

BOWDOIN COLLEGE
MAINE STATE LEAVE POLICY
Effective May 1, 2026

All Bowdoin College employees may be entitled to family and medical leave rights under two Maine state laws: the Maine Family Medical Leave (Maine FML) and the Maine Paid Family and Medical Leave program (PFML). This policy sets forth rules that must be applied uniformly to all College employees who are eligible for Maine FML and Maine PFML.

This policy should be read in conjunction with the federal Family and Medical Leave Act (“FMLA”) Policy and the College’s paid and unpaid leave policies for the employee’s applicable work group. Where leave qualifies under more than one law or company policy, all applicable leave entitlements will run concurrently. Any questions concerning family and medical leave should be directed to Human Resources.

MAINE FAMILY MEDICAL LEAVE REQUIREMENTS (Maine FML)

Maine Family Medical Leave is a state law that provides eligible employees with unpaid, job protected leave for qualifying family and medical reasons.

A. Eligibility

To be eligible for Maine FML leave, an employee must have been employed by the College for at least 12 consecutive months. Maine FML applies to employers with fifteen or more employees in the State of Maine.

B. Leave Entitlement

Eligible employees may take up to 10 work weeks of family medical leave in any two-year period. The two year period is measured on a rolling basis from the date that any family or medical leave begins. The leave may be taken in consecutive weeks or intermittently.

Maine FML leave is unpaid unless the employee has available paid time that applies or if an employee is eligible for Maine PFML. Employees may substitute accrued, unused sick pay, personal days, and vacation days for unpaid leave under this policy. During any family medical leave, employees may continue their employee benefits at the employee's expense.

C. Reasons for Leave

An employee may take Maine FML leave for any of the following reasons:

- The employee’s own serious health condition;
- The birth of the employee’s child or the employee’s domestic partner’s child;
- The placement of a child age 16 or younger with the employee or the employee’s domestic partner in connection with adoption;
- To care for a child, domestic partner’s child, grandchild, domestic partner’s grandchild, parent, domestic partner, sibling, or spouse with a serious health condition;
- The donation of the employee’s organ for a human organ transplant; or
- The death or serious health condition of the employee’s spouse, domestic partner, parent, sibling, or child who is a member of the state military forces or the United States Armed Forces (including the National Guard and Reserves) and who died or sustained a serious health condition while on active duty.

A **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care center, or continuing treatment by a health care provider.

A **domestic partner** means an employee's partner who meets all of the following criteria: is a mentally competent adult, has been legally domiciled with the employee for at least 12 months, is not legally married to or legally separated from another individual, is their sole partners and expects to remain so, and is not their sibling and is jointly responsible for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements, or joint ownership of real or personal property.

Sibling means the employee's sibling with whom they are jointly responsible for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

D. Coordination with Federal FMLA and Maine PFML

When leave qualifies under both Maine FML and federal FMLA, the leave runs concurrently and counts against both entitlements at the same time. When leave also qualifies for Maine PFML, all three entitlements run concurrently. When these leave laws conflict, the provision most beneficial to the employee applies.

E. Notice of Leave

The employee must give at least 30 days' notice of the intended date on which family medical leave will begin and terminate, unless prevented by medical emergency from giving that notice.

F. Certification

The College may require certification from a health care provider to verify the need for and the amount of leave requested. The employee may also be required to provide verification of the relevant family relationship or domestic partnership.

G. Protections

The taking of family medical leave will not result in the loss of any employee benefit accrued before the date on which the leave began.

Employees who take family medical leave in accordance with this policy ordinarily will be restored to their former position or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. Restoration may be denied for reasons unrelated to the employee's family medical leave rights, such as a business downturn or reorganization.

MAINE PAID FAMILY AND MEDICAL LEAVE (PFML)

This section establishes the College's compliance with the Maine Paid Family and Medical Leave Act. The PFML program provides eligible employees with wage replacement and job protection benefits when they need time away from work for qualifying family, medical, or safety related reasons.

