



## **Earned Paid Leave & Earned Time Benefit Program**

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### **I. Purpose**

This policy documents guidelines around the use of UCP of Maine's earned time benefit. The purpose of earned time is to provide employees with flexible paid time off from work that can be used for vacations, personal or family illness, appointments and holidays not paid for through separate benefits. UCP recognizes that employees benefit from paid time away from the work place.

### **II. Definition**

For the purpose of this policy, earned time in this policy is inclusive of Earned Paid Leave (EPL) and UCP