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H.P. 731

House of Representatives, March 10, 2021

An Act To Prevent the Spread of Infectious Disease in Schools

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Waterville.
Cosponsored by Senator RAFFERTY of York and
Representatives: BRENNAN of Portland, DODGE of Belfast, DOORE of Augusta, FECTEAU
of Augusta, Speaker FECTEAU of Biddeford, MILLETT of Cape Elizabeth, ROEDER of
Bangor, SACHS of Freeport.

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,** the provisions of the federal Families First Coronavirus Response Act that
4 required employers to provide their employees with emergency paid sick leave for reasons
5 related to COVID-19 expired on December 31, 2020; and

6 **Whereas,** workers continue to experience the personal and economic effects of the
7 COVID-19 pandemic but remain without sufficient paid sick leave to weather these effects;
8 and

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

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

14 **Sec. 1. 20-A MRSA §13605** is enacted to read:

15 **§13605. Employment leave for individuals affected by COVID-19**

16 **1. Required leave.** A school administrative unit shall grant a total of 80 hours of paid
17 leave per academic year from work, except as described in subsection 4, for a public school
18 employee affected by the illness caused by infection with the coronavirus SARS-CoV-2,
19 referred to in this section as "COVID-19."

20 **2. Rate of pay.** Rate of pay for leave required under subsection 1 must be calculated
21 as follows:

22 A. In order to receive pay at 100% of the usual rate of pay a public school employee
23 must:

24 (1) Be subject to a federal, state or local quarantine order related to COVID-19;

25 (2) Have been advised by a health care provider to self-quarantine for reasons
26 related to COVID-19; or

27 (3) Be experiencing symptoms of COVID-19 and be seeking a medical diagnosis;
28 and

29 B. In order to receive pay at 100% of the usual rate of pay, a public school employee
30 who is not eligible under paragraph A must:

31 (1) Be caring for an individual subject to a federal, state or local quarantine order
32 related to COVID-19;

33 (2) Be a parent or guardian providing care for a child whose school or place of
34 child care is closed or unavailable due to COVID-19 precautions; or

35 (3) Be experiencing other circumstances as determined in rule by the Department
36 of Labor, in consultation with the Department of Health and Human Services.

37 **3. Length of employment.** Leave required under subsection 1 must be granted
38 regardless of the length of employment of the employee.

39 **4. Part-time employees.** Part-time public school employees are entitled to 2 weeks
40 of paid leave as required under this section based on the number of hours ordinarily worked

1 over a 2-week period. Part-time public school employees with variable schedules are
2 entitled to 2 weeks of leave based on the number of hours the employee was scheduled to
3 work per day over the previous 6-month period.

4 **5. Use of accrued leave.** A school administrative unit may not require an employee
5 to use other accrued leave prior to or as a condition of use of the leave described in this
6 section.

7 **6. Rulemaking.** The department shall adopt rules necessary to carry out this section.
8 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
9 chapter 375, subchapter 2-A.

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

12 SUMMARY

13 This bill requires school administrative units to provide a total of 80 hours of paid sick
14 leave per academic year for public school employees affected by COVID-19. The bill
15 establishes criteria for rate of pay during the leave period and provides that part-time
16 employees are eligible for leave based on the average number of hours worked. The bill
17 requires school administrative units to offer leave regardless of the length of employment
18 of the employee. It grants the Department of Education rule-making authority.