

## CHAPTER 507

### LEAVES OF ABSENCE

#### §13601. Sick leave

**1. Minimum annual sick leave.** A school administrative unit shall grant all certified teachers, except substitute teachers as defined by the commissioner, a minimum annual sick leave of 10 school days, cumulative to a minimum of 90 school days, without loss of salary.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**2. Transferrance of sick leave.** A school administrative unit which employs certified teachers who have accumulated sick leave in the teacher's immediately previous position in a public school system within the State shall accept up to 20 days of that sick leave for transfer to the employing school administrative unit. This sick leave shall be credited and made effective upon achieving continuing contract status in the employing unit, provided that:

A. There shall have been no break in service in that teacher's public school employment within the State; and [PL 1981, c. 693, §§ 5, 8 (NEW).]

B. The teacher was eligible to receive sick leave in the teacher's previous position at the time of the teacher's termination of employment. [RR 2019, c. 2, Pt. B, §24 (COR).]

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**3. Alternate sick leave plans.** The commissioner may approve another plan of sick leave which provides at least equal benefits to those of subsections 1 and 2.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**4. Teachers' assistants and aides.** Full-time teachers' assistants and teachers' aides shall be granted minimum annual sick leave of 10 school days.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**5. Injuries caused by dangerous behavior.** A school administrative unit may not count time away from work against a public school employee's accrued sick leave if the time away from work is due to an injury caused by dangerous behavior and a physician has determined that the public school employee is unable to work as a result of the injury sustained. For the purposes of this subsection, "dangerous behavior" has the same meaning as in section 6555, subsection 1, paragraph C.

[PL 2019, c. 458, §2 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §94 (AMD). PL 2019, c. 458, §2 (AMD). RR 2019, c. 2, Pt. B, §24 (COR).

#### §13602. Leave of absence as Legislators

A school administrative unit shall grant a certified teacher, except a substitute teacher as defined by the commissioner, leave of absence without pay and without forfeiture of continuing contract status and other accumulated benefits to fulfill the duties of a Legislator, provided that the teacher provides a written notice of intent to become a candidate for the Legislature at the time teacher contracts are issued.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

#### §13603. Military leave of absence of teachers

Teachers who are members of the National Guard or the Reserves of the United States Armed Forces are entitled to take a military leave of absence from their respective duties, without loss of pay or time when engaged in military training not to exceed 17 calendar days in any calendar year, provided that the teachers have made a reasonable effort to perform their military training during the period when school is not in session. [PL 2001, c. 662, §10 (AMD).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2001, c. 662, §10 (AMD).

#### §13604. Leaves of absence

**1. Leaves of absence granted by school board.** To increase the efficiency of the public schools and to permit teachers, principals or other persons to pursue a further course of study or to travel to be better qualified by education and culture for the position they hold in the schools, a school board may grant a leave of absence to any teacher, principal or other person regularly employed by the school board.

[PL 1989, c. 901, §1 (NEW); PL 1989, c. 901, §2 (AFF).]

**2. Maximum length; years of service.** A leave of absence may not exceed one year and may be granted only after 7 years of service.

[PL 1989, c. 901, §1 (NEW); PL 1989, c. 901, §2 (AFF).]

**3. Other terms and conditions.** All other terms and conditions of a leave of absence, including, but not limited to, compensation during a leave of absence, may be determined by a collective bargaining agreement negotiated under Title 26, chapter 9-A. In the absence of or to the extent not inconsistent with any applicable collective bargaining agreement, the school board may establish these terms and conditions.

[PL 1989, c. 901, §1 (NEW); PL 1989, c. 901, §2 (AFF).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1989, c. 901, §§1,2 (RPR).

#### §13605. School administrative units to grant paid leave to public school employees affected by COVID-19

A school administrative unit shall grant up to 15 paid leave days to a public school employee affected by the illness caused by infection with the coronavirus SARS-CoV-2, referred to in this section as “COVID-19,” in accordance with the following. [PL 2021, c. 614, §1 (AMD).]

**1. Requirements.** A public school employee who is affected by COVID-19 is granted up to a maximum of 15 days of paid leave when needed by the employee because the employee:

A. Is subject to a federal, state or local quarantine order related to COVID-19; [PL 2021, c. 614, §1 (AMD).]

B. Has been or is advised by a health care provider to self-quarantine for reasons related to COVID-19; [PL 2021, c. 614, §1 (AMD).]

C. Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; [PL 2021, c. 614, §1 (AMD).]

D. Is caring for an individual subject to a federal, state or local quarantine order related to COVID-19; or [PL 2021, c. 614, §1 (AMD).]

E. Is a parent or guardian who is providing care for a child whose school or place of child care is closed or unavailable due to precautions related to COVID-19. [PL 2021, c. 614, §1 (AMD).]

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**2. Application.** Subsection 1 applies from January 1, 2021 until the employee has been granted a maximum of 15 days of paid leave for the purposes described in this section, except as provided in subsection 3.

[PL 2021, c. 614, §1 (AMD).]

**3. Exception.** A public school employee who, on or after the effective date of this subsection, has 60 days or more of accrued paid leave is not eligible for leave pursuant to subsection 1.

[PL 2021, c. 614, §1 (NEW).]

**4. Funding.** A school administrative unit may use federal funds to provide the paid leave required under this section, including but not limited to funds from the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, the American Rescue Plan Elementary and Secondary School Emergency Relief Fund and the American Rescue Plan Act of 2021, Public Law 117-2, to the extent the funds are eligible to be used for the purposes of this section in accordance with federal law and regulations.

[PL 2021, c. 614, §1 (NEW).]

#### SECTION HISTORY

PL 2021, c. 378, §1 (NEW). PL 2021, c. 614, §1 (AMD).

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