

Proposed Committee Amendment to LD 1665

Senator Mitchell, 3/18/10

Please see *Italicized language*

Replace the bill with the following:

Sec. x 26 MRSA §637 is enacted to read:

§ 637. Absence for Illness

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employee" means a person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment but does not include an independent contractor.

B. "Employer" means any private or public employer, including the State and political subdivisions of the State.

C. "Family member" means an employee's child, spouse, parent, or domestic partner as defined in section 843, sub-section 7.

D. "Illness" means a physical or mental illness, injury or medical condition.

2. Prohibition against discharge or disciplinary action. An employer may not discharge, demote, suspend, discipline or otherwise discriminate against an employee or threaten to take any of these actions against an employee because of the employee's failure to report to work at the beginning of the employee's regular working hours if the employee failed to do so because of illness of the employee or the employee's family member, or if an employee otherwise exercises rights granted under this section, including but not limited to, actions taken in order to enforce this section pursuant to subsection 6. This prohibition applies to no more than 5 working days per employee within a 12 month period.

Nothing in this section prohibits an employer from taking employment action against an employee for taking time off from work that is not protected by this section or other applicable law. An employer may adopt reasonable written policies, in accordance with department rules, regarding implementation of this section.

3. Notification. The employee shall make reasonable efforts to notify the employer that the employee will not report to work at the appointed time due to illness.

4. Equivalent compensation. An employer providing an employee with compensated leave without penalty for reasons consistent with this section that is