A. Administration

The PFML program is funded through payroll contributions shared between the College and its employees. The total contribution rate is 1% of wages up to the Social Security wage cap. The College will contribute at least 0.5% and may deduct up to 0.5% from employee wages. Employees payroll contributions will begin to be deducted as of July 1, 2026 at a rate of 0.33% of employee's wages.

To provide the best possible experience for employees, the College has chosen to meet Maine's PFML requirements through a Private Plan administered by The Standard. To obtain PFML benefits, an

eligible employee must submit an application by contacting The Standard directly. Contact information and instructions will be provided at the time of leave by Human Resources.

B. Eligibility

The PFML program covers all employees who perform services for wages in the State of Maine, including full time, part time, seasonal, and temporary employees. Independent contractors and student employees earning wages as part of the federal work-study are excluded.

To be eligible for PFML benefits, an employee must have earned wages in Maine totaling at least six (6) times the State Average Weekly Wage (SAWW) during the base period. The base period is the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of the individual's benefit year. The SAWW is updated annually on July 1.

To qualify for Maine PFML benefits, an employee must apply no earlier than 60 days before the expected start of leave; and no later than 90 days after the leave begins.

If an employee applies before the leave begins, the employee must be Actively Employed for the College on the date the application is submitted. If an employee applies after the leave has begun, the employee must have been Actively Employed on the first day of the leave.

For the purposes of this policy, "Actively Employed" means the employee is earning wages for work currently being performed for the College. An employee is not considered actively employed during a semester break, or another period when the employee is not scheduled or expected to work.

Unlike the federal FMLA, there is no minimum hours worked requirement and no minimum length of service with the College to be eligible for PFML benefits. Eligibility is based on cumulative earnings from all Maine employers during the base period. However, length of employment does affect job protection rights (see Job Protection below).

C. Reasons for Leave

An employee may take leave under the PFML for one or more of the following reasons:

- **Medical Leave:** Leave for the employee's own serious health condition, including illness, injury, impairment, pregnancy, or recovery from childbirth.
- **Family Leave (Bonding):** Leave to bond with a child during the first 12 months following birth, adoption, or foster care placement.
- **Family Leave (Care for a Family Member):** Leave to care for a family member with a serious health condition. Under Maine PFML, "family member" is defined broadly and includes:
 - A child of the employee, spouse, or domestic partner (biological, adopted, foster, step, legal ward, or a child to whom the employee stands in loco parentis), regardless of age.
 - A parent of the employee, spouse, or domestic partner (biological, adoptive, foster, step, de facto, legal guardian, or person who stood in loco parentis).
 - A grandparent or grandchild (biological, adoptive, foster, step, or de facto).
 - A sibling (biological, adoptive, foster, step, or de facto).
 - A spouse or domestic partner.
 - An individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.
- **Military Exigency Leave:** Leave for a qualifying exigency arising from a family member's active duty or call to active duty in the United States armed forces, as defined under the federal FMLA.
- **Military Caregiver Leave:** Time to care for a family member who is a covered service member with a serious illness or injury.

- **Safe Leave:** Time off because the employee or the employee's family member is a victim of violence, assault, sexual assault, stalking, or any act that would support a protection order. Safe leave may be used for seeking a protective order, obtaining medical or mental health care, securing housing, or seeking legal assistance.
- **Organ Donation Leave:** Time off for the donation of an organ by the employee for a human organ transplant.
- **Military Death or Injury Leave:** Leave due to the death or serious health condition of the employee's spouse, domestic partner, parent, sibling, or child who, as a member of the state military forces or the United States Armed Forces (including the National Guard and Reserves), dies or incurs a serious health condition while on active duty.

A **serious health condition** is an illness, injury, impairment, pregnancy, recovery from childbirth, or physical, mental, or psychological condition that involves inpatient care in a hospital, hospice, or residential medical care center, or continuing treatment by a health care provider.

When an employee requests leave to care for someone with whom they have a significant personal or family-like bond, the College may require additional information confirming the relationship qualifies under this policy.

