

Comparing FML, EPL and F&MLA

Maine Family Medical Leave

- Provides up to **10 weeks** of unpaid leave in any **2 years**
- Applies to worksites with **15 or more employees**
- Employee must be employed by same employer for 12 consecutive months to be eligible for leave
- Employee must give at least 30 days' advance notice of intended use
- Employer may require doctors note or equivalent from a recognized church or spiritual leader
- Leave must be for
 - Serious health condition of the employee, employee's child, domestic partner, domestic partner's child, grandchild, domestic partners grandchild, parent, sibling, or spouse
 - Birth of employee's child or domestic partner's child
 - Adoption of child 16 years of age or less with the employee or employee's domestic partner
 - Organ donation of that employee for human organ transplant
 - Death or serious health condition of employee's spouse, domestic partner, parent, sibling, child if event occurs while on active duty as a member of the state military forces

MDOL has no enforcement authority for Maine's FML. Employee must pursue private right of action if they feel their rights under this law were violated.

Maine's Earned Paid Leave

- Provides up to 40 hours of paid leave per year
- Accrued leave may be taken by the employee for any reason
- Applies to employers (as defined in 26 MRS 1043 (9) that employ more than 10 employees for more than 120 days in any calendar year
- Employee must be employed by same employer for 120 days during a one-year period before they are entitled to use the accrued leave
- Employer must allow use for emergencies, illness, sudden necessity, or planned leave
- Employer can require 4 weeks advance notice for planned leave and notice as soon as practical for emergencies, illness, or sudden necessity.
- Employer cannot require doctor's note unless leave is for 3 or more consecutive days

Employee is entitled to use accrued EPL for an emergency, illness, or sudden necessity whether eligible for FML or not.

MDOL has sole enforcement authority regarding EPL. Employees cannot pursue a private right of action.

Federal Family and Medical Leave

- Provides up to **12 weeks** of unpaid leave in any **12-month period**
- Applies to worksites with **50 or more employees**
- Employee must be employed by same employer for 12 consecutive months and have at least **1,250 hours of service** to be eligible for leave
- Employee must give at least 30 days' advance notice of intended use
- Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.
- Leave must be for
 - The birth of a child or placement of a child for adoption or foster care
 - To bond with a child (leave must be taken within one year of the child's birth or placement)
 - To care for the employee's spouse, child, or parent who has a qualifying serious health condition
 - For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job
 - For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.