

# EARNED SICK TIME

## Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

### 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** if they work enough hours.
- 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 90 days after starting work.

### WILL IT BE PAID?

- If an employer has 11 or more employees, sick time must be paid.
- For employers with 10 or fewer 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 parent of a spouse is sick, has a medical appointment, or to address the effects of domestic violence.
- The smallest amount of sick time an employee can take is one hour.
- Sick time cannot be used as an excuse to be late for work without advance notice of a proper use.
- Use of sick time for other purposes is not allowed and may result in an employee being disciplined.

### CAN AN EMPLOYER HAVE A DIFFERENT POLICY?

Yes. An employer can 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.

### RETALIATION

- Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law.
- Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments.

### NOTICE & VERIFICATION

- Employees must **notify** their employer before they use sick time, except in an emergency.
- Employers may require employees to **use a reasonable notification system** the employer creates.
- If an employee is out of work for 3 consecutive days **OR** uses sick time within 2 weeks of leaving their job, an employer may require documentation from a medical provider.

### DO YOU HAVE QUESTIONS?

Call the Fair Labor Division at 617-727-3465 ○ E-Mail us at [EarnedSickTime@state.ma.us](mailto:EarnedSickTime@state.ma.us)

Visit [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)



Commonwealth of Massachusetts  
Office of the Attorney General

**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(b) and to §150.

**This notice is intended to inform.**

**Full text of the law and regulations are available at [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime).**

# LA LICENCIA POR ENFERMEDAD ACUMULADA

## Aviso De Derechos De Los Empleados

Comenzando el 1 de julio de 2015, los empleados de Massachusetts tienen el derecho a ganar y utilizar licencia por enfermedad del trabajo.

### ¿QUÉ EMPLEADOS SON ELEGIBLES?

Todos los empleados en Massachusetts son elegibles para la licencia por enfermedad acumulada, incluyendo empleados a tiempo completo, medio tiempo, estacionales, y temporales.

### ¿CÓMO SE ACUMULA?

- Empleados acumulan 1 hora por cada 30 horas trabajadas.
- Empleados pueden acumular y usar la licencia por enfermedad hasta 40 horas cada año si trabajan horas suficientes.
- Empleados pueden llevar hasta 40 horas de licencia por enfermedad acumulada no utilizada al próximo año.
- Empleados empiezan a acumular tiempo de licencia por enfermedad el primer día de trabajo y pueden utilizar esta licencia 90 días después de empezar a trabajar.

### ¿EL EMPLEADOR TIENE QUE PAGAR POR ESTA LICENCIA?

- Si un empleador tiene 11 o más empleados, el empleador tiene que pagar la licencia por enfermedad.
- Empleadores que tienen 10 o menos empleados no tienen que pagar por esta licencia.
- Licencia por enfermedad pagada tiene que ser pagado en el mismo horario y en la misma proporción que los salarios regulares.

### ¿CUÁNDO SE PUEDE UTILIZAR ESTA LICENCIA?

- Un empleado puede utilizar el tiempo de enfermedad cuando el empleado o del empleado su hijo, conyugue, padre o madre o los padres del conyugue están enfermos, tiene cita médica, o sufre de los efectos de la violencia doméstica.
- El mínimo tiempo de licencia/permiso de enfermedad un empleado puede usar es de una hora
- Empleados no pueden usar la licencia acumulada como una excusa para llegar tarde al trabajo sin previo aviso al empleador y uso adecuado.
- La ley no permite el uso de la licencia por enfermedad para otros propósitos y la utilización de licencia en maneras inadecuadas puede resultar en medidas disciplinarias.

### ¿UN EMPLEADOR PUEDE TENER UNA PÓLIZA/NORMA DIFERENTE DE LO QUE REQUIERE LA LEY?

Sí. Un empleador puede tener su propia póliza de licencia por enfermedad o licencia pagada siempre y cuando su propia póliza cumpla con los requisitos mínimos según la ley de licencia por enfermedad.

