



# MASSACHUSETTS COVID-19 EMERGENCY PAID SICK LEAVE LAW EXTENDED TO APRIL 1, 2022

The obligation of covered Massachusetts employers to provide up to 40 hours of paid leave to employees for COVID-19 related reasons continues through April 1, 2022, or the exhaustion of \$75 million in program funds as determined by the Commonwealth, whichever occurs first.

## **Additional Reason for Leave**

The law extending the duration of the state mandated leave also expanded the reason for leave to include an employee's need to care for a family member who needs to get or recover from a COVID-19 immunization.

Reasons for the paid sick leave to employees who are unable to work due to COVID-19 include:

- **An employee's need**

- to self-isolate and care for oneself because of the employee's COVID-19 diagnosis;
- to get a medical diagnosis, care or treatment for the employee's COVID-19 symptoms;
- to get or recover from the employee's COVID-19 vaccination;
- to quarantine pursuant to an order or similar determination by a local, state or federal public official, a health authority having jurisdiction, the employee's employer or healthcare provider that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to COVID-19; and/or
- for leave due to the employee's inability to telework due to COVID-19 symptoms.

- **An employee's need to care for a family member**

- who is self-isolating due to a COVID-19 diagnosis;
- who needs to obtain a medical diagnosis, care or treatment for COVID-19 symptoms;
- who needs to get or recover from a COVID-19 immunization; and/or
- who is required to quarantine pursuant to an order or similar determination by a local, state or federal public official, a health authority having jurisdiction, the family member's employer or health care provider that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to COVID-19.

## **Leave Details**

The amount of leave time remains up to 40 hours, depending on the employee's regularly scheduled number of work hours per week. The amount of compensation that an employer is required to pay an employee for the emergency paid sick leave is still capped at \$850 per week. An employee can use the COVID-19 emergency paid sick leave on an intermittent basis or in hourly increments. In general, employers may not require employees to use other types of available paid leave before they use the state's COVID-19 emergency paid sick leave.

## Reimbursement from the Commonwealth

Employers who provide their employees with COVID-19 emergency paid sick leave can seek reimbursement from the state's COVID-19 Emergency Paid Sick Leave by applying through the Department of Revenue's **MassTaxConnect** website.

## Written Request for Leave

Updated sample request for leave forms can be found **here**.

Employers must maintain an employee's health information related to the COVID-19 emergency paid sick leave in a separate file from the employee's personnel information. This health information must be treated as confidential medical records.

An employee should give notice to the employer of the need for leave as soon as practicable or foreseeable. After the first day of leave, the employer may require that the employee follow reasonable notice procedures in order to continue receiving paid leave.

## Non-Retaliation Provision

The state law makes it unlawful for an employer to interfere, restrain or deny COVID-19 emergency paid sick leave or to institute any adverse action against an employee who opposes practices believed to be in violation of the law or supports the exercise of a right of another employee under the law.

## Poster

The required notice to employees has been updated and can be found **here**.

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