D. Leave Entitlement

An eligible employee may take up to 12 weeks of PFML in a Benefit Year for any combination of qualifying reasons. For purposes of Maine PFML, the Benefit Year is the 12-month period beginning on the first day of the calendar week immediately preceding the employee's first date of approved PFML.

Maine PFML will run concurrently with any applicable federal FMLA, Maine FML or company leave policy entitlement where applicable and permitted by law during the applicable benefit year. If any previous leave taken applied to federal FMLA or Maine FML, as well as PFML, the 12 weeks of PFML will be reduced by any leave taken under federal FMLA or Maine FML that was not taken concurrently with Maine PFML in the 12 months preceding the start of leave.

E. Intermittent and Reduced Schedule Leave

An employee may take leave continuously, intermittently, or on a reduced schedule. The College allows intermittent leave in increments shorter than a full scheduled workday, with a minimum fifteen (15) minute increment.

Employees approved for intermittent leave must report any leave taken to The Standard within 15 days after each occurrence and must also inform Human Resources according to the College's standard leave-reporting process and payroll processing dates.

F. Waiting Period

For Medical Leave, PFML benefits are not payable for the first seven (7) consecutive calendar days from the start of leave. The waiting period applies only once per benefit year. During this waiting period, employees may use accrued paid time off (sick, vacation, or other paid leave, depending on the reason for leave) provided under the College's leave policies. Employees' request to use accrued hours during the PFML waiting period must be submitted to Human Resources.

For Family Leave (including bonding, family care, military exigency, and safe leave), there is no waiting period and benefits begin on the first day of approved family leave.

If an employee transitions from medical leave for pregnancy or childbirth directly to family bonding leave, there is no additional waiting period prior to commencement of the family leave portion.

G. Benefit Amount

During the approved leave period, the program will replace 90% of an employee's wages for income earned that is equal to or less than 50% of Maine's average weekly wage. The portion of the covered individual's average weekly wage that is over 50% of the state average weekly wage must be replaced at 66% up to the maximum weekly benefit.

Benefits will be prorated when leave is taken intermittently or on a reduced schedule, based on the number of hours of leave taken divided by the employee's scheduled hours for that week.

The College has established different benefit payment methods based on various leave types, employee types and length of service, etc. for Faculty, Support Staff, Administrative Staff, Casuals and Student Employees. Depending on these factors and in keeping with College leave pay policies, PFML benefits will be paid either directly by The Standard or through the College's regular payroll cycle. Human Resources will confirm the payment method that applies to each employee and leave type when leave is approved.

H. Benefit Reductions

An employee's PFML benefits will be reduced by concurrent payments from: state unemployment insurance; workers' compensation (except partial incapacity benefits for a prior injury); any government short term or long-term disability program (including SSDI); or a permanent disability policy or program of an employer. Coordination of PFML benefits with any employer-provided disability or wage replacement program will be administered in accordance with applicable plan documents and state law to prevent duplication of benefits in excess of statutory limits, or in excess of 100% of the employee's total regular pay.

I. Employee Notice Requirements

Employees must provide at least 30 days' written notice to the College when the leave is foreseeable. In cases of emergency, illness, or sudden necessity, the employee must provide written notice as soon as practicable. If the employee is incapacitated, a family member or health care provider may give notice on the employee's behalf.

The employee's notice must include: the reason for leave; the type of leave needed (continuous, intermittent, or reduced schedule); the actual or anticipated timing and duration of leave; and any other relevant information. Written notice may be provided via letter, email, or text message.

The need for a leave of absence must be reported to the employee's department head and to Human Resources.

J. Claim Filing Instructions

After providing leave notice to Human Resources, the employee must file a PFML application with The Standard. PFML benefits will be paid from the private plan. The application may be filed up to 60 days before the anticipated start of leave and no more than 90 days after leave begins.

The Standard will determine whether employees are eligible for Maine PFML and will notify the College of its determination regarding entitlement to benefits within 5 business days of the approval date.

Employees are not expected to perform any work duties during an approved leave period. The College will not request, assign, or direct any work activity to an employee while on protected leave.

