

e-Alert

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Massachusetts Extends Availability of COVID-19 Sick Leave Through April 1, 2022

Background

In June 2021, the Massachusetts legislature passed a law providing paid sick leave to all employees in the Commonwealth for reasons related to COVID-19. The legislation, which established a COVID-19 Emergency Paid Sick Leave Fund, was initially set to expire on September 30, 2021. With the recent increase in positive cases, largely due to the [Delta variant](#), the state has extended the leave through April 1, 2022, or until the \$75 million of federal funds has been exhausted.

Summary

All employers operating within the state of Massachusetts are required to provide 40 hours of COVID-19 emergency paid sick time to full-time employees, and the equivalent of two weeks' time to part-time employees. Employees may use paid sick time for any of the following reasons:

- To seek or obtain a medical diagnosis, care, or treatment for COVID-19 symptoms;
- To self-isolate and provide care for themselves due to their own COVID-19

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- diagnosis;
- To obtain the COVID-19 vaccine, including boosters;
 - To recover from any injury, disability, illness, or condition related to the COVID-19 vaccine;
 - To care for a covered family member who needs a medical diagnosis, care, or treatment for COVID-19 symptoms;
 - To care for a covered family member who is self-isolating due to a COVID-19 diagnosis;
 - To care for a covered family member who is obtaining the COVID-19 vaccine;
 - To care for a covered family member who is recovering from any injury, disability, illness, or condition related to the COVID-19 vaccine;
 - To quarantine following an order or other determination by:
 1. A local, state, or federal public official;
 2. A health authority with jurisdiction;
 3. The employee's employer; or
 4. The employee's health care provider that the employee's presence on the job or in the community would jeopardize the health of others because the employee has been exposed to COVID-19 or is exhibiting symptoms of COVID-19, regardless of whether the employee has been diagnosed with the disease; or
 - To care for a family member who is the subject of such a quarantine order or determination, regardless of whether the family member has been diagnosed with COVID-19. This may include a situation in which the employee's child school or daycare is closed due to the pandemic by order of a federal, state, or local official and the employee is unable to work or telework due to the closure.

Family members covered under the leave include the employee's spouse, domestic partner, child, parent, grandparent, grandchild, sibling, parent of domestic partner, and any legal guardians.

Employees must complete a [leave request form](#) to take paid sick time under this law and submit it to their employer as soon as possible. Employers are required to keep these forms, and any COVID-19-related documents, in a confidential medical file for the individual employee; retaining COVID-19 documents in an employee's personnel file is strictly prohibited.

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.

Employers are eligible to be reimbursed for the time provided to employees via [Mass Tax Connect](#), if they are not already seeking reimbursement through other COVID-19 relief funding programs (e.g., Families First Coronavirus Response Act).

Employer Next Steps

- Be sure to display the COVID-19 sick time [poster](#) in a conspicuous location within the workplace or provide electronically to those employees who are working remotely.
- Continue to maintain employee-related COVID-19 documents in a separate confidential medical file.
- Review HRK's [Remote Workforce Planner](#) to ensure your workforce is set up for success when working remotely.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your remote work policy, please [email us](#).

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