Final Massachusetts Sick Leave Law Regulations Include Important Exemption for Colleges and Universities, Provide Guidance on Adjunct Faculty

JULY 15, 2015

The Massachusetts Attorney General's Office issued its final regulations under the Massachusetts Earned Sick Time Law, which takes effect on July 1, 2015. In the final regulations, the Attorney General's Office included an important exception to the definition of the term "employee" under the statute. Under this exemption, students who are (1) participating in a work-study or other similar program, (2) providing support services to residents of dormitories, residence halls or other similar campus housing in exchange for a reduction in room, board, tuition or other expenses, or (3) exempt from FICA tax under federal law, are not considered "employees" of the institution for purposes of the Earned Sick Time Law and therefore are not entitled to accrue sick time.

In addition, the final regulations clarify how to calculate hours worked for adjunct faculty of an institution (to satisfy the statutory requirement of accruing one hour of earned sick time for every 30 hours worked). Under the regulations, an adjunct faculty member who is paid on a fee-for-service or on a per-course basis will be deemed to work three hours for each "classroom hour" worked. This formula will allow institutions to track earned sick time accruals for adjunct faculty.

Client Tip: *Institutions should review their sick leave and other paid time off policies to ensure that they are in compliance with the Earned Sick Time Law.*

©2026 Bowditch & Dewey LLP. All Rights Reserved.