

SECTION G: Personnel

GBO Family Sick Leave

FAMILY SICK LEAVE

This policy governs leave under 26 M.R.S.A. § 636 “Family Sick Leave.” Leave under this policy is referred to as “Family Sick Leave.”

The Board recognizes that under Maine’s Family Sick Leave 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:

- A. “Immediate family member” means an employee’s child, spouse or parent.
- B. “Paid leave” means time away from work by an employee for which the employee receives compensation, and 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 same purposes. Paid leave does not include paid short-term or long-term disability, catastrophic leave or similar types of benefits.
- C. “Employer” means a public or private employer with 25 or more employees.

An employee may take up to 40 hours of available paid leave (or the amount provided by an applicable collective bargaining agreement if that is greater) as family sick leave per 12-month period. For the purposes of this policy, the 12-month period is the 12-month period measured forward from the date any employee’s first leave begins.

An employee may not use paid leave for family sick leave purposes until it has been earned. If the employee has more than one type of paid leave available under an applicable collective bargaining agreement or employment policy, he/she may specify which type and the amount of each type of leave to be used as family sick leave until all paid leave available has been exhausted.

All family sick leave taken by an employee shall be counted toward his/her entitlement under the federal Family and Medical Leave Act or Maine Family Medical Leave Act.

Notice and verification requirements for use of family sick leave shall be the same as those required by the school for an employee’s own illness. The employee must specify that leave is being taken pursuant to the Family Sick Leave Act.

Application of Family Medical Leave Requirements

For purposes of applying family medical leave requirements (i.e. FMLA), the school shall treat leave under the Family Sick Leave Act in the same manner as the employer treats leave for an employee illness. Therefore, Family Sick Leave and FMLA leave shall run concurrently.

Legal Reference: 26 M.R.S.A. § 636
26 M.R.S.A. § 843

Cross Reference: GBN – Family and Medical Leave
GBN-R1 – Family and Medical Leave Administrative Procedure
GBN-R2 – Maine Family Medical Leave Administrative Procedure

First Reading: 2/16/2011, 6/27/18
Adopted: 3/23/11, 8/22/18
Revised: 5/23/18
Reviewed: 1/26/2011