

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1874

H.P. 1384

House of Representatives, January 5, 2022

An Act To Clarify COVID-19 Paid Leave for School Employees

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Waterville.

Cosponsored by Senator CURRY of Waldo and

Representatives: DODGE of Belfast, McCREA of Fort Fairfield, MILLETT of Cape Elizabeth, SACHS of Freeport, SYLVESTER of Portland, Senators: BALDACCI of Penobscot, HICKMAN of Kennebec, RAFFERTY of York.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Public Law 2021, chapter 378 requires school administrative units to grant
4 up to 15 sick leave days used by a public school employee affected by COVID-19; and

5 **Whereas,** the provisions of Public Law 2021, chapter 378 apply only to leave taken
6 before the effective date of that law; and

7 **Whereas,** public school employees continue to experience the personal and economic
8 effects of the COVID-19 pandemic but remain without sufficient paid leave to weather
9 these effects; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

15 **Sec. 1. 20-A MRSA §13605,** as enacted by PL 2021, c. 378, §1, is amended to read:

16 **§13605. School administrative units to grant sick paid leave to public school**
17 **employees affected by COVID-19**

18 A school administrative unit shall grant up to 15 sick paid leave days ~~used by to~~ a
19 public school employee affected by the illness caused by infection with the coronavirus
20 SARS-CoV-2, referred to in this section as “COVID-19,” in accordance with the following.

21 **1. Requirements.** A public school employee who ~~was is~~ affected by COVID-19 ~~and~~
22 ~~used sick is granted up to a maximum of 15 days of paid leave prior to the effective date of~~
23 ~~this section is entitled to have sick leave time restored for those days used by that employee~~
24 ~~up to a maximum of 15 days if~~ when needed by the employee because the employee:

25 A. ~~Was~~ Is subject to a federal, state or local quarantine order related to COVID-19;

26 B. ~~Had~~ Has been or ~~was is~~ advised by a health care provider to self-quarantine for
27 reasons related to COVID-19;

28 C. ~~Experienced~~ Is experiencing symptoms of COVID-19 and ~~sought is seeking~~ a
29 medical diagnosis;

30 D. ~~Cared~~ Is caring for an individual subject to a federal, state or local quarantine order
31 related to COVID-19; or

32 E. Is a parent or guardian who ~~provided is providing~~ care for a child whose school or
33 place of child care ~~was is~~ closed or unavailable due to precautions related to COVID-
34 19.

35 **2. Application.** This section applies ~~to any sick leave used by an employee~~ from
36 January 1, 2021 until the employee has been granted a maximum of 15 days of ~~sick time~~
37 paid leave for the purposes described in this section.

38 **Sec. 2. Restoration.** A public school employee who used sick leave pursuant to the
39 Maine Revised Statutes, Title 20-A, section 13605 prior to the effective date of this Act

1 may request that that leave time be restored, and the school administrative unit shall comply
2 with that request.

3 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
4 takes effect when approved.

5 SUMMARY

6 This bill amends the law requiring school administrative units to restore up to 15 sick
7 leave days used by a public school employee affected by COVID-19 to instead grant up to
8 a maximum of 15 days of paid leave for the purposes described in the law from January 1,
9 2021 until the maximum has been reached. The bill provides that a public school employee
10 who used sick leave prior to the effective date of this legislation is entitled to request that
11 that leave time be restored, and the school administrative unit is required to comply with
12 the request.