New Law Mandates Paid COVID-19 Leave for Massachusetts Employees

BY CHELSIE A. VOKES • JUNE 3, 2021

On Friday, May 28, 2021, Governor Baker signed a law requiring Massachusetts employers to provide job-protected paid leave to their employees for certain reasons related to COVID-19 (the "Leave"). Eligible employers may seek reimbursement for the costs of providing Leave from the State's $75M COVID-19 Emergency paid Sick Leave Fund (the "Fund"). The Leave requirement will expire on September 30, 2021, or the date that the Fund is exhausted, whichever comes first.

While employers should review the law in full, the following is a summary of the major provisions.

REASONS FOR LEAVE

The law requires Massachusetts employers to provide paid sick leave to employees for any of the following reasons:

1. An employee's need to (i) self-isolate and care for themselves because of their COVID-19 diagnosis; (ii) obtain a medical diagnosis or treatment for their COVID-19 symptoms; or (iii) obtain or recover from their COVID-19 vaccination.
2. An employee's need to care for a family member who is (i) self-isolating due to a COVID-19 diagnosis; or (ii) obtaining a medical diagnosis or treatment for COVID-19 symptoms.
3. A quarantine order, or other determination by a public official, health authority with jurisdiction, or a health care provider that the employee's attendance at work would jeopardize the health of others due to the employee's COVID-19 exposure or symptoms.
4. To care for a family member subject to a quarantine order or other determination by a public official, health authority with jurisdiction, or a health care provider that the family member's attendance at work would jeopardize the health of others due to the employee's COVID-19 exposure or symptoms.
5. The employee has been diagnosed with COVID-19 and is experiencing symptoms that inhibit their ability to

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telework.

AMOUNT OF LEAVE

Employers must provide up to 40 hours of paid leave to employees working 40 or more hours per week. This number is pro-rated for employees working, on average, less than 40 hours per week. For those employees whose schedules vary, the law details how to calculate an employee's average work hours.

Leave benefits are capped at $850 per employee. Accordingly, employers are not required to pay and may not seek reimbursement for any amounts paid above this figure.

EMPLOYER REIMBURSEMENT

In order to receive reimbursement from the Fund, employers must require their employees to submit Leave requests in writing. The law details (i) specific information that must be provided in the Leave requests, and (ii) additional information that employers must collect in order to obtain reimbursement.

RETALIATION IS PROHIBITED

Employers may not retaliate against employees for taking Leave, may not require employees to use other types of available paid leave before taking Leave, and may not require employees to find a replacement to perform their work while they are on Leave.

Please contact a member of the Employment Group if you have questions concerning the requirements of the law.

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