



**MANCHEL
BRENNAN**

COUNSELLORS AT LAW

**EMPLOYMENT LAW ALERT
(JUNE 1, 2021)**

NEW CORONAVIRUS-RELATED PAID SICK LEAVE ENACTED IN MASSACHUSETTS

This past Friday, Governor Baker signed into law a new Massachusetts statute requiring employers to provide emergency paid sick leave for certain COVID-19 absences. The statute became effective immediately and is set to expire on September 30, 2021 or until the special reimbursement fund set up by the state (referenced below) is exhausted, whichever comes first.

An employee is eligible for this type of leave in the following situations:

- 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 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 emergency 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 available leave under the same terms and conditions as required by the new law.

This emergency 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 (provided the employer did not take a tax credit for the payment under the extended federal Families First Coronavirus Response Act). In order to do so, the employer must require the employee to submit a written request for leave that contains certain information relating to the leave, and that written request must be submitted with the employer's application for reimbursement. The relevant Massachusetts agency is tasked with publishing a model notice this week, which employers will be required to post in the workplace or distribute to employees electronically. We will keep you updated with any developments.

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

©MANCHEL & BRENNAN, P.C., 2021. THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATIONAL PURPOSES AND IS NOT OFFERED AS, AND SHOULD NOT BE CONSTRUED AS, LEGAL ADVICE WITH RESPECT TO ANY SPECIFIC MATTER.