

Maine Legislature Clarifies and Expands COVID-19 Paid Leave for School Employees
April 27, 2022

Last year, the Maine Legislature passed a law requiring school districts to provide their employees “affected by COVID-19” with 15 sick days. The language of the law was ambiguous, particularly as it related to the timing of the use of the COVID leave, and led the legislature to amend the statute during the most recent session. The new law, which became effective as emergency legislation on April 15, 2022, clarifies and expands schools’ obligations to provide paid leave for COVID-19, subject to certain exceptions.

When is an employee “affected by COVID-19” and eligible to take paid leave under Maine law?

The reasons for leave are familiar by now. A school employee is eligible for up to 15 days of paid leave when:

1. Subject to a federal, state or local quarantine order related to COVID-19;
2. They have been or are advised by a health care provider to self-quarantine for reasons related to COVID-19;
3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Caring for an individual subject to a federal, state or local quarantine order related to COVID-19; or
5. They are a parent or guardian who are providing care for a child whose school or place of child care is closed or unavailable due to precautions related to COVID-19.

Under the new law, employees remain eligible for paid COVID leave until the employee receives the maximum of 15 days. The language of the law indicates this is a one-time grant, not an annual entitlement. The starting date for COVID leave is January 1, 2021. There is no end date, other than when the employee has been granted the maximum 15 COVID leave days.

Is every school employee entitled to COVID leave after April 15th 2022?

No, only public school employees who have accrued less than 60 days of paid leave as of April 15, 2022 are eligible after April 15th to take COVID leave (unless they have already taken 15 days of COVID leave). Employees who have accrued 60 days or more of paid leave as of April 15 are not entitled to take additional paid COVID leave under the statute.

A few of our employees were absent for COVID-related reasons this winter and did not get COVID leave and used sick leave. Are they entitled to paid COVID leave for those days?

Assuming they used sick leave for an eligible reason, yes. School districts must restore sick leave that was used and also compensate employees who took leave between October 19, 2021 and April 15, 2022 for an eligible reason and who were not eligible to be paid for the absence.

Can we use federal funds for this leave?

Yes, the new law states that school districts may use federal funds to provide paid COVID leave required under this law.

If you have questions, please reach out to Peter Lowe, Dan Stockford, or Hannah Wurgaft.