

LEGAL UPDATE

Maine Issues Rules Governing New Earned Employee Leave Law

The Maine Department of Labor has issued [regulations](#) governing the state's new [Earned Employee Leave Law](#) (EELL), which allows eligible employees to earn one hour of paid leave that may be used for any reason for every 40 hours worked, up to 40 hours per year, **effective Jan. 1, 2021**. The new regulations, issued in September 2020, clarify certain provisions of the law.

Covered Employers and Employees

The EELL applies to all Maine employers, other than those in seasonal industries, that have **more than 10 employees for more than 120 days** in any calendar year. In general, all employees are entitled to accrue and use the leave provided under the law. However, an employer is not required to permit use of the leave before an employee has worked for at least **120 days** during a one-year period for that particular employer. For these purposes, the new regulations clarify that employers must count **calendar days**, not business days.

Notice and Leave Use Provisions

While the EELL requires employees to give their employers "reasonable notice" of their intent to use earned leave, the new regulations specify that employers may have a written policy that requires **up to four weeks' advance notice**, absent an emergency, illness or other sudden necessity. The regulations also specify that:

- Employers may place reasonable limits on the scheduling of leave;
- Employees may use earned paid leave in increments of at least one hour, unless an employer chooses to allow smaller increments; and
- If an employer causes an employee to be unable to work (such as by closing the business or cancelling a shift), the employer may not require an employee to use his or her accrued leave for that purpose.

Highlights

Earned Paid Leave Law

Starting in 2021, Maine's Earned Employee Leave Law allows employees to earn paid leave that may be used for any reason.

Clarifying Regulations

The Maine Department of Labor has issued regulations that clarify the new law.

Leave Accrual

Along with other clarifications, the regulations address how the leave would accrue or be payable under various circumstances.

Subject to certain limits, employers may require up to four weeks' advance notice of intent to use accrued paid leave.

Provided to you by [Allen Insurance | Financial](#)

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2020 Zywave, Inc. All rights reserved.