

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1384 - L.D. 1874

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

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

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

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

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

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

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

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

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

A school administrative unit shall grant up to 15 ~~sick~~ paid leave days ~~used by~~ 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.

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

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

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

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

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

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

2. Application. ~~This section Subsection 1 applies to any sick leave used by an employee from January 1, 2021 until the employee has been granted a maximum of 15 days of sick time paid leave for the purposes described in this section, except as provided in subsection 3.~~

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.

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.

Sec. 2. Restoration. A school administrative unit shall restore sick leave time to a public school employee who used sick leave pursuant to the Maine Revised Statutes, Title 20-A, section 13605 between October 19, 2021 and the effective date of this Act. A school administrative unit shall compensate for an absence a public school employee who was absent from work for any reason described in Title 20-A, section 13605 between January 1, 2021 and the effective date of this Act and who was not eligible to be paid for that absence.

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