

Massachusetts Attorney General's Office COVID-19 FAQs

Partners

Meghan C. Cooper
Rebecca J. Wilson

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COVID-19 Task Force
Employment Law and Litigation

By Meghan C. Cooper on April 3, 2020

The Massachusetts Attorney General's Fair Labor Division (FLD) published guidance, in the form of answers to frequently asked questions, on employee rights and employer obligations regarding COVID-19 and its impact on the workplace in the Commonwealth. The FAQs can be accessed [here](#). The following are summarized highlights of the FLD's guidance:

- Employers cannot force employees to use all earned sick time before applying for unemployment;
- Employers must pay laid-off employees in full, including all unused, accrued vacation pay, on the day of layoff or temporary layoff unless the employee voluntarily agrees to save the unused, accrued vacation for later use;
 - ***Since the date of this post, the MAGO updated its guidance to state that employers are not required to pay out furloughed employees if they continue to maintain health insurance, disability insurance, retirement and other benefits while the employee is on furlough, unless the employee wishes to terminate the employment relationship.***
- Employers must continue to pay employees, despite business operations being shut down or reduced, within 6-7 days of the end of the pay period or on the day of discharge, layoff, or shutdown;
- If an employee is required to leave work due to sickness, the employer must still pay the employee his/her regular wages for the hours worked, if an hourly employee, or his/her full salary if an exempt employee has worked any part of the work week;
- Employees are entitled to use accrued earned sick time if a public health official or provider requires or recommends an employee or a family member of the employee to quarantine, and the FLD encourages employers to allow use of accrued earned sick time (or other paid time off) if an employee misses work due to a school closure as a result of COVID-19;
- Small businesses, with fewer than 50 employees, may apply for disaster assistance loans up to \$2 million dollars. Information on these loans is available [here](#).

We will continue to monitor updates from the Attorney General's Office and other state agencies on the issues related to COVID-19's impact on employers and the workplace. This post provides a summary of the information from the FLD's guidance and is not a substitute for legal advice. Employers are encouraged to consult with a member of Peabody & Arnold's Employment Law and Litigation Practice Group with any questions or for further information about the COVID-19 pandemic and applicable wage and hour laws.