

MSAD #37
EARNED PAID LEAVE ADMINISTRATIVE PROCEDURE

This procedure implements Maine’s Earned Paid Leave (EPL) Law, 26 MRSA §637. The law takes effect January 1, 2021.

This law requires most Maine employers– including school units– with more than 10 employees to provide earned paid leave that is accrued based on hours worked. EPL may be used for any purpose.

The law applies as of January 1, 2021 to non-unionized school unit employees.

For unionized employees covered by a collective bargaining agreement that addresses paid time off, the law does not apply until the expiration of the current collective bargaining agreement. Accordingly, unionized employees should refer to the provisions for paid leave in the collective bargaining agreement and follow the school unit’s procedures for requesting and/or accounting for paid leave.

A. ACCRUAL OF EARNED PAID LEAVE

1. Effective (beginning) January 1, 2021, employees shall accrue one hour of EPL for every 40 hours worked, beginning with the first day of employment, up to a maximum of 40 hours per year.

Exempt employees, e.g., teachers and administrators, will be presumed to work 40 hours per week.

2. Employees may not use EPL until they have been employed for 120 calendar days. EPL cannot be used before it is earned and must be used in one-hour increments.
3. Employees employed by the school unit prior to January 1, 2021 will be eligible to use accrued EPL 120 days after their start date.
4. The designated year for purposes of accrual and use of earned paid time off shall be July 1 to June 30.
5. For business office accounting purposes, depending on an employee’s regularly scheduled hours, up to 40 hours of EPL may be “front-loaded” into the school unit’s payroll/personnel benefits accounting system for some employees for ease of administration, but EPL may not be used until the 120-day employment requirement has been met.

B. ALLOWABLE USES AND NOTICE REQUIREMENTS

1. EPL leave may be used for any purpose. Notice requirements will differ between leave for planned purposes and leave for unplanned/emergency purposes.

- a. Planned Purpose: Employees shall provide at least three (3) days' advance written notice to their supervisor to use EPL for a purpose that can be planned. Such purposes include, but are not limited to, weddings/social events, vacation, or recreational activity.

In general, planned EPL should not be used for more than three (3) consecutive work days. Planned EPL cannot be used on any days determined by the employee's supervisor to conflict with the school unit's employee contracts or wage agreements.

- b. Unplanned/ Emergency Purpose: EPL may be used for an emergency, illness or injury, or other sudden necessity for which the employee does not have advance notice; is beyond the employee's control to schedule; and is otherwise unforeseeable. Examples include, but are not limited to, sudden illness or injury; motor vehicle accident, unanticipated child care closure; or residential issues such as burst pipes. In such cases, the employee is required to notify his/her supervisor as soon as practicable in the circumstances.

The employee's supervisor will request appropriate documentation demonstrating the necessity of using EPL for unplanned purposes if an employee requests such leave for three (3) consecutive work days or more.

2. Any use of such EPL shall run concurrently with any other type of paid leave for which the employee is eligible (such as sick, personal or vacation leave).

C. CARRYOVER

Up to 40 hours of unused, accrued EPL may be carried over to the next designated year. However, the amount of leave that an employee may accrue in that year will be reduced by the number of hours carried over. For example, if an employee carries over eight (8) hours of EPL from one year to the next the employee shall only be eligible to earn 32 hours in the second designated year.

D. SEPARATION FROM EMPLOYMENT

Earned paid leave will not be paid out upon separation of employment, and it may not be used to extend an employee's employment beyond the last day actually worked.

However, if the employee returns to work within one year of leaving, the accrued/remaining leave will be reinstated.

Adopted: February 24, 2021