

Massachusetts Enacts COVID-19-Related Emergency Paid Sick Law

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On May 28, 2021, Massachusetts Governor Charlie Baker signed into law legislation requiring all Massachusetts employers to provide emergency paid sick leave to employees who are unable to work for certain reasons relating to COVID-19 (“EPSL”). The new law also provides funding to employers to reimburse the cost of providing such leave. Employers will need to make EPSL available to employees as of June 7, 2021, and will need to post notices of employees’ rights under the law. The paid leave requirement is scheduled to run through September 30, 2021, or until funding runs out.

Under the new law, employers are required to provide up to 40 hours of EPSL to full-time employees. Part-time employees will be entitled to EPSL in an amount equal to the average hours that the employee works per week. EPSL must be provided upon request in any of the following cases:

- The employee is self-isolating due to a COVID-19 diagnosis, receiving medical treatment for a COVID-19 diagnosis, or obtaining or recovering from the COVID-19 vaccine;
- The employee needs to care for a family member who is self-isolating or receiving medical treatment due to a COVID-19 diagnosis;
- The employee is subject to a quarantine order;
- The employee needs to care for a family member who is subject to a quarantine order; or
- The employee is unable to telework because of COVID-19 symptoms.

Employees taking EPSL may receive up to the lesser of \$850 or the employee’s weekly wages per week. Employers may provide greater benefits voluntarily, but the Commonwealth will only reimburse employers up to \$850 per employee per week for EPSL. Employers that already provide COVID-19 leave that is equal to or more generous than the new leave requirement need not provide any additional leave.

The law sets aside \$75 million in funding to reimburse employers for the cost of granting EPSL. Employers may seek reimbursement from the Commonwealth by submitting a written request containing (1) the employee’s name, (2) the date(s) for which leave is requested and taken, (3) a statement of the COVID-19-related reason for the leave, and (4) a statement that the employee is unable to work because of the COVID-19-related reason.

Additional guidance on the program is expected in the coming weeks, with more details on the reimbursement process among the items that should be provided. The Commonwealth also is expected to issue a model notice of employee rights on June 4, 2021, which employers will need to post in a conspicuous location. We will monitor the implementation of the new law as it occurs and provide fresh updates when information becomes available.

Foley Hoag has formed a firm-wide, multi-disciplinary [task force](#) dedicated to client matters related to the novel coronavirus (COVID-19). For more guidance on your COVID-19 issues, visit our [Resource Page](#) or contact your Foley Hoag attorney.

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