



EMPLOYMENT LAW ALERT
(SEPTEMBER 30, 2021)

EXTENSION (AND EXPANSION) OF PAID COVID-19 SICK LEAVE IN MASSACHUSETTS

Yesterday, Governor Baker signed into law an extension of the paid COVID-19 leave which must be provided to Massachusetts employees. The leave was set to expire today, September 30, 2021, but the expiration date has been extended to **April 1, 2022** (or until the program exhausts the designated \$75 million in program funds, whichever comes first). The law also added a new basis for eligibility: to care for a family member who is obtaining an immunization related to COVID-19 or is recovering from an injury, disability, illness, or condition related to such immunization. The law does not define the concept of an employee “caring” for a family member, but it may include scenarios in which an employee is needed to accompany the family member to the vaccination appointment.

Thus, until April 1, 2022, a Massachusetts employee is eligible for paid COVID-19 leave under the following circumstances:

- The employee needs to self-isolate and provide self-care because of a COVID-19 diagnosis, or to seek or obtain medical diagnosis, care, or treatment of COVID-19 symptoms.
- To obtain immunization related to COVID-19, or if the employee is recovering from such immunization.
- The employee is needed to care for a family member who is self-isolating due to a COVID-19 diagnosis or needs medical diagnosis, care, or treatment for COVID-19 symptoms.
- The employee is needed to care for a family member who is obtaining an immunization related to COVID-19 or is recovering from an injury, disability, illness, or condition related to such immunization.
- The employee is under a quarantine order by a relevant government authority, the employer, or a health care provider.
- The employee is needed to care for a family member who is under a quarantine order by a relevant government authority, the family member’s employer, or a health care provider.
- The employee is unable to telework because the employee has been diagnosed with COVID-19 and the symptoms inhibit the ability of the employee to telework.

For employees who work 40 or more hours per week, the amount of COVID-19 paid sick leave is 40 hours; for employees who work fewer than 40 hours per week, the amount is based upon their regular part-time hours or an average of their hours, using the calculation in the new law. The amount of pay for the leave is capped at \$850 per week and is in addition to any other paid time off benefit for which the employee may be eligible, except if the employer has a separate COVID-19 sick leave policy that makes leave available under the same terms and conditions as required by the new law.

COVID-19 paid sick leave may be used on an intermittent or reduced schedule basis. The employee is required to provide notice to the employer of the need for the leave as soon as practicable or foreseeable. Employers are permitted to submit applications for reimbursement from a special fund that has been established for this purpose. The employer must require the employee to submit a written request for leave that contains certain information relating to the leave.

Please email or call us if you have any questions or if we can be of any assistance.

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