

e-Alert

06.14.21

Massachusetts Enacts COVID-19 Emergency Paid Sick Leave Law

Background

On May 28, 2021, Massachusetts employers, in accordance with Senate Bill, H-3702, were required to provide paid sick leave to employees as well as applicable family members for COVID-19-related health issues. This program will expire on September 30, 2021, or when the \$75 million in government funding exhausts, whichever comes first. However, employers are eligible for reimbursement of any sick leave paid out under this new program.

Summary

Reasons for Leave

An employee is eligible for this leave if he or she:

- Needs to self-isolate due to being diagnosed with COVID-19
- Receives medical diagnosis, care, or treatment for COVID-19 symptoms
- Contracts or recovers from a COVID-19 Immunization

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

- Needs to take care of a family member that must self-isolate due to diagnosis
- Must take care of a family member who receives medical diagnosis, care, or treatment for COVID-19 symptoms
- Receives a quarantine order from a local, state, or federal public health entity or official and/or medical provider
- Needs to care for a family member that has received a quarantine order
- Is unable to telework due to COVID-19 symptoms

Note: Employers may not require employees to use other types of available paid leave prior to using COVID-19 sick leave. In addition, employers may not require an employee to find a replacement to cover shifts during the use of COVID-19 sick leave.

Leave Amounts

- Employees who work 40 hours or more per week are eligible for 40 hours of COVID-19 emergency paid sick leave
- Employees who work less than 40 hours are eligible for leave that is equal to their average number of hours worked per week
- Employees who work varied hours and schedules are eligible for leave that is equal to the average number of hours they were scheduled to work per week over the last six months

Note: The maximum amount an employer is required to pay per employee, and the maximum amount for which the employer may seek reimbursement for any one employee, is \$850 per week (including cost of benefits).

Employee Requests for Leave

Employers who wish to receive reimbursements from the Commonwealth for the cost of providing emergency paid sick leave to employees must require their employees to submit COVID-19 emergency paid sick leave requests in writing. The requests must include:

- Employee name
- Date that leave is requested and taken
- Statement from the employee outlining the COVID-19-related reason for the leave
- Statement from the employee identifying the COVID-19-related reason for being unable to **telework**

For leave requests based on a quarantine order, written statements from the employee must also include the following:

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

- Name of the governmental authority ordering the quarantine or name of the health care provider advising self-quarantine
- If the individual subject to quarantine or advised to self-quarantine is not the employee, then the family member's name and relation must be listed

Note: Non-Retaliation Provisions indicate that employers may not interfere with an employee's ability to use COVID-19 emergency paid sick leave or retaliate against an employee for exercising rights under the program.

Employer Information Required for Reimbursement

Additional guidance will be issued in the coming weeks, including information on how to apply for reimbursement. In the meantime, employers should collect and retain the following information in anticipation of applying for reimbursement. Requirements for the information needed are outlined on the Mass.gov website [here](#).

Employer Next Steps

- For more information employers should visit the Mass.gov website [here](#).
- HR Knowledge recommends that employers with workers in Massachusetts review existing policies to ensure compliance with the Massachusetts COVID-19 Emergency Paid Sick Leave law
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please your client Account Manager or [email us](#).
- If would like to learn more about the Massachusetts COVID-19 Emergency Paid Sick Leave law, please [click here](#).

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR. [Get the scoop](#) on how we can help you simplify HR.



@WEAREHRK

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).