

HOUSE No. 4740

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia

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 relative to emergency hazard health benefits for essential employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Nick Collins</i>	<i>First Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>

HOUSE No. 4740

By Ms. Gouveia of Acton, a petition (subject to Joint Rule 12) of Tami L. Gouveia and others relative to emergency hazard health benefits for essential employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act relative to emergency hazard health benefits for essential employees.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide health hazard benefits to essential employees in response to COVID-19, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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 (a) For the purposes of this act, the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:-

3 “Essential employer”, an employer permitted to remain in operation as COVID-19
4 essential services pursuant to the governor’s March 23, 2020 emergency order or March 31, 2020
5 extension order.

6 “Essential employees”, individuals employed by essential employers that are unable to
7 perform the functions of their position from their residence.

8 (b) Notwithstanding any general or special law or rule or regulation to the contrary, any
9 essential employer that requires an essential employee to report to work to perform out-of-home

10 duties shall provide emergency health hazard benefits to each essential employee, regardless of
11 how long said employee has been employed by said employer. Such emergency health hazard
12 benefits shall include, but not be limited to, compensation equal to that said essential employee
13 would be entitled to under normal circumstances.

14 (c) Any essential employee that reports to work to perform out-of-home duties for an
15 essential employer at any point during the governor's March 10, 2020 emergency order, who
16 contracts, has symptoms of or otherwise becomes infected with the 2019 novel coronavirus, also
17 known as COVID-19, that results in a period of hospitalization, quarantine, or requires self-
18 quarantine measures as a result of being infected or coming into contact with someone who is
19 infected with the COVID-19, shall have their medical condition or incapacity to work presumed
20 to be work-related.

21 (d) In the event that an essential employee is incapacitated or unable to perform their
22 duties as a result of COVID-19 infection or exposure and requires hospitalization, quarantine or
23 self-quarantine such time shall be considered as on-duty time, and said employee shall: (i)
24 receive emergency health hazard benefits as provided for in subsection (b); and (ii) not be
25 required to use their sick time, earned time, earned sick leave, vacation time, personal time or
26 any other contractual time-off to cover said period of incapacitation or inability to perform
27 regular-duty work.