

MASSACHUSETTS LABOR AND EMPLOYMENT ALERT

FEDERAL COURT APPLIES NEW EARNED SICK TIME LAW TO MASSACHUSETTS EMPLOYEES GOVERNED BY CBAS

On July 9, 2015, a U.S. District Court judge in Massachusetts dismissed a challenge to the new Massachusetts Earned Sick Time law which went into effect on July 1, 2015. Among other provisions, the new law broadly requires Massachusetts employers to provide employees with one (1) hour of sick leave for every thirty 30 hours they work, up to 40 hours of sick leave per year. In *Labor Relations Division of Construction Industries of Massachusetts et al. v. Maura Healey*, C.A. 15-10116-RWZ, plaintiff contractors and construction trade associations were signatories to various collective bargaining agreements (“CBAs”) with building trade unions governing the relationship between the plaintiffs and the union workers they hired. Plaintiffs alleged that because the CBAs contained wage and hour provisions, the new Massachusetts law was unenforceable as preempted by a federal statute, the Labor Management Relations Act (“LMRA”). Plaintiffs sought a declaration that the new law did not apply to union employees whose work in Massachusetts was governed by CBAs.

Judge Rya W. Zobel disagreed, finding that (1) the LMRA was not sufficiently implicated to preempt the new law because state-level enforcement of the new law did not necessarily require interpretation of CBAs; and (2) there was no dispute ripe for a preemption challenge because the LMRA could only preempt actual “claims” and not “statutes” in the abstract.

Judge Zobel gave plaintiffs two (2) weeks to amend their Complaint to add new or different claims. No amended complaint has yet been filed. Given the July 9 decision, however, employers who employ Massachusetts workers subject to CBAs should consider those workers subject to the new law and should track hours accordingly.

If you have any questions about this decision or the new law, or if you would like advice as to its application to a specific situation in your workforce, please contact Walter Foster or Gabe Dym in our Boston office at (617) 342-6800.

This Labor and Employment Alert is intended to keep readers current on developments in the labor and employment world and in the law, and is not intended to be legal advice. Under the rules of the Supreme Judicial Court of Massachusetts, this material may be considered as advertising.

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