

## Issues with proposed policy in lieu of Earned Sick Time

### 1. Meaning and reason for "certified seasonal"

Massachusetts General Laws C. 148C

<http://www.sec.state.ma.us/ele/ele14/pip144.htm>

[The word "certified" does not appear in this law]

Massachusetts regulations 940 CMR 33

<http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>

[The word "certified" does not appear in this regulation]

Massachusetts General Laws C. 148C, S. 1

"Employee", any person who performs services for an employer for wage, remuneration, or other compensation

Massachusetts regulations 940 CMR 33.02

Employee. Any person who performs services for an employer for wage, remuneration, or other compensation, as further defined by M.G.L. c. 149, S. 148B, including full time, part-time, seasonal, and temporary employees

### 2. Meaning and reason for "working more than 90 days"

[as contrasted with "working 90 days or more"]

Massachusetts General Laws C. 148C(d) (1)

An employer shall provide a minimum of one hour of earned sick time for every thirty hours worked by an employee. Employees shall begin accruing earned sick time commencing with the date of hire of the employee or the date this law becomes effective, whichever is later, but employees shall not be entitled to use accrued earned sick time until the 90th calendar day following commencement of their employment.

Massachusetts regulations 940 CMR 33.29

Employees begin accruing earned sick time on the first date of actual work and may begin to use any accrued earned sick time 90 days following their first dates of actual work, regardless of the number of days worked during the 90-day period.

### 3. Meaning and operation of "lump sum"

Massachusetts General Laws C. 148C

[Contrary to claim, the term "lump sum" does not appear in this law]

Massachusetts regulations 940 CMR 33.36.b

On and after July 1, 2015, all employees not previously covered by the policy, including part-time employees, seasonal employees, temporary employees, new employees, and per diem employees must either:

i. accrue paid time off at the same rate of accrual as covered full-time employees; or

ii. if the policy provides lump-sum allocations, receive a prorated lump-sum allocation based on the provision of lump sum paid time off/paid sick leave to covered full-time employees.

4. Varying terms: "paid leave time" "sick leave" "personal leave"

Massachusetts General Laws C. 148C(a)  
defines "Earned paid sick time" and "Earned Sick Time"

Massachusetts regulations 940 CMR 33  
similarly defines "Earned paid sick time" and "Earned Sick Time"

5. Meaning of "majority of our unions"  
[Which unions? when do contracts expire?]

Massachusetts General Laws C. 148C  
[The word "union" does not appear in this law]

Massachusetts regulations 940 CMR 33  
[The word "union" does not appear in this regulation]

6. Varying term: "sick leave"  
[Only the term "paid sick leave" is previously specified]

Massachusetts General Laws C. 148C  
[The term "sick leave" does not appear in this law]

Massachusetts regulations 940 CMR 33  
[The term "sick leave" does not appear in this regulation]

7. Restriction: "more than ten (10) days in the prior 12-month period"  
[restriction on use of paid sick leave]

Massachusetts General Laws C. 148C  
[No such restriction appears in this law]

Massachusetts regulations 940 CMR 33  
[No such restriction appears in this regulation]

8. Phrase: "appointing authority"  
[No previous specification of this phrase]

Massachusetts General Laws C. 148C  
[No such phrase appears in this law]

Massachusetts regulations 940 CMR 33  
[No such phrase appears in this regulation]

9, Exclusions: "poll-workers and student interns or co-op students"  
[restrictions on eligibility for paid sick leave]  
[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C  
[No such exclusions appear in this law]

Massachusetts regulations 940 CMR 33  
[No such exclusions appear in this regulation]

10. Phrase: "30 hours per week"  
[range of hours not specified, other ranges also unspecified]  
[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C  
[No such phrase appears in this law]

Massachusetts regulations 940 CMR 33.07.8.b  
30 hours per week  
[range of hours not specified]

11. Limit: "4 hours per month for 9 months"  
[smaller limit than 40 hours on accrual of paid sick time]  
[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C(d)(4)  
...employees shall be entitled to earn and use up to 40 hours of earned paid sick time...

Massachusetts regulations 940 CMR 33.07.8.c  
provide 4 hours per month for 9 months  
[smaller limit than 40 hours on accrual of paid sick leave]

12. Limit: "maximum of 8 hours"  
[limit on certain uses of paid sick time]  
[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C  
[No such limit appears in this law]

Massachusetts regulations 940 CMR 33  
[No such limit appears in this regulation]

13. Limit: "professional medical"  
[limit on eligible uses of paid sick time]  
[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C(c)

- (1) care for the employee's child, spouse, parent, or parent of a spouse
- (2) care for the employee's own physical or mental illness, injury, or medical condition

Massachusetts regulations 940 CMR 33.02 Earned sick time

1. care for the employee's child, spouse, parent, or parent of a spouse
2. care for the employee's own physical or mental illness, injury, or medical condition

14. Restriction: "half (1/2) of a regularly scheduled work day"

[increments for use of paid sick time]

[described only for less-than-half-time, seasonal and temporary employees]

Massachusetts General Laws C. 148C(d) (7)

Earned sick time shall be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

Massachusetts regulations 940 CMR 33.03.14

employees may use earned sick time in hourly increments

15. Restriction: "Break in service"

[new restrictions on sick leave bank]

[described only for regular employees]

Massachusetts General Laws C. 148C

[No such limit appears in this law]

Massachusetts regulations 940 CMR 33

[No such limit appears in this regulation]