

**§850-C. Payment of benefits**

**1. Waiting period for medical leave.** Medical leave benefits are not payable during the first 7 calendar days of the leave, except that an employee may use accrued sick or vacation pay or other paid leave provided under a collective bargaining agreement or employer policy during the first 7 calendar days of the leave.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

**2. Determination of weekly benefit amount.** The weekly benefit amount paid to employees and self-employed individuals on family leave or medical leave is calculated as follows:

A. The portion of the covered individual's average weekly wage that is equal to or less than 50% of the state average weekly wage must be replaced at a rate of 90%; and [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. The portion of the covered individual's average weekly wage that is more than 50% of the state average weekly wage must be replaced at a rate of 66% up to the maximum weekly benefit. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

**3. Maximum benefit amount adjustment.** The maximum weekly benefit amount calculated under subsection 2 is the state average weekly wage. By January 1st of the year in which claims begin being processed and annually thereafter, the department shall take into consideration the recommendation of the authority to adjust the maximum weekly benefit amount as necessary, and the adjusted maximum weekly benefit amount takes effect on January 1st of the year following the adjustment. The authority shall recommend adjusting the maximum benefit amount in order to maintain the solvency of the fund at a level of at least the annualized amount described in section 850-E, subsection 3.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

**4. Prorated benefit.** If a covered individual takes family leave or medical leave on an intermittent or reduced leave schedule, the weekly benefit amount must be prorated as determined by the department.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

**5. Reduction of benefit.** The weekly benefit amount must be reduced by the amount of wages or wage replacement that a covered individual receives for that period under any of the following while on family leave or medical leave:

A. A government program or law, including, but not limited to, unemployment insurance under this Title and workers' compensation under Title 39-A other than for compensation received under Title 39-A, section 213 for an injury that occurred prior to the family leave or medical leave claim, or under other state or federal temporary or permanent disability benefits law; or [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. A permanent disability policy or program of an employer. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

**SECTION HISTORY**

PL 2023, c. 412, Pt. AAA, §7 (NEW).

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