

## SURVIVOR STATE EMPLOYMENT GUIDE

# MAINE

### INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### ANTI-DISCRIMINATION PROTECTIONS

While at the time of publication Maine does not have a broad anti-discrimination in the workplace protection for survivors of domestic violence, sexual assault or stalking, under Maine law (**5 Me. Rev. Stat. Sec. 4572**), an employer cannot fail to hire, refuse to hire, or otherwise discriminate against an applicant for a job because they've sought and obtained a protective order under **19-A Me. Rev. Stat. Sec. 4007**. An employer also cannot fire or discriminate against an existing employee who has sought and obtained a protective order under the same law. There are similar laws for employment agencies and labor organizations.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### REASONABLE ACCOMMODATIONS

At the time of publication, Maine has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### LEAVE/TIME OFF WORK

- **Paid Time Off:** Under Maine law (**26 ME Rev. Stat. Sec. 637**) employers with more than 10 employees must provide paid leave to employees (includes full-time, part-time, temporary, and per diem workers). Employees must accrue one hour of paid leave for every 40 hours worked and can accrue up to 40 hours per year. Employees can take this leave for any purpose including emergencies, illness, planned vacations, etc. Employers can require up to four weeks' notice for planned use of this leave unless it is for an emergency or illness use and then notice as soon as practicable is required. This law does not apply to seasonal industries.
- **Time Off for Domestic Violence, Sexual Assault, Stalking:** Under Maine law (**26 Me. Rev. Stat. Sec. 850**), employers must grant "reasonable and necessary" leave when an employee, or a child, parent or spouse of the employee, is a victim of domestic violence, stalking, sexual assault, violence, assault or any other act that would support granting an order of protection. The leave may be paid or unpaid depending on your employer. The leave may be used to:

- Prepare for and attend court proceedings;
- Receive medical treatment or attend medical treatment for a victim’s child, parent, or spouse; or
- Obtain other necessary services to remedy a crisis caused by the violence.

Employers are prohibited from sanctioning employees for exercising their rights under this law. The employer is not required to grant leave if the employer would sustain “undue hardship,” if the leave request was not made “within a reasonable time under the circumstances,” or if the “requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.”

Note that individuals may also be eligible to take time off under their employer’s policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

### **UNEMPLOYMENT INSURANCE**

Under Maine law (**Maine Rev. Stat. tit. 26 ch. 13 sec. 1193(1)(A)(4)**), an individual who voluntarily leaves work may not be disqualified from receiving benefits if leaving working was necessary to protect the individual, or any member of their immediate family, from domestic abuse or the leaving was due to domestic violence that caused the claimant reasonably to believe that their continued employment would jeopardize the safety of the claimant or any member of their immediate family.