K. Paid Time Off Supplementation

Employees are not required to use accrued paid time off such as vacation, sick time, or earned paid leave during approved PFML. Subject to the rules below and the College's applicable paid leave policies, an employee may voluntarily elect to use available accrued paid time off to supplement, or "top off," Maine PFML benefits.

Top-off is available only for Maine PFML benefits payable during a period in which the employee is scheduled or expected to work. Top-off is *not available* during a semester break, or other scheduled non-working period, even if the employee continues to receive approved Maine PFML benefits during that period. This limitation does not apply to an employee's election to use eligible accrued paid time during the seven-day waiting period for Maine PFML medical leave.

An employee who elects to top off must use sufficient eligible accrued paid time to bring total compensation to 100% of regular base pay for the applicable working period. Partial top-off is not permitted, and total compensation from Maine PFML, accrued paid time, and any other wage-replacement benefit may not exceed 100% of regular base pay.

The type of accrued paid time available for top-off depends on the employee's work group and the reason for leave. Requests to use accrued paid time must be submitted to Human Resources.

L. Health Insurance Continuation

During any period of approved PFML, the College will maintain the employee's health insurance coverage and will continue to pay its share of health insurance premiums under the same terms and conditions as if the employee were actively working. The employee remains responsible for any employee portion of health insurance premiums during leave. Employee contributions will continue through payroll deduction while the employee continues to receive compensation paid directly by the College. If the employee is not receiving any compensation paid directly by the College, or when the leave becomes unpaid, the employee is responsible for making billing arrangements through Human Resources.

After six (6) months of continuous unpaid leave, if the leave is not job-protected under federal or state law, the employee is responsible for paying the full cost of continued health insurance coverage. Human Resources will notify the employee and coordinate billing arrangements accordingly.

M. Other Employment Benefits

While on approved PFML, employees continue to accrue and receive other employment benefits as if actively working, including vacation and sick time accrual, bonuses, advancement, seniority, and service credit. PFML will not be treated as a break in service for purposes of vesting. PFML benefits paid by the insurance carrier are not treated as eligible compensation for purposes of the 401(a) retirement plan and are not eligible for retirement plan contributions. Refer to the 401(a) plan's Summary Plan Description for additional details.

N. Coordination with Other Leaves

Maine PFML runs concurrently with leave taken under the federal FMLA and Maine FML when the employee is eligible under applicable law. Maine PFML may also run concurrently with the College's company paid leave programs, such as short-term disability, paid parental leave, or other employer provided paid leave, where applicable. When company paid leave and PFML run at the same time, the combined total of all payments will not exceed 100% of the employee's regular base pay.

There may be situations where an employee qualifies for one program but not the other, such as: an employee in their first year who meets PFML earnings requirements but not FMLA tenure/hours requirements. Employees cannot elect to take FMLA or Maine FML separately and reserve Maine PFML for later use.

O. Non-Working Periods and School Breaks

An employee who submits a PFML application before the leave begins must be Actively Employed on the application date. An employee who submits an application after the leave begins must have been Actively Employed on the date PFML commenced.

For the purposes of this policy, “Actively Employed” means the employee is earning wages for work currently being performed for the College. If the employee satisfies the Actively Employed requirement when the application is submitted, or when PFML commences, an approved PFML claim may continue into or through a scheduled non-working period, subject to the approved leave dates, the employee’s remaining PFML entitlement, continued eligibility for the qualifying reason, and the terms of The Standard’s private plan.

An employee scheduled to return from a non-working period may file a PFML application on or after the scheduled return date without physically returning to work, provided the leave also starts on or after that date.

The College does not permit an employee to use accrued paid time to top off Maine PFML benefits during a scheduled non-working period. This limitation does not affect an employee’s right to elect eligible accrued paid time during the seven-day waiting period for Maine PFML medical leave.

P. Job Protection

Employees who have been employed by the College for at least 120 consecutive calendar days are entitled to be restored to the same position held when leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment upon return from approved PFML.

An employee who has been employed for fewer than 120 consecutive days is not entitled to job protection but may still receive PFML benefits if otherwise eligible.

