

One Minute Memo[®]



Breaking News: Massachusetts Attorney General Announces 6-Month Safe Harbor For Employers With Qualifying Paid Time Off Policies In Place

By Daniel B. Klein and Anne S. Bider

On May 18, 2015, the Attorney General's Office issued a safe harbor policy that allows certain employers a six-month extension of time to comply with the Massachusetts Earned Sick Time Law ("ESTL") that otherwise takes effect July 1, 2015. As a reminder, the ESTL allows employees to use and accrue up to 40 hours of sick time per year under certain conditions.

While the safe harbor provides a welcome reprieve for some employers, not all will qualify for its protections. To operate under the safe harbor:

- an employer must have a paid time off policy in existence as of May 1, 2015;
- the policy in existence must provide the employee at least 30 hours of paid time off during the 2015 calendar year; and
- any time off taken between July 1, 2015 and January 1, 2016 must be subject to the ESTL's "non-retaliation and non-interference provisions."

Provided that all such qualifications are met, an employer "shall be in compliance" with the ESTL *with respect to those employees who receive such paid time off* until January 1, 2016. Employers that currently offer paid time off to some employees but not others have the option of extending 30 hours of paid time off to those currently ineligible employees "under the same conditions" it provides paid time off to eligible employees.

A copy of the safe harbor regulation can be found [here](#). Our previous Management Alerts on the ESTL can be found [here](#) and [here](#).

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