

§850. Employment leave for victims of violence

1. Required leave. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings; [PL 1999, c. 435, §1 (NEW).]
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or [PL 2001, c. 685, §1 (AMD).]
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. [PL 1999, c. 435, §1 (NEW).]

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section. [PL 2001, c. 685, §1 (AMD).]

1-A. Definitions. For purposes of this subchapter, the terms "daughter," "son," "parent" and "spouse" have the same meanings as those terms have under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents. [PL 2001, c. 685, §2 (NEW).]

2. Exceptions. Subsection 1 is not violated if:

- A. The employer would sustain undue hardship from the employee's absence; [PL 2001, c. 685, §3 (AMD).]
- B. The request for leave is not communicated to the employer within a reasonable time under the circumstances; or [PL 1999, c. 435, §1 (NEW).]
- C. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer. [PL 1999, c. 435, §1 (NEW).]

[PL 2001, c. 685, §3 (AMD).]

3. Penalties. If notice of a violation of this section is given to the employer and the Department of Labor within 6 months of the occurrence, the Department of Labor may assess penalties as follows:

A. For denial of leave in violation of this section, a fine of up to \$1,000 for each violation of this section may be assessed. A fine assessed under this paragraph must be paid to the Treasurer of State. Additionally, the employer shall pay liquidated damages to the affected individual in an amount equal to 3 times the amount of total assessed fines; and [PL 2015, c. 343, Pt. A, §1 (NEW).]

B. For termination in connection with an individual exercising a right granted by this section, the affected individual may elect to receive:

(1) Liquidated damages pursuant to paragraph A; or

(2) Reemployment with the employer with back wages. [PL 2015, c. 343, Pt. A, §1 (NEW).]

[PL 2015, c. 343, Pt. A, §1 (AMD).]

4. Application. This subchapter applies to all public and private employers, including the State and its political subdivisions.

[PL 1999, c. 659, §2 (NEW).]

SECTION HISTORY

PL 1999, c. 435, §1 (NEW). PL 1999, c. 659, §2 (AMD). PL 2001, c. 685, §§1-3 (AMD). PL 2015, c. 343, Pt. A, §1 (AMD).

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