

New Maine Law Requires Employers to Provide Employees Paid Leave to Use for ‘Any Reason’

By Debra Weiss Ford and K. Joshua Scott

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Maine Governor Janet Mills has signed into law “An Act Authorizing Earned Employee Leave,” the first law in the nation to allow employees to use mandated paid leave *for any reason*. The new law, signed on May 28, will take effect on January 1, 2021. Approximately 85 percent of Maine’s private sector employees will receive paid leave under the new law.

The law requires Maine employers with at least 10 employees who work more than 120 hours in a calendar year, other than seasonal workers, to provide one hour of paid leave for every 40 hours an employee works. An employee can earn up to 40 hours of paid leave annually.

The law does not apply to an employee subject to a collective bargaining agreement during the period between January 1, 2021, and the expiration of the agreement.

Employees will begin accruing earned pay leave at the start of employment and are eligible to use the accrued paid leave after 120 days of employment. Employees are required to provide “reasonable notice” of the intent to take leave, absent an emergency or other sudden necessity. However, the law does not define what constitutes reasonable notice, although it provides that “use of leave must be scheduled to prevent undue hardship on the employer.”

During the paid leave, an employee must be paid the same base rate of pay earned prior to taking leave and receive the same benefits as provided to other types of paid leave pursuant to the employer’s “established” policies. The taking of paid leave may not result in the loss of any accrued employee benefits.

Employers who violate the law will be subject to penalties of up to \$1,000 per violation.

The Maine Department of Labor has been tasked with adopting rules for the implementation and enforcement of the law, which should provide more clarity for employers. While employers await the pending rules, they should be prepared to update their paid leave policies to comply with the new law.

For guidance on leave management issues, please contact a Jackson Lewis attorney. Our [workthruIT® Leave & Accommodation Suite](#) provides subscribers a growing array of tools, including electronic access to a state and local leave law database developed and updated continually by our Disability, Leave & Health Management attorneys, to manage leave and accommodation issues.

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