

## FAMILY AND MEDICAL LEAVE – STATE OF MAINE

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

### I. Eligibility

To be eligible for Maine Family Medical Leave, employees must work at a site where there are 15 or more employees at one location. An employee must have been employed by the same employer for 12 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 up to 10 consecutive weeks of leave during a 24 month period for the following reasons:

- A. Serious health condition of the employee;
- B. Birth of the employee's child;
- C. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee; or
- D. Serious health condition of a child, parent, spouse or domestic partner.

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 health care provider.

### II. Administration

A. Maine Indian Education may require certification from a physician to verify the amount of leave requested.

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, written reasonable assurances, 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 monthly premium as directed by the administrative office.

E. Upon an employee's return to work, s/he 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 s/he 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 may consider a request for extension of unpaid leave and benefits, of up to 30 calendar days, on a case-by case basis. If the leave extension request is for over 30 calendar days the request for extension will be sent to the Maine Indian Education Joint School Committee or the individual school committees for consideration. 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 not eligible for Maine Family Medical Leave may be eligible for federal Family Medical Leave.

Legal Reference: 26 MRSA Sec. 843 et seq.

Cross-Reference:

- GBN–Family and Medical Leave
- GBN-R1 – Family and Medical Leave Act Administrative Procedure