

GBO - Family Care Leave

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This policy governs employee leave under 26 M.R.S.A. § 636, “An Act to Care for Families”), referred to in this policy as the “Family Care Act.” Leave under this policy is referred to as “Family Care Leave.”

The M.S.A.D. #35 Board of Directors recognizes that under Maine’s “Family Care Act,” if an employer provides paid leave under the terms of a collective bargaining agreement or employment policy, the employer must allow an employee to use the paid leave for the care of an immediate family member who is ill.

In law and for the purpose of this policy, the following definitions apply:

- “Employer” means a public or private employer with 25 or more employees.
- “Immediate family member” means an employee’s child, spouse or parent.
- “Paid leave” means time away from work by an employee for which the employee receives compensation. Paid leave is limited to sick time, vacation time, compensatory time and leave that is provided as an aggregate amount for use at the discretion of the employee for any of these purposes. Paid leave does not include paid short-term or long-term disability, catastrophic leave or similar types of benefits.

Employees may take up to 40 hours of paid leave as Family Care Leave per 12 month period, or the amount provided by an applicable collective bargaining agreement, whichever is greater.

The 12-month period shall be the same for all employees and shall be the 12-month period consistent with the 12-month period identified for MSAD #35’s administration of the Family Medical Leave Act (FMLA).]

An employee is not entitled to use paid leave until that leave has been earned.

An employee may elect which type of paid leave and the amount of each type of paid leave to use for Family Care Leave.

Notice/verification of illness for Family Care Leave shall be the same as that required for the employee’s own illness. The employee must specify that leave is being taken pursuant to the Family Care Act.

APPLICATION OF FAMILY MEDICAL LEAVE REQUIREMENTS

For purposes of applying family medical leave requirements (i.e., FMLA), M.S.A.D. #35 shall treat leave under the Family Care Act in the same manner as M.S.A.D. #35 treats leave for an employee illness. Therefore, Family Care Leave and FMLA Leave shall run concurrently.

Legal Reference: 26 M.R.S.A. § 636

Cross Reference: GBN/Family and Medical Leave

Policy Adopted: September 21, 2005

Policy Reviewed: March 8, 2010

Revision #2

Created 17 March 2022 14:01:33 by Reilly Greenlaw

Updated 16 March 2023 17:06:10