

SENATE No. 1194

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 occupational presumption and COVID-19.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/27/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/27/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/27/2021</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/27/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/27/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/27/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/1/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/3/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/5/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/10/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/10/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/15/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/1/2021</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>4/12/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/20/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and</i>	<i>4/20/2021</i>

	<i>Hampden</i>	
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>4/28/2021</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>5/10/2021</i>

SENATE No. 1194

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 1194) of Paul R. Feeney, Edward R. Philips, Michael D. Brady, Joseph W. McGonagle, Jr. and other members of the General Court for legislation relative to occupational presumption regarding healthcare workers and COVID-19. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to occupational presumption and COVID-19.

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 “State of emergency”, the state of emergency called by Executive Order No. 591 dated
4 March 10, 2020 concerning the health care crisis caused by the COVID-19 virus, along with any
5 subsequent states of emergency that may be declared by the Commonwealth from time to time or
6 at any time due to health care concerns raised by the COVID-19 virus.

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

9 Notwithstanding any general or special law, rule or regulation to the contrary, any
10 frontline healthcare worker, working in a healthcare facility or in the community, who has
11 symptoms of or otherwise becomes infected with or is suspected to be infected with COVID-19

12 that results in a period of hospitalization, quarantine, or requires self-quarantine measures as a
13 result of being infected or coming into contact with someone who is infected with the COVID-19
14 virus, shall have their medical condition or incapacity to work presumed to be work-related and
15 constitute a per se qualification for protection under this Section, without application of any
16 waiting period.

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

20 SECTION 3. The employer shall allow the healthcare worker to return to the worker's
21 previous position of employment when the period of quarantine, self-quarantine, recovery, or
22 hospitalization is concluded.

23 SECTION 4. The provisions of Sections 23 and 24 of Chapter 152 do not apply to claims
24 brought under this Act, unless the employer demonstrates compliance with all relevant and active
25 orders and advisories of the Governor of the Commonwealth concerning workplace safety
26 restrictions during the state of emergency, such as, but not limited to, the provision to healthcare
27 workers of appropriate Personal Protective Equipment and appropriate safe distancing
28 opportunities.

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

32 SECTION 6. An healthcare worker who chooses not to return to work for an essential
33 employer due to a good-faith concern that the worker may be exposed to the COVID-19 virus

- 34 will be considered eligible for benefits under Chapter 151A as if the essential worker had been
- 35 constructively discharged.