



# Maine Earned Paid Leave

## EMPLOYERS: NEW LAW IN EFFECT JANUARY 1, 2021

Maine’s new Earned Paid Leave Law and rules require that employers\* with more than 10 workers provide earned paid leave equal to or in excess of the new law.

*\* Defined by 26 MRSA §1043(9). Excludes seasonal industry, as defined by 26 MRSA §1251; those that customarily operate during a regularly recurring period of less than 26 weeks. Note: requires filing paperwork to confirm exemption.*

### Which employees count as eligible workers?

The following categories of workers count toward the 10-employee minimum and are eligible to earn paid leave:

- Work 120 calendar days a year or more;
- Located in Maine
- Covered employees defined by 26 MRSA §1043(11), including:
  - Part-time
  - Full-time
  - Temporary
  - Per Diem
- Does NOT include employees covered by a collective bargaining agreement until the next agreement cycle.

TIP: Employees listed on quarterly report to Bureau of Unemployment Compensation are likely to be covered.

### What kind of leave does the law require?

- Leave is accrued at a rate of 1 hour per every 40 hours worked, up to 40 hours a year.
- Paid at regular rate of pay (Variable pay-rate workers, divide prior week earnings by hours worked)
- Time off may be used for any reason: illness, emergency, vacation, etc.
- Un-used time may be carried over; but you are only required to accrue up to 40 hours in current year

### What if I already offer leave?

You may provide a benefit greater than the law requires, but if your current offering does not meet the minimum of the law, you must expand it.

### What else should I consider?

We recommend that employers consider implementing written policies that clarify the following topics:

Topic	Employers are Permitted to Establish the Following Written Policies
Use	<ul style="list-style-type: none"> <li>• Restricting new employee use of earned paid leave for up to 120 calendar days after job start</li> <li>• Restricting use during defined peak work periods for leave other than emergency or illness</li> <li>• Establishing a one-hour minimum increment</li> </ul>
Notice	<ul style="list-style-type: none"> <li>• Requiring advance notice of up to 4 weeks for leave other than emergency or illness</li> </ul>
Accrual & Use Period	<ul style="list-style-type: none"> <li>• Documenting whether the accrual and use period is the calendar year, anniversary year or other 12-month period</li> </ul>
End of Employment	<ul style="list-style-type: none"> <li>• Describing the disposition of accrued earned paid leave when employment ends, e.g., is it paid to the employee?</li> </ul>

### Where can I learn more?

visit: <https://www.maine.gov/labor/docs/2020/laborlaws/CombinedEarnedPaidLeaveFAQs.pdf>

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