

## Massachusetts COVID-19 Emergency Paid Sick Leave – Benefits Extended

October 1, 2021 | Reid M. Wakefield | Articles

As employers know, in May 2021, Massachusetts passed a law, “An Act providing for Massachusetts COVID-19 emergency paid sick leave,” which requires employers to provide employees up to 40 hours of paid leave for reasons related to the effects of the COVID-19 pandemic.

On September 29, 2021, on the eve of its expiration, the law was amended to extend the time period for the entitlement to benefits and to add a category for which employees may take leave.

Under the law, employees are entitled to use up to a total of 40 hours of leave in order to quarantine/isolate, obtain a diagnosis or treatment, or obtain or recover from a vaccine due to COVID-19, for themselves or in order to care for a family member for these reasons. This leave is paid, but with a cap of \$850, and employers can apply for reimbursement of these sums from a fund established by the Commonwealth.

The amendments to the law do not provide any additional leave for employees, so employees remain entitled to a total of 40 hours beginning May 28, 2021.

### **Extension of Time Period for Leave Benefit**

Under the law, the requirement for employers to provide leave to employees was set to expire on September 30, 2021, or earlier if the \$75 million fund designated for reimbursement of the leave was exhausted. The law has been amended to permit employees the ability to use



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COVID-19 emergency paid sick leave until April 1, 2022, or until the fund is exhausted. It appears that no additional money has been allocated to the fund, so the benefit will end when the original fund is exhausted.

According to guidance from the Commonwealth, if the fund is expected to become depleted prior to April 1, 2022, employers will be notified with 15 days' advance notice.

## **Family Immunization Leave**

The amendment also expands a category for which employees may use COVID-19 emergency paid sick leave. Previously, leave could be used by an employee to obtain a vaccination against COVID-19 or to recover from a vaccination, but the law did not permit leave for an employee to care for a family member for the same reasons. With the amendment, employees are now permitted leave to care for a family member who is obtaining an immunization related to COVID-19 or is recovering from an injury, disability, illness or condition related to an immunization. This amendment resolves a disparity in the law's reasons for which leave is permitted for the employee's own needs versus those to care for an employee's family member. Now, employees are entitled to leave for the same reasons for themselves and their family members.

Therefore, in addition to permitting leave for an employee to receive or recover from a COVID-19 vaccine, employers must permit leave for an employee to care for or assist a family member in obtaining or recovering from side effects of a COVID-19 vaccine.

The Commonwealth has updated its website in accordance with the amendments to the law. As a reminder, the website includes additional information, form notices, and frequently asked questions regarding the law, and can be found [here](#).

If you have any questions regarding this law or other employee leave issues, please do not hesitate to reach out to any member of Mirick O'Connell's Labor, Employment, and Employee Benefits Group.