

EDUCATION ALERT

MASSACHUSETTS SCHOOLS MUST UPDATE POLICIES TO ADDRESS NEW MANDATORY EMPLOYEE LEAVE LAWS

Massachusetts private school administrators must take action now to address a trilogy of recently-enacted employee leave laws, summarized as follows:

Domestic Violence Leave- Effective August 8, 2014, schools with more than 50 employees must permit up to 15 days of leave every 12 months to address the direct effects of domestic abuse or violence suffered by an employee or an employee's immediate family member. The purpose of leave includes to seek or obtain medical attention, to obtain legal services, to secure housing, to appear in court, or to attend custody proceedings. The school may request documentation to support the absence, but must maintain strict confidentiality. Leave may be paid or unpaid in the discretion of the school. The school may require employees first to exhaust all other available paid time off before granting leave.

Expanded Parental Leave- Effective April 7, 2015, the Massachusetts Maternity Leave Act requires schools with at least six employees to permit both male and female employees who have worked for at least three months up to eight (8) weeks of leave related to the birth or adoption of a child. The leave may be paid or unpaid. Notice requirements apply. In some instances, leave under Massachusetts law may run concurrent with leave under the federal Family and Medical Leave Act, but parental leave is mandated in Massachusetts even if federal leave laws do not apply.

Sick Leave- Effective July 1, 2015, all school employers, no matter the number of employees, must provide all full-time, part-time, and temporary employees up to 40 hours of earned sick time in a calendar year for a personal illness or to care for an immediate family member. Schools with more than 11 employees must provide paid sick time. Employees earn a minimum of one hour of sick time for every 30 hours worked. Accrued sick time may be carried over to the next calendar year, but employees are limited to using 40 hours each calendar year.

Each of these new laws contains many other specific provisions governing compliance. All schools are encouraged to review and update all employee handbooks and manuals to address these new laws.

For more information, contact Peter F. Carr, II at pcarr@eckertseamans.com or 617.342.6857. Mr. Carr has vast experience representing independent private schools on legal matters including employment issues and human resources counseling, and he writes and speaks regularly on private school topics.

NOTE: *The information in this advisory is for general, educational purposes. It is not intended to be, and should not be considered, legal advice with respect to any particular situation.*