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PERSONNEL DEPARTMENT  
SHEILA KEADY RAWSON  
Director

TO: Richard C. Rossi  
City Manager

FROM: Sheila Keady Rawson  
Personnel Director

DATE: June 17, 2015

RE: Awaiting Report #15-44 Re: report on steps needed to opt in to the new  
Earned Sick Time law.

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The new Massachusetts Earned Sick Leave law, set to become effective July 1, 2015, would require most employers to allow employees to accrue and use up to 40 hours of paid sick leave per calendar year. The law also contains specific directives with respect to how the sick leave accrues; when and for what reasons it may be used; the rate at which it must be paid; and when and what type of documentation may be required. As requested, we have carefully evaluated the law and have submitted comments on the proposed regulations to the Attorney General's Office. The final regulations have not yet been released.

While the City's current sick leave provisions are in many ways more generous than the provisions of the law, there are some employees not currently eligible for sick leave from the City who would be entitled to accrue sick leave under the law. We assume, based on the Policy Order, that the City Council would like to expand the City's sick leave program to encompass these employees. For the reasons set forth below, I recommend that, rather than adopt the state law, the City revise and expand its existing policy. We have already started this process and will continue to work with various departments and staff over the summer with the goal to have a revised policy ready in September.

I believe this process will result in a sick leave policy that will meet employees' needs in a fair and equitable manner, be substantially equivalent to the state law, satisfy the City Council's goals, and integrate seamlessly with the City's current sick leave administration. The state law is problematic in part because its administrative and enforcement mechanisms are designed to manage sick leave usage of only 40 hours per year. The City, however, allows full-time employees to accrue and use substantially more than that (up to 120 hours per year that automatically roll over if unused). As a result, we have developed sophisticated procedures to ensure that sick leave benefits are well-managed and not misused. Some of these procedures conflict with the finer details and complexities of the law. If we choose to adopt the law, we

would lose the flexibility necessary to effectively manage our generous program. Moreover, because the final regulations have not yet been released, it would not be prudent to take any action with respect to the adoption of the law at this time. Our efforts would be better directed at crafting a policy that takes into account the City's unique and various needs rather than be forced into changes required by a one-size-fits-all mandate.