

NEW LAW: Maine To Require Employers Provide Mandatory Paid Leave

On May 28, 2019, Maine Governor Janet Mills signed [L.D. 369 \(An Act Authorizing Earned Employee Leave\)](#) into law. This new law, which is the first of its kind in the United States, requires covered employers provide “earned paid leave” to employees.

Under the new law, which goes into effect on January 1, 2021, requires Maine employers who employ 10 or more employees for more than 120 days in a calendar year with 1 hour of earned paid leave for every 40 hours worked. Employers must provide employees with at least 40 hours of earned paid leave per year.

Employees will begin accruing earned paid leave on January 1, 2021 or on their first day of employment. However, employers are not required to allow employees to use accrued earned paid leave until the employee has worked for the employer for 120 days.

While taking earned leave, an employee must be paid at least the same base rate of pay that the employee received immediately prior to taking earned leave and must receive the same benefits as those provided under established policies of the employer pertaining to other types of paid leave.

Absent an emergency, illness or other sudden necessity for taking earned leave, employees are required to give their supervisor “reasonable notice” of the employee's intent to use earned leave.

At the present time, the new law does not address whether

- Employers are required to carryover unused earned paid leave from year to year or
- Unused earned paid leave must be paid out at termination of employment.

It is recommended that employers be on the lookout for additional legislation that clarifies these issues. In the meantime, it is further recommended that employers prepare for this new law.