).

INSPECTION OF PAYROLL RECORDS

M.G.L. chapter 151, section 15

Employees have a right to inspect their own payroll records at reasonable times and places. Such records must be kept for 3 years and must include: a true and accurate record of the name, address and occupation of the employee, of the amount paid each pay period and of the daily and weekly hours worked by the employee.

SMALL NECESSITIES LEAVE ACT

M.G.L. chapter 149, section 52D

Certain employees are permitted to take a total of 24 hours of unpaid leave during any 12-month period in order to: (1) participate in school activities directly related to the educational advancement of a son or daughter of the employee; (2) accompany the son or daughter of the employee to routine medical or dental appointments; (3) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care. Employees are eligible for the 24 hours of leave if: (1) their employer has 50 or more employees; (2) they have been employed for at least 12 months by the employer; and (3) the employee has worked for at least 1,250 hours for the employer during the previous 12-month period. For more information, visit the Attorney General's Office website at www.mass.gov/ago.

NO RETALIATION

**M.G.L. chapter 149, section 148A,
M.G.L. chapter 151, section 19**

No employee shall be penalized by an employer or in any way discriminated against because he or she has made a complaint or otherwise sought to enforce rights under the wage and hour provisions of chapters 149 and 151. The Massachusetts wage and hour laws apply to workers regardless of immigration status, including undocumented workers. Reporting or threatening to report a worker to immigration authorities because the worker has complained about violation(s) of his or her rights under the wage and hour laws is considered retaliation and is subject to penalties under M.G.L. c. 149, sections 27C and 148A, and c. 151, sections 19(1) and (5).

WORKPLACE NOTICE: This workplace notice is issued in accordance with the provisions of Massachusetts General Laws M.G.L. c. 151, s. 16 and the Code of Massachusetts Regulations 454 CMR 27.07(1), which require that employers post it in a conspicuous location.

Rev. 12/2015

FAIR EMPLOYMENT IN MASSACHUSETTS

Applicants to and employees of private employers with 6 or more employees*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue hardship.

HARASSMENT

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. ***The law also prohibits harassment based on the protected classes set forth above.***

PARENTAL LEAVE

The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

DISABILITY

M.G.L. c. 151B prohibits discrimination on the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

RETALIATION

It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

DOMESTIC WORKERS

M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employees.* While some exclusions apply, domestic workers generally include individuals paid to perform work of a domestic nature within a household on a regular basis, such as housekeeping, housecleaning, nanny services, and/or caretaking. Employers are prohibited from engaging in sexual harassment and harassment and/or discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave.

CRIMINAL HISTORY INQUIRIES

The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists.

MENTAL HEALTH FACILITY ADMISSION INQUIRIES

Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility.

IF YOU HAVE BEEN DISCRIMINATED AGAINST

If you feel you have been harassed or discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, www.mcad.gov, at one of the offices below.

An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.

Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 – P: 617-994-6000 F: 617-994-6024

New Bedford Office: 800 Purchase St., Room 501, New Bedford, MA 02740 – P: 508-990-2390 F: 508-990-4260

Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 – P: 413-739-2145 F: 413-784-1056

Worcester Office: 484 Main St., Room 320, Worcester, MA 01608 – P: 508-453-9630 F: 508-755-3861

For more information, please see our website: www.mass.gov/mcad/

Legal Work Hours for Minors

14 & 15 Year Olds		16 & 17 Year Olds	
Work Hours During the school year: • Only between 7 am and 7 pm • Not during school hours During the summer (July 1-Labor Day): • Only between 7 am and 9 pm	Maximum Hours When school <u>is</u> in session: • 18 hours per week • 3 hours per day on school days • 8 hours per day on weekends and holidays • 6 days per week When school <u>is not</u> in session: • 40 hours per week • 8 hours per day • 6 days per week	Work Hours All year round: • Only between 6 am and 10 pm on nights preceding a regularly scheduled school day • If the establishment stops serving customers at 10 pm, the minor may be employed until 10:15 pm • Only between 6 am and 11:30 pm on nights not preceding a regularly scheduled school day, except in restaurants and race tracks until midnight	Maximum Hours All year round: • 48 hours per week • 9 hours per day • 6 days per week After 8 pm, all minors must be directly supervised by an adult who is located in the workplace and who is reasonably accessible. (With the exception of minors who work at kiosks in the common areas of some malls.)

All teens under 18 must get a **Work Permit** from the school district where they live or go to school. For more information, visit the website of the Division of Occupational Safety at: www.mass.gov/dos/youth

Prohibited Jobs for Minors

Persons under 16 may NOT:

- Operate, clean, or repair power-driven machinery (except office machines or machines for retail, cleanup, or kitchen work not otherwise prohibited)
- Cook (except on electric or gas grills that do not have open flames)
- Operate fryolators, rotisseries, NEICO broilers, or pressure cookers
- Operate, clean or repair power-driven food slicers, grinders or choppers
- Perform any baking activities
- Operate microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140 degrees Fahrenheit)
- Clean kitchen surfaces that are hotter than 100 degrees Fahrenheit
- Filter, transport, or dispose of cooking oil or grease hotter than 100 degrees Fahrenheit
- Work in freezers or meat coolers
- Work in a manufacturing facility or occupation (e.g., in a factory, as an assembler)
- Work on or use ladders, scaffolds, or their substitutes
- Work in garages, except dispensing gas & oil
- Work in brick or lumber yards
- Work in amusement places (e.g., pool or billiard room, or bowling alley)
- Work in barber shops
- Work in door-to-door street sales, including work as a sign waiver (except directly outside of employer establishment)
- Work in construction, transportation, communications, or public utilities (except doing clerical work away from heavy machinery off the job-site)
- Work in warehouses (except doing clerical work)
- Load or unload trucks, railroad cars, or conveyors
- Ride in or on a motor vehicle (except in passenger seat if wearing a seatbelt)
- Work doing laundry in a commercial laundry or dry cleaning establishment
- Work as a public messenger
- Work at processing operations (e.g., in meat or fish, poultry catching, cooping, cracking nuts, bulk or mass mailing)
- Work around boilers or in engine rooms
- Do industrial homework
- Work with dangerous electrical machinery or appliances
- Work that is determined by Massachusetts Attorney General to be dangerous to the health and well-being of minors
- **Work in any of the occupations or tasks prohibited for persons under age 18**

Tasks not specifically permitted by the US DOL Secretary of Labor, are prohibited.

Persons under 14 may not work! There are a few exceptions to this, such as babysitting, working as news carriers, on farms, and in entertainment (with a special permit).

Persons under 18 may NOT:

- Drive a vehicle, forklift, or work assist vehicle (except golf carts in certain circumstances)
- Ride as a passenger on a forklift
- Operate, clean or repair power-driven meat slicers, grinders or choppers
- Operate, clean or repair power-driven bakery machines (except for certain countertop models and pizza dough rollers)
- Work 30 feet or more above ground or water
- Handle, serve, or sell alcoholic beverages
- Use circular, chain, or band saws; guillotine shears; wood chippers; and abrasive cutting discs
- Use power-driven woodworking machines
- Use, operate, drive, or work from hoisting machines
- Operate or load power-driven balers, compactors, or paper processing machines
- Use power-driven metal-forming, punching, or shearing machines
- Use buffing or polishing equipment
- Manufacture brick, tile, or kindred products
- Manufacture or store explosives
- Work in excavation, wrecking, demolition, or shipbreaking
- Work in forest fire fighting, forest fire prevention, timber track operations, and forestry service
- Work in logging, sawmilling, or mining
- Work slaughtering, packing, or processing meat and poultry
- Work in railway operations
- Work in roofing or on or about a roof
- Work in foundries or around blast furnaces
- Work manufacturing phosphorus or phosphorus matches
- Work where they are exposed to radioactive substances
- Work as a firefighter or engineer on a boat
- Oil or clean hazardous machinery in motion
- Work in any job requiring the possession or use of a firearm

For questions about wages or the child labor laws:

- Massachusetts Office of the Attorney General Fair Labor and Business Practices Division www.ago.state.ma.us - (617) 727-3465
- U.S. Department of Labor, Wage and Hour Division www.dol.gov/whd - (617) 624-6700

For questions about workers' compensation:

- Massachusetts Department of Industrial Accidents www.mass.gov/dia - (800) 323-3249 x470

For questions about health and safety:

- U.S. Department of Labor Occupational Safety & Health Administration www.osha.gov
 Andover Office - (978) 837-4460
 Braintree Office - (617) 565-6924
 Springfield Office - (413) 785-0123
- Massachusetts Department of Public Health Occupational Health Surveillance Program
 Teens at Work Injury Surveillance and Prevention Project www.mass.gov/dph/teensatwork - (617) 624-5632

Resources for More Information

* This is a compilation of state and federal child labor laws. The most protective laws are presented here and apply to all employers of teens including family members who employ their teenaged relatives. There are additional regulations and some exceptions for employers in agricultural industries and student learners participating in cooperative education programs.



Massachusetts Commission Against Discrimination



PARENTAL LEAVE

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

The parental leave law is now gender neutral. Both men and women are entitled to parental leave.

If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons beyond the employee's control.

The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to an employee on leave for the birth of a child.

The law expands the notice requirements, mandating that employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave.

Boston: One Ashburton Place, Room 601, Boston, MA 02108; 617-994-6000

Springfield: 436 Dwight Street, Room 220, Springfield, MA 01103; 413-739-2145

Worcester: 484 Main Street, Room 320, Worcester, MA 01608; 508-453-9630

New Bedford: 800 Purchase, Room 501, New Bedford, MA 02740; 508-990-2390

Visit our website for more resources and instructions on filing a complaint: www.mass.gov/mcad

EARNED SICK TIME

Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

WHO QUALIFIES?

All employees in Massachusetts can earn sick time.

This includes full-time, part-time, temporary, and seasonal employees

HOW IS IT EARNED?

- Employees earn 1 hour of sick time for every 30 hours they work.
- Employees can earn and use up to 40 hours per year if they work enough hours.
- Employees with unused earned sick time at the end of the year can rollover up to 40 hours.
- Employees begin earning sick time on their first day of work and may begin using earned sick time 90 days after starting work.

WILL IT BE PAID?

- If an employer has 11 or more employees, sick time must be paid.
- For employers with 10 or fewer employees, sick time may be unpaid.
- Paid sick time must be paid on the same schedule and at the same rate as regular wages.

WHEN CAN IT BE USED?

- An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.
- The smallest amount of sick time an employee can take is one hour.
- Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.
- Use of sick time for other purposes is not allowed and may result in an employee being disciplined.

CAN AN EMPLOYER HAVE A DIFFERENT POLICY?

Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

RETALIATION

- Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.
- Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.

NOTICE & VERIFICATION

- Employees must notify their employer before they use sick time, except in an emergency.
- Employers may require employees to use a reasonable notification system the employer creates
- Employees out of work for 3 consecutive days OR employees using sick time within 2 weeks of leaving their jobs, may be required by their employer to provide documentation from a medical provider.

DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 ○ E-Mail us at EarnedSickTime@state.ma.us
Visit www.mass.gov/ago/earnedsicktime



Commonwealth of Massachusetts
Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations.

It is unlawful to violate any provision of the Earned Sick Time Law.

Violations of any provision of the Earned Sick time law, M.G.L. c. 149, § 148C, or these regulations, 940 CMR 33.00

shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of M.G.L. c. 149, §27C(b) and to § 150.

This notice is intended to inform.

Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime.