

EARNED SICK TIME

Notice of Employee Rights

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**
- 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 after 90 days

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.

Job Protection

- An employee cannot be disciplined, penalized, or retaliated against for exercising their rights under the law.
- For example, employers may not assign disciplinary points to covered absences, take work hours away from an employee for calling out, or fire an employee to asserting sick leave rights.

Will it be Paid?

- If an employer has 11 or more employees, sick time must be paid.
- For employers with fewer than 11 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 spouse's parent is sick or has a routine medical appointment. It can be used to address the effects of domestic violence on the employee or their child. An employee can use sick time after pregnancy loss or failed assisted reproduction, adoption, or surrogacy.
- Employees may be required to use at least one hour of sick time when absent for part of a shift.
- Using sick time for other purposes is not allowed and may result in an employee being disciplined.

Notice and Verification

- Employees must notify their employer before they use sick time, except in a emergency.
- Employers may decide how the employees notify the employer of an absence.
- An employer generally may not require a doctor's note unless the employee is absent more than 3 days in a row or uses sick time during their last two weeks of employment.

Do You Have Questions?

Call the Fair Labor Division at 617-727-3465

Visit www.mass.gov/ago/earnedsicktime



Commonwealth of Massachusetts
Office of the Attorney General
English - December 2024

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 and to §150.

**This notice is intended to inform.
Full text of the law and regulations are available at
www.mass.gov/ago/earnedsicktime**



Employee Earned Sick Time Request Form

I, _____ (print or type name), attest that I used earned sick time for the authorized reason/s checked below:

to care for my child, spouse, parent, or parent of my spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;

to care for my own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;

to attend a routine medical appointment or a routine medical appointment for my child, spouse, parent, or parent of my spouse;

to address the psychological, physical, or legal effects of domestic violence, sexual assault or stalking; or

to travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

I used earned sick time in the amount of _____ hours (Minimum of 1 hour for first hour used then Quarter Hour thereafter) on the following date/s: _____

*****Note: Hours must be submitted with your regular weekly hours*****

You will only be paid hours that you have accrued thru the previous week ending Pay period.

I understand that if an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for earned sick time under any applicable state law or regulation. An employer may discipline the employee for misuse of sick leave.

I understand that if an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, an employer may discipline the employee for misuse of earned sick time, unless the employee provides verification of authorized use under any applicable state law or regulation.

Client (work location) Name:

Date Signed:

Employee Signature

Last 4 digits of Social Security #