

Massachusetts Expands Earned Sick Time Law With Addition Of A New Qualifying Reason For Sick Time Use

By Michelle De Oliveira on November 13, 2024



Starting November 21, 2024, qualifying reasons for an employee's use of earned sick time under Massachusetts' Earned Sick Time Law (M.G.L. c. 149, § 148C) will include the physical or mental health care needs as a result of the employee's or the employee's spouse's **"pregnancy loss or a failed assisted reproduction, adoption or surrogacy."** This change expands the qualifying reasons for which an eligible employee may use sick time.

The legislative change is part of *An Act Promoting Access To Midwifery Care and Out-Of-Hospital Birth Options* Session Law – Acts of 2024 Chapter 18, which has a litany of provisions designed to, among other things, improve health services for pregnant women while also expanding health care coverage for non-hospital providers (e.g., midwives, among others).

Prior to this legislative change, qualifying reasons for time off from work under the Earned Sick Time Law included: (1) caring for the employee's child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness; (2) caring for the

employee's own physical or mental illness, injury, or medical condition; (3) attending a routine medical appointment for the employee or for the employee's child, spouse, parent, or parent of spouse; or (4) addressing the psychological, physical, or legal effects of domestic violence. The governing regulations also provide that time off from work to "travel to and from an appointment, a pharmacy, or other location related to the purpose for which the [sick] time was taken" was (and is) protected. See 940 CMR 33.02.

Hand in hand with this amendment comes the need for Massachusetts employers to review and update their sick time policies to ensure that their policies reflect the expanded definition of qualifying reasons for sick time. As we approach year-end, it is always a recommended best practice for employers to conduct an employee handbook audit to ensure that their policies are compliant and up to date and Massachusetts employers are encouraged to take the necessary steps to implement this change by November 21, 2024.

This alert is for informational purposes only and may be considered advertising. It does not constitute the rendering of legal, tax, or professional advice or services. You should seek specific, detailed legal advice prior to taking any definitive actions.

Michelle De Oliveira is a shareholder of the firm and a member of the **Employment Law Group**. A significant aspect of Michelle's practice is devoted to providing businesses and human resources professionals with day-to-day employment law counsel and advice on issues such as, wage and hour, hiring practices, employee discipline, employee terminations, leaves of absence, allegations of discrimination or harassment, reasonable accommodation requests, and any other personnel-related issue that may arise. You can reach Michelle at mmd@riw.com or (617)

PROFESSIONALS

Michelle De Oliveira

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570-3533.

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