#### REPRESALIA

- Un empleado que usa el tiempo de enfermedad ganado no puede ser despedido de su trabajo. Un empleador no puede tomar represalias contra un empleado por ejercer o tratar de ejercer sus derechos según la ley.
- Ejemplos de represalia incluye: denegando la utilización o retrasando el pago de la licencia por enfermedad, despidiendo al empleado, reduciendo horas de trabajo, o dando tareas indeseables al empleado.

#### AVISO Y VERIFICACIÓN

- Los empleados deben notificar a su empleador antes de utilizar el tiempo de enfermedad, salvo en caso de emergencia.
- Un empleador puede requerir que los empleados usen un sistema de notificación razonable que el empleador ha creado.
- Si un empleado está fuera de trabajo por 3 días consecutivos o utiliza tiempo de enfermedad dentro de dos semanas de dejar su trabajo, un empleador puede requerir documentación de un médico.

### ¿TIENE PREGUNTAS?

Llame a la División de Trabajo Justo a 617-727-3465

Visita a [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime) ○ Envía correo electrónico a [earnedsicktime@state.ma.us](mailto:earnedsicktime@state.ma.us)



Commonwealth of Massachusetts  
La Oficina de el Fiscal General

El Fiscal General impone la Ley de Licencia por Enfermedad Acumulada y reglamentos.

Es ilegal violar cualquier disposición de la Ley de Licencia por Enfermedad Acumulada.

Las violaciones de todas disposiciones de la Ley de Licencia por Enfermedad Acumulada, M.G.L. c. 149, § 148C, u estas reglamentos, 940 C.M.R. 33.00, estarán sujetas a los párrafos (1), (2), (4), (6) y (7) de subsección (b) de M.G.L. c. 149, § 27C(b) y a §150.

Este aviso es solo para informacion.

La Ley de Licencia por Enfermedad Acumulada y reglamentos están en el sitio web: [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)

**MCAD Guidance**  
**PREGNANT WORKERS FAIRNESS ACT**  
**Issued 1/23/2018**

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

**Boston Headquarters:** One Ashburton Place, Room 601, Boston, MA 02108 | (617) 994-6000

**Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103 | (413) 739-2145

**Worcester:** 484 Main Street, Room 320, Worcester, MA 01608 | (508) 453-9630

**New Bedford:** 128 Union Street, Suite 206 New Bedford, MA 02740 | (774) 510-5801

[www.mass.gov/mcad/](http://www.mass.gov/mcad/)

# Employer Notice to W2 Employee

Rights and Obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M

_____ (Employer Name)
_____ (Employer Street Address)
_____ (Employer City, State, Zip)
_____ (Federal Employer ID Number) (FEIN)

## Explanation of Benefits

- **As of January 1, 2021**, you may be entitled to up to
  - 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces;
  - 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work
  - 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member’s military service.
- **As of July 1, 2021**, you may be entitled to up to
  - 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.
  - 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- **Your weekly benefit amount** will be based on your earnings, with a maximum benefit of \$850 per week.

## Job Protection, Continuation of Health Insurance, No Retaliation

- **Job Protection:** Generally, if you take family or medical leave under the law you must be restored to your previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave.
- **Continuation of Health Insurance:** Your employer must continue to provide for and contribute to your employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if you had continued working continuously for the duration of such leave.
- **No Retaliation:** It is unlawful for any employer to discriminate or retaliate against you for exercising any right to which you're entitled under the paid family and medical leave law. An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court.

## Contributions to the DFML Family and Employment Security Trust Fund

- As of October 1, 2019, contributions to the Department of Family and Medical Leave (DFML) Employment Security Trust Fund began. Employers are responsible for sending contributions to the DFML for all employees. Larger employers with 25 or more covered individuals are responsible for paying a share of the required contributions. Employers with fewer than 25 covered individuals are not required to pay the employer's share of contributions but must still remit payment on behalf of their covered individuals.
- The contribution rate may be adjusted annually.

## How to File a Claim

Employees must file claims for paid family and medical leave benefits with the DFML using the Department's forms. Forms and claim instructions are available on the Department's website [www.mass.gov/DFML](http://www.mass.gov/DFML).

