

MAINE FAMILY AND MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

The following administrative procedure covers the main provisions of the Maine Family and Medical Leave Act. The guidelines in no way attempts to modify the Act, which should always be referred to when questions about implementation arise. The school unit is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one which provides greater benefit (usually federal FMLA).

I. Eligibility Requirements

To be for Maine Family Medical Leave, employees must work a site where 15 or more employees of a school board. An employee must have been employed by the same employer for twelve consecutive months and not taken such leave within the immediately preceding 24-month period, or have used less than 10 weeks of family medical leave

Under the Maine Family Medical Leave Act, an eligible employee is entitled to receive up to ten consecutive weeks of leave during a 24-month period for the following reasons:

- A. The birth of the employee's child;
- B. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee;
- C. To care for a spouse, child or parent with a serious health condition, or
- D. The employee is unable to perform the functions of his/her position because of a serious health condition

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a healthcare provider.

II Administration

- A. The school unit may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination may submit certification from an accredited practitioner of those healing methods
- B. An employee requesting leave shall provide at least 30-days' notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving required notice
- C. Any leave taken for Maine Family Medical Leave qualifying purposes, including leave taken under employment policies, bargaining agreements or contracts, shall

- also be considered leave under the Maine Family Medical Leave and shall be applied to an employee's 10-week Maine Family Medical Leave entitlement every 24-month period. When paid leave taken for Maine Family Medical Leave qualifying purposes is exhausted, the balance of Maine Family Medical Leave shall be unpaid
- D. During Maine Family Medical Leave, an employee shall be permitted to continue his/her medical insurance plan, providing the employee remits the applicable monthly premium for which he/she is liable to the Superintendent's Office no later than the first day of the month for which the premium is due.
 - E. Upon an employee's return to work, he/she will be restored to his/her previous position or to a position with equivalent seniority status, benefits, pay, and other conditions and terms of employment.
 - F. An employee taking Maine Family Medical Leave for his/her own serious health condition may be required to submit certification that he/she is fit to return to work and is able to perform the functions of the position.
 - G. If at the end of the allowable leave under Maine Family Medical Leave the employee is unable to return to work because of his/her own serious health condition, the Superintendent and School Committee may consider a request for extension of unpaid leave benefits on a case-by-case basis. Failure to return to work upon the expiration of Maine Family Medical Leave may subject the employee to immediate termination unless such an extension is granted.
 - H. An employee who is eligible for Maine Family Medical Leave may be eligible for federal Family and Medical Leave.

Legal References: 26 MRSA ss 843 et seq.

Adoption Date: July 6, 1998
Revised Date: February 5, 2007