

**HOUSE . . . . . No. 4739**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth I. Gordon and David M. Rogers***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a presumption of relatedness for essential workers suffering from COVID-19.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>

<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

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By Messrs. Gordon of Bedford and Rogers of Cambridge, a petition (subject to Joint Rule 12) of Kenneth I. Gordon, David M. Rogers and others for legislation to create a presumption of relatedness for essential workers suffering from COVID-19. Labor and Workforce Development.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act creating a presumption of relatedness for essential workers suffering from COVID-19.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to create a presumption of work-relatedness for COVID-19 illness for essential workers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. For purposes of this Act, the following terms shall have the following  
2 meanings:-

3           “Essential business”, any business that has been deemed essential by COVID Order No.  
4 13 dated March 23, 2020 and any amendments thereto.

5           “Essential worker”, any individual who works for an essential business outside of the  
6 individual’s home and who has any contact with any other person.

7           “State of emergency”, the state of emergency called by Executive Order No. 591 dated  
8 March 10, 2020 concerning the health care crisis caused by the COVID-19 virus, along with any

9 subsequent states of emergency that may be declared by the Commonwealth from time to time or  
10 at any time due to health care concerns raised by the COVID-19 virus.

11 SECTION 2. Chapter 34 of Section 152 of the general laws is hereby amended by  
12 inserting the following language after the second paragraph of said Chapter:

13 Notwithstanding any general or special law, rule or regulation to the contrary, any  
14 essential worker, which shall include but not be limited to any individual employed in a health  
15 care facility such as a hospital, physician's office, clinic, laboratory, nursing home, rest home or  
16 assisted living facility, or at any pharmacy, grocery store or any other essential business that  
17 includes contact with the public or other workers such as a visiting nurse, who contracts, has  
18 symptoms of or otherwise becomes affected with COVID-19 that results in a period of  
19 hospitalization, quarantine, or requires self-quarantine measures as a result of being infected or  
20 coming into contact with someone who is infected with the COVID-19 virus, shall have their  
21 medical condition or incapacity to work presumed to be work-related and constitute a per se  
22 qualification for protection under this Section, without application of any waiting period.

23 Said essential worker shall not be required to use said essential worker's accrued sick  
24 time, vacation time, personal time or any other contractual time-off to cover said period of  
25 incapacitation or inability to perform regular duty work.

26 SECTION 3. The essential employer shall allow the essential worker to return to the  
27 essential worker's previous position of employment with the essential employer when the period  
28 of quarantine, self-quarantine, recovery, or hospitalization is removed.

29 SECTION 4. The provisions of Sections 23 and 24 of Chapter 152 do not apply to claims  
30 brought under this Act, unless the employer demonstrates compliance with all relevant and active

31 orders and advisories of the Governor of the Commonwealth concerning workplace safety  
32 restrictions during the state of emergency, such as, but not limited to, the provision to essential  
33 workers of available Personal Protective Equipment and appropriate safe distancing  
34 opportunities.

35 SECTION 5. This act shall be in force to protect essential workers who are exposed to  
36 the COVID-19 virus or are advised to quarantine or self-quarantine by any health official during  
37 the pendency of the state of emergency.

38 SECTION 6. An essential worker who chooses not to return to work for an essential  
39 employer due to a good-faith concern that the worker may be exposed to the COVID-19 virus  
40 will be considered eligible for benefits under Chapter 151A as if the essential worker had been  
41 constructively discharged.