Q. Return to Work Certification

Before returning to work after medical leave for the employee’s own serious health condition, the employee must submit a certificate from a health care provider to Human Resources confirming that the employee is able to return to work and perform the essential functions of the position. The certificate should address any work restrictions or need for accommodation upon return.

R. Anti-Retaliation

The College will not discharge, fire, suspend, expel, discipline (through attendance policies or otherwise), threaten, or in any manner discriminate against employees for exercising any right under PFML, filing a claim, or participating in any investigation or proceeding under the Act. The College may, however, require employees to comply with their usual requirements for reporting absences. An employee who willfully makes a false statement or misrepresentation to obtain benefits will be disqualified for one year and required to repay improperly received benefits plus interest.

S. Undue Hardship

The College may claim that the timing or duration of an employee’s requested leave creates an “undue hardship”, defined as a significant impact on the operation of the business or significant expenses, considering the financial resources, size of the workforce, and nature of the industry. An undue hardship determination relates only to the timing or scheduling of leave and does not eliminate the employee’s right to take PFML leave. An undue hardship determination must:

- Be communicated in a written explanation to the employee demonstrating how the specific employee’s absence at the specific time will cause significant operational impact or expense.
- Ensure the employee retains the ability to take leave within a reasonable timeframe.
- Reflect a good faith effort to negotiate a schedule that meets the employee’s needs without unduly disrupting operations.
- For medical leave, ensure the College’s proposed schedule accommodates the employee’s healthcare needs in the judgment of the employee’s healthcare provider.

Once the College and the employee agree on an alternative leave schedule, The Standard will administer the claim in accordance with the schedule submitted by the College.

An employee may appeal to the Maine Department of Labor a finding that the College's undue hardship determination is unreasonable, or the delay or denial of PFML benefits resulting from a finding of reasonable undue hardship. Any such appeal must be filed within 15 business days of the date of the decision, unless good cause exists to extend that period for an additional 15 business days. All undue hardship appeals are subject to the exclusive jurisdiction of the Maine DOL. Consistent with Maine's private plan requirements, the College does not have the right to appeal an adverse undue hardship determination to the Maine DOL.

T. Appeal Process

If an employee's claim for medical or family benefits is denied by The Standard, the employee may appeal the decision by submitting a written request for reconsideration to The Standard within 15 business days of receiving the decision. The request must identify the decision being contested, the date of the event, and the basis for the request. The Standard will assign a separate reviewer, notify the College that a reconsideration has been filed, and issue a written decision to both the employee and the College.

If the reconsideration decision is still unfavorable, the employee may file an appeal with the Maine Department of Labor within 15 business days of receiving the reconsideration decision. The Department may extend this deadline by an additional 15 business days for good cause. Appeal hearings are conducted under the Maine Administrative Procedures Act.

U. Employer Verification

When an employee files a claim for PFML benefits, The Standard will notify the College. The College will have 10 business days to review and verify the information provided in the application. During this period, the College may confirm or correct employment details, scheduled work hours, and other relevant information.

V. Workplace Posting and Written Notice to Employees

The College will post the MDOL provided workplace notice in a conspicuous location at each worksite in English and in each additional language that is the primary language of three or more employees at that workplace.

The College will provide each new employee with written information about the PFML program within 30 days of the employee's start date, including: the benefits available under the program; the employee's rights to job protection and health insurance continuation; the employee's contribution obligations; the College's name, address, and PFML ID number; instructions on how to file a claim; and The Standard's contact information.

This policy will be interpreted and administered in a manner consistent with applicable federal and Maine leave laws. To the extent this policy conflicts with the applicable law, the law will control.

Contact Information and Resources

Bowdoin College Human Resources: Mary Cote (207) 725-3033 or e-mail mcote@bowdoin.edu

Maine PFML Administrator (Private Plan): The Standard (888) 895-0670

Maine PFML Program: www.maine.gov/paidleave | (207) 621-5024, Mon through Fri, 8 AM to 5 PM