



The Commonwealth of Massachusetts AN INITIATIVE PETITION FOR A LAW

Under Article XLVIII of the Amendments to the
Constitution of the Commonwealth

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay

for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.


Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

FILING DEADLINES. Initiative petitions must be submitted to local election officials for certification of signatures no later than **5 p.m. on Wednesday, November 20, 2013.** Local election officials must complete their certification no later than December 2, 2013. Thereafter, initiative petitions containing certified signatures must be retrieved by petitioners from the local election officials and then filed with the Elections Division, Office of the Secretary of the Commonwealth, One Ashburton Place, Room 1705, Boston, MA, no later than **5 p.m. on Wednesday, December 4, 2013.**

FIRST TEN SIGNERS	Edward J. Markey	7 Townsend Street	Malden	REGISTRAR USE ONLY: <i>ONLY REGISTRAR MAY WRITE IN THIS AREA</i> SPONSORS OF THIS PETITION REQUEST THAT YOU RETURN THIS PETITION TO: Petition G 150 Mt. Vernon Street, Suite 200C Boston, MA 02125 617-284-1260
	Steven Tolman	17 Madeline Street	Boston	
Veronica Turner	397 Prospect Street	Brockton		
Linda Mae Pittsley	301 Milliken Boulevard, #701	Fall River		
Jeremiah J. Donovan	138 Albion Street	Fall River		
Sandra M. Pineros-Shields	64 Highland Avenue, #2	Salem		
Emily Rodriguez	503 White Street	Springfield		
Jeffrey L. Brown	34 Tremlett Street	Boston		
Joaquim Jack Livramento	384 Purchase Street	New Bedford		
Jane Soyster Gould	80 Ocean Street	Lynn		
CIRCULATOR AND SIGNER INFORMATION	These names have been certified as names of registered voters in their places of residence. Original petition was filed on September 4, 2013.			CIRCULATOR INFORMATION
	 SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS			
CIRCULATOR AND SIGNER INFORMATION	INSTRUCTIONS TO CIRCULATORS AND SIGNERS			
	<ul style="list-style-type: none"> • DO NOT ALTER THIS INITIATIVE PETITION IN ANY WAY. ADDITIONAL MARKINGS ON THIS PETITION WILL DISQUALIFY ANY SIGNATURES ON THIS PETITION SHEET. • For your signature to be valid, you must be a registered voter in the city or town named below and your signature should be written substantially as registered. DO NOT sign the same petition more than once. • If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence. 			

City or Town Circulator petition sheet number

ONLY REGISTERED VOTERS OF MAY SIGN THIS SHEET.

(OVER) G

ATTENTION VOTERS: Before signing, read signer information on other side. CITY OR TOWN:

	REGISTRAR USE ONLY	I. SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated on other side)	II. NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	WARD	PREC.
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WARNING - criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to \$1,000 or imprisonment for up to one year.

INSTRUCTIONS TO REGISTRARS

REGISTRAR INFORMATION

- You must time-stamp or write in date and time these papers are received.
- Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code at the right. Draw a line through any blank spaces not containing signatures.
- Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.
- You must complete certification no later than December 2, 2013.

- N - no such registered voter at that address, or address is illegible.
- S - unable to identify signature as that of voter because of form of signature, or signature is illegible.
- W - wrong community.
- T - already signed papers for this question.

CERTIFICATION OF SIGNATURES

At least three registrars' names must be signed or stamped below.

_____ city or town _____ month and day

We certify that _____
(number of names certified – use numbers and words)

above signatures checked thus ✓ are names of qualified voters from this city or town.

Registrars of Voters or Election Commissioners of

_____ city or town _____ county

City or Town

ONLY REGISTERED VOTERS OF

MAY SIGN THIS SHEET.

