

State Extends COVID-19 Sick Leave Fund

Employees remain eligible for paid sick leave through April 1, 2022

October 6, 2021

On May 28, 2021, the Governor signed Chapter 16 of the Acts of 2021 (the “Act”) into law, which established a new COVID-19 Emergency Paid Sick Leave Fund with \$75 million from federal relief funds. The Act was set to expire on September 30, 2021, or sooner if the available funds were exhausted. On September 29, 2021, the Governor signed H.4127, which extends the life of the COVID-19 Emergency Paid Sick Leave Fund and the paid sick leave provided for under the Act **through April 1, 2022**.

Under the Act, all Massachusetts employees, including municipal employees, are eligible for an *additional week* of paid sick leave for COVID-19 related reasons, as explained in a KP Law eUpdate dated June 18, 2021 and available [here](#). Known as “MA COVID EPSL,” this leave was originally intended to be available until the initial allocation ran out or September 30, 2021, whichever occurred first. However, a significant amount of funds apparently remain available, and the Legislature has chosen to extend MA COVID EPSL until April 1, 2022 (or until the funds run out). The act extending MA COVID EPSL does not significantly change the terms of this leave, which are explained in detail in our previous eUpdate on the subject, though it does add a new basis for taking paid 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 such immunization.” The bill extending MA COVID EPSL also provides funding for a public education campaign to promote the availability of this leave. Otherwise, all of the terms of the original Act remain effective, though now through April 1, 2022.

It is important to remember that employers may not discriminate against employees for taking leave under the Act, and employees may not be required to take existing paid leave simultaneously with MA COVID EPSL if the employer seeks reimbursement from the state for MA COVID EPSL wages paid to employees. It is also important to note that this extension does not afford additional leave to employees who have already used the maximum amount of MA COVID EPSL leave available to him or her under the original Act (i.e. one week, measured by the employee’s average weekly hours up to 40 hours).

If you have any specific questions regarding the Act and its extension, please contact your KP Law attorney or any member of the firm’s Labor and Employment Practice Group at 617.556.0007.

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