Employees are required to provide at least 30 days' notice to their employer of the anticipated starting date of any leave, the anticipated length of the leave and the expected date of return. An employee who is unable to provide 30 days' notice due to circumstances beyond his or her control is required to provide notice as soon as practicable.

## Payment for Concurrent Leave

Any paid leave provided under a collective bargaining agreement or employer policy and paid at the same or higher rate than paid leave available under this law shall count against the allotment of leave benefits available under this law.

## Department of Family and Medical Leave (DFML) Contact Information

### The Massachusetts Department of Family and Medical Leave

Charles F. Hurley Building  
19 Staniford Street, 1<sup>st</sup> Floor  
Boston, MA 02114  
(617) 626-6565  
[www.mass.gov/DFML](http://www.mass.gov/DFML)

## More Information is Available

For more detailed information, please consult the Department's website: [www.mass.gov/DFML](http://www.mass.gov/DFML).

## Effective Rates as of 2019

*For employers with fewer than 25 employees in Massachusetts*

Family Leave Contribution	Medical Leave Contribution	Total Contribution Amount
.13%	.248%	.378%

*For employers with 25 or more employees in Massachusetts*

Family Leave Contribution	Medical Leave Contribution	Total Contribution Amount
.13%	.62%	.75%

For small employers (with fewer than 25 **covered workers**) the effective family and medical leave contribution is 00.378% of earnings. Small employers are responsible for remitting the funds withheld from their employees' paycheck but do not need to contribute to either the family or medical leave.

For large employers (with 25 or more covered workers) the effective family and medical leave contribution is 00.75% of earnings. Large employers are responsible for remitting the funds withheld from their employees' paycheck and their required contribution. Up to 100% of the family medical leave contribution can be withheld from a covered worker's earnings (.13% of earnings). Up to 40% of the medical leave contribution can be withheld from a covered worker's earnings (.248% of earnings). Large employers are responsible for contributing the remaining 60% (.372% of earnings).

NOTICE  
TO  
EMPLOYEES



NOTICE  
TO  
EMPLOYEES

# The Commonwealth of Massachusetts

## DEPARTMENT OF INDUSTRIAL ACCIDENTS

LAFAYETTE CITY CENTER, 2 AVENUE DE LAFAYETTE, BOSTON, MA 02111  
(617) 727-4900 – [www.mass.gov/dia](http://www.mass.gov/dia)

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with:

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NAME OF INSURANCE COMPANY

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ADDRESS OF INSURANCE COMPANY

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POLICY NUMBER

EFFECTIVE DATES

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NAME OF INSURANCE AGENT

ADDRESS

PHONE #

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EMPLOYER

ADDRESS

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EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY)

DATE

## MEDICAL TREATMENT

The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers' Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

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NAME OF HOSPITAL

ADDRESS

TO BE POSTED BY EMPLOYER



## Model Sexual Harassment Policy

### SEXUAL HARASSMENT POLICY OF

#### **I. Introduction**

It is the goal of the Company to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Company takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

#### **II. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

## MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### **III. Complaints of Sexual Harassment**

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting [Name, address and telephone number of the appropriate individual to whom complaints should be addressed. Such individuals may include human resources director, manager, legal counsel to organization or other appropriate supervisory person]. [This person] [These persons) [is/are] also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **IV. Sexual Harassment Investigation**

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. when we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

# MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

## V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

## VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

[The United States Equal Employment Opportunity Commission](#) ("EEOC")

[The Massachusetts Commission Against Discrimination](#) ("MCAD")

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## Harassment Policy

Please Note: Massachusetts employers are strongly encouraged to supplement their sexual harassment policies with equivalent broader harassment policies.

These broader policies should specify that employees are protected from harassment on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status.

Like the sexual harassment policy, the general harassment policy should name a harassment officer (the same or a different person than the sexual harassment officer), and provide examples of prohibited verbal and nonverbal behavior. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group. The overall structure of the general harassment policy should parallel the structure of the sexual harassment policy (or can be combined as one policy).