



Massachusetts Governor Enacts Sweeping Restrictions To Combat COVID-19

Insights

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Massachusetts Governor Charlie Baker announced a series of orders on Sunday in the Commonwealth's latest efforts to deter the spread of COVID-19. The most recent steps include statewide school closures, a prohibition on any gatherings of more than 25 people, and a ban of on-premises consumption of food or drink at all bars and restaurants. These efforts, designed to maximize "social distancing" and "flatten the curve," will last from March 17 through April 6.

School Closures

All public and private elementary and secondary (K-12) schools in Massachusetts are ordered to suspend all normal, in-person instruction and other activities. Though the governor's order does not apply to the Commonwealth's colleges and universities, most of those institutions have already sent most students home and shifted to remote learning. Any education institution is advised to consult the Centers for Disease Control's COVID-19 FAQs And 10-Point Action Plan For Educational Institutions for more information.

Gatherings & Restaurants

Governor Baker has also banned any gathering of over 25 people, including, without limitation, community, civic, public, leisure, faith-based, or sporting events, as well as concerts, conventions, fundraisers, parades, fairs, and festivals. Likewise, all restaurants, bars, or other establishments offering food or drink are prohibited from permitting the on-premises consumption of food or drink.

However, restaurants may continue to offer food for take-out and delivery, as long as they adhere to social distancing protocols. Importantly, these restrictions do not apply to medical facilities, grocery or retail stores, shopping malls and centers, or pharmacies. Nor do the restrictions apply to "typical office environments, government buildings, or factories where large numbers of people are present, but it is unusual for them to be within arm's length of one another."

Unemployment Assistance

Given the impact of COVID-19 related closings in both the public and private sectors, the federal government and Massachusetts have announced several impending changes designed to make unemployment benefits more accessible:

- Unemployment benefits may be paid if a worker is quarantined or leaves employment due to reasonable risk of exposure or infection or to care for a family member and does not intend to or

reasonable risk of exposure or infection or to care for a family member and does not intend to or is not allowed to return to work;

- Filed legislation will permit new claims to be paid more quickly by waiving the one-week waiting period for unemployment benefits; and
- Emergency regulations will allow people impacted by COVID-19 to collect unemployment if their workplace is shut down and expects to reopen in four or fewer weeks.

Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act

The U.S. House of Representatives has also passed federal legislation to assist employees directly impacted by COVID-19 who are out of work, which is expected to be passed by the U.S. Senate and presented to President Trump today. The Emergency Paid Sick Leave Act would provide up to two weeks of paid sick time at the employee's regular rate of pay in order to (1) comply with a requirement or recommendation to quarantine due to exposure to, or symptoms of, coronavirus; (2) self-isolate because the employee is diagnosed with coronavirus; (3) obtain a diagnosis or care because the employee is exhibiting symptoms; and (4) to care for or assist an at-risk family member who is self-isolating due to a diagnosis, who is exhibiting symptoms of coronavirus and needs to obtain medical care, or who is adhering to requirement or recommendation to quarantine due to a exposure to, or symptoms of, coronavirus. The bill also authorizes leave at 2/3rds the employee's regular rate of pay to care for an employee's child due to the child's school being closed.

Likewise, the Emergency Family and Medical Leave Expansion Act would cover up to 12-weeks of job-protected leave to allow the employee to (1) comply with a requirement or recommendation to quarantine due to exposure to, or symptoms of, coronavirus; (2) to care for an at-risk family member who is adhering to requirement or recommendation to quarantine due to exposure to, or symptoms of, coronavirus; or to care for a child whose school is closed. This leave is unpaid for the first 14-days and then paid at 2/3rds the employee's regular rate of pay. If passed, the legislation provides employers with federal tax credits up to a capped amount to offset the payments.

Conclusion

COVID-19 and the state and federal response is likely to have a substantial impact on the operation of all businesses in Massachusetts. Fisher Phillips will continue to monitor related developments, including whether additional emergency rules are issued based on the state of emergency. Our firm's COVID-19 Taskforce has also created an updated and comprehensive FAQ for employers. To get the most up-to-date information, ensure you are subscribed to Fisher Phillips' Alert System.

If you have questions, please contact the author, your Fisher Phillips attorney, or any attorney in our Boston office.

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