

CLIENT ALERT: Massachusetts Extends Emergency Paid Sick Leave Until April 1, 2022

Legislation signed by Governor Charlie Baker last week extended the mandate for Massachusetts employers to provide emergency paid sick leave benefits (“EPSL”) for certain COVID-19-related time off. EPSL obligations will now continue until April 1, 2022 (or the exhaustion of the program funds as determined by the Commonwealth, whichever is earlier).

Along with extending the mandate from September 30, 2021 to the end of March 2022, the amended law provides for an additional reason for which a Massachusetts employee will qualify for EPSL. Effective October 1, 2021, in addition to the reasons previously covered by EPSL, employees will now be eligible to care for a family member who “is obtaining immunization related to COVID-19 or is recovering from an injury, disability, illness or condition related to such immunization.” According to [Frequently Asked Questions](#) maintained by the Executive Office for Administration and Finance, employees cannot use EPSL to cover leave for this reason if taken prior to October 1, 2021. Nor does the extension provide employees with a “new” bank of benefits. In other words, EPSL benefits remain exhausted if used prior to October 1, 2021.

As a reminder, Massachusetts employers continue to be required to provide EPSL to employees who are unable to work due to:

(1) the need to:

- (i) self-isolate and care for themselves because they have been diagnosed with COVID-19;
- (ii) obtain a medical diagnosis, care, or treatment for COVID-19 symptoms; or
- (iii) obtain or recover from a COVID-19 immunization; or

(2) the need to care for a family member who:

- (i) must self-isolate due to a COVID-19 diagnosis; or
- (ii) needs a medical diagnosis, care, or treatment for COVID-19 symptoms;

(3) a quarantine order or similar determination regarding the employee by a local, state, or federal public official, a health authority having jurisdiction, or a health care provider;

(4) an employee’s need to care for a family member due to a quarantine order or similar determination regarding the family member by a local, state, or federal public official, a health authority having jurisdiction, the family member’s employer, or a health care provider; or

(5) an employee’s inability to telework because the employee has been diagnosed with



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COVID-19 and the symptoms prevent the employee from teleworking.

Employers are encouraged to revisit these and other EPSL obligations described [here](#) and [here](#). MBJ will continue to monitor and update clients on these important developments concerning this recently amended legislation. Employers are encouraged to work with their MBJ attorney to comply with their employer obligations under this paid leave law.

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