

One Minute Memo[®]



Massachusetts Attorney General Publishes Mandatory Earned Sick Time Notice

By *Daniel B. Klein*

The Massachusetts Attorney General has issued the awaited, mandatory Earned Sick Time Notice ([click here](#)). Pursuant to the Massachusetts Earned Sick Time Law, which takes effect July 1, 2015, employers shall post this Notice in a conspicuous location accessible to employees in every establishment where employees with rights under this law and its regulations work, and shall provide a copy of it to their employees. Employers should therefore post this Notice in such locations and distribute it to their current Massachusetts employees (in paper or electronic form) no later than July 1, and to all new hires thereafter.

Of note, the Notice includes several items that reflect a shift from the Attorney General's draft regulations and perhaps a sign of impending changes in the final regulations. The period for public comments on the Attorney General's proposed regulations closed yesterday. We now await the final version of the regulations. Noteworthy highlights include:

- **The smallest amount of sick time an employee can take is an hour.** Previously, the draft regulations allowed earned sick time to be used in the smallest increment the employer's payroll system uses.
- **Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.** This provides employers a new ability to prevent an employee from protecting a tardy after the fact.
- **An employer may require documentation from a medical provider if an employee uses sick time within 2 weeks of leaving his or her job.** Previously, the statute and the draft regulations only permitted the ability to require documentation from a medical provider if the employee was absent more than 24 consecutively scheduled hours. This new measure seems aimed at preventing employees whose resignation or termination has been noticed from using sick time in their last 2 weeks without providing a medical provider's documentation.

Stay tuned for the final regulations in the coming weeks. Our prior Alerts reporting on this law and the proposed regulations may be accessed [here](#) and [here](#), and the Alert on the safe harbor policy may be accessed [here](#).

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