

Know Your Rights: Employment Leave



Your right to take time off from work to address illness or domestic violence.

What is Family Medical Leave?

Both the federal and state family medical leave laws allow eligible employees to take extended unpaid time off from work to care for themselves or a loved one. To be eligible, you must have been at your job for a certain amount of time before taking leave and your workplace must be subject to either the state or federal law. Consult the chart below for more information.

Coverage Area	Federal Family and Medical Leave	Maine Family Medical Leave
Employer size.	More than 50 employees working for the company within a 75-mile radius.	State government office - no min.; City, town or municipal agency - 25+ employees; Private employer - 15+ employees.
Time at job required	At least 1,250 hours of service during the previous 12-month period.	12 months, no hour requirement.
Time available.	12 weeks in a 12-month period (26 weeks to care for a military member).*	10 weeks in a 2-year period.
Military member.	Spouse, parent, child, or next of kin.	Spouse, domestic partner, parent, child, or sibling.^
Birth or adoption.	Your child.	Your child or your domestic partner's child.
Placement of a child with you for foster care.	Covered.	Not covered.
Loved one with a serious health condition.	Spouse, child, or parent.	Spouse, domestic partner, child, domestic partner's child, parent or a sibling (when financial and living arrangements are shared).
Your own serious health condition.	Covered.	Covered.
Organ donation.	Not covered.	Covered.

*Note: If both spouses work for the same company, the combined total amount of leave available to them is the same as would be given to one person.

^Note: Time can be taken if your loved one is killed in the line of military duty.

How Does It Work?

Depending on your individual circumstances, you may choose to take your family medical leave all at once or a little bit at a time through an "intermittent" leave or reduced leave schedule. While you are out, your employer cannot change your benefits, such as health insurance, but you may need to contribute more towards the cost of those benefits.

How Do I Apply?

The law requires you to give your employer at least 30 days notice before taking family medical leave, unless there is a medical emergency that prevents you from doing so. If your employer asks for a certification from your doctor, you must provide it in order to be protected by the law.

Is My Job Secure?

These laws prohibit your employer from interfering with or preventing you from exercising your right to take family medical leave. Your employer cannot retaliate against you for opposing employment practices that violate the family medical leave laws, regardless of whether you are acting for yourself or trying to help another person by providing information for an investigation.

The laws also protect you while you are on family medical leave. When you return to work, your employer must either restore you to the position you held when your leave began, or put you in a similar job with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment.*

*Exception: It is not likely that an employer will be held liable if his or her failure to restore you to your previous or an equivalent position was caused by conditions that were unrelated to the your exercise of Family Medical Leave.



Maine Women's Policy Center

THE VOICE OF MAINE WOMEN

P.O. Box 85
Hallowell, Maine 04347
(207) 622-0851
MaineWomensPolicyCenter.org

The Maine Women's Policy Center is a nonprofit organization dedicated to improving the lives of women and girls.

What is Employment Leave for Victims of Violence?

In Maine, if you are a survivor of violence, assault, sexual assault, stalking, or any act that would support an order of protection, you can request reasonable and necessary leave from work to:

- Prepare for and attend court proceedings;
- Receive medical treatment or attend to the medical treatment for a victim who is your daughter, son, parent or spouse; or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

To request this leave, speak with your employer and provide him or her with the information in writing that she or he needs to make an informed decision about your request for leave. Contact your employer with this information as soon as you can given the circumstances, and be sure to explain why your request is reasonable and necessary. This is important because your employer has some discretion about whether to grant your leave request.

What Does My Employer Need to Do?

Under Maine law, all employers are required to make reasonable efforts to provide leave to allow you to address violence-related legal and medical issues. Your employer is only required to grant you unpaid leave to address these issues, but he or she cannot otherwise deprive you of benefits or pay for exercising these rights. If you have earned paid leave, for example, you may choose to use some or all of that paid leave time during your absence.

As with earned paid leave, your employer may deny your violence-related leave request if your request isn't communicated within a reasonable time, or the requested leave is impractical, unreasonable or unnecessary based on the facts known to the employer. Based on your employer's knowledge and the information you provided with your request, your employer can choose to deny or modify your leave, if granting the leave would cause the employer significant difficulty or expense. If you believe that you have been unreasonably denied leave, and/or if your employer has penalized you for requesting this leave, you can file a complaint with the Bureau of Labor Standards (contact information below).

Under the law, employers can be fined up to \$200 for each violation, so long as you provide notice to the employer and to the Department of Labor within six months of the occurrence.



What is Family Military Leave?

Maine law recognizes the sacrifices being made by the members of our armed services and their families. In recognition of this sacrifice, Maine law provides protections for spouses, domestic partners or children of service members who are deployed, or who will soon be deployed, so that they may spend precious time with their loved ones.

To be protected under Family Military Leave, the person requesting leave must work for a company with 15 or more employees, and the service member's deployment must be for more than 180 days. If these requirements are met, the spouse, domestic partner or child of the service member may take up to 15 days of leave immediately before or after deployment, or during the service member's military leave. Though this leave must be made available by companies with 15 or more employees, it may be unpaid.

Get Help



Bureau of Labor Standards (Workplaces with 15+ employees)
Maine.gov/Labor 207-623-7900 (TTY: 800-794-1110)



U.S. Department of Labor (Workplaces with 50+ employees)
207-780-3344 (Portland office)
207-945-0330 (Bangor office)



Elder Abuse National Hotline
800-624-8404



**Maine Coalition Against Sexual Assault
Crisis and Support Line**
800-871-7741



Maine Volunteer Lawyers Project
VLP.org 800-442-4293



Pine Tree Legal Assistance
PTLA.org



Statewide Domestic Violence Helpline
866-83-4-HELP



Employment leave laws do not cover all Maine workers and the coverage that the laws do provide can be inadequate for many — particularly low-wage workers who cannot afford to sacrifice their paycheck and take unpaid time off from work.

Contact us for more information.