

SENATE No. 1176

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>Adam Scanlon</i>	<i>14th Bristol</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/30/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/1/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>10/18/2023</i>

SENATE No. 1176

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 1176) of Paul R. Feeney, Adam Scanlon, Jack Patrick Lewis, James K. Hawkins and other members of the General Court for legislation relative to occupational presumption regarding healthcare workers and COVID-19. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1194 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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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 on or before June 15, 2021 that results in a period of hospitalization, quarantine, or requires self-
13 quarantine measures as a result of being infected or coming into contact with someone who is
14 infected with the COVID-19 virus, shall have their medical condition or incapacity to work
15 presumed to be work-related and constitute a per se qualification for protection under this
16 Section, without application of any waiting period.

17 At no time shall said frontline healthcare worker be required to use said frontline
18 healthcare worker's accrued sick time, vacation time, personal time or any other contractual
19 time-off to cover said period of 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 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.