

CLIENT ALERT: Massachusetts Considering Bills to Become the First State to Require Employers to Provide Paid Sick Leave

The Massachusetts Senate (No. 1073) and House (House Bill 1398) are, for at least the third year in a row, considering bills which would require all Massachusetts employers to provide employees with paid sick leave. These bills were recently endorsed by the Secretary of Labor and Workforce Development, Joanne Goldstein, and appear closer to passage than ever before.

Under the terms of both bills, employees would accrue one (1) hour of paid sick time for every thirty (30) hours worked up to a maximum of seven (7) paid sick days. These days could be used to care for the employee's physical or mental illness, to care for the employee's child, spouse, parent, or parent of spouse, to attend to routine medical appointments for the employee or his/her child, etc., or to address the psychological, physical or legal effects of domestic violence. Paid sick days may be carried over provided that an employer is not required to allow accumulation of more than seven (7) paid sick days at any given time.

The bills also prohibit an employer from taking any adverse action against an employee because the employee (1) exercised or attempted to exercise rights under the statute; (2) opposed practices believed to be in violation of the statute; or (3) supported the exercise of rights of another under the statute.

For employers with collective bargaining agreements, the bill would become effective on the earlier of the date of termination of that agreement or twelve (12) months after promulgation of regulations by the Attorney General. For other employers, the bill takes effect ninety (90) days after its passage.

MBJ will continue to monitor these bills and other important legal initiatives facing employers.

Nathan L. Kaitz is an attorney with Morgan, Brown & Joy, LLP. Nathan may be reached at (617) 523-6666 or at nkaitz@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

This alert was prepared on April 22, 2011.

This publication, which may be considered advertising under the ethical rules of certain jurisdictions, should not be construed as legal advice or a legal opinion on any specific facts or circumstances by Morgan, Brown & Joy, LLP and its attorneys. This newsletter is intended for general information purposes only and you should consult an attorney concerning any specific legal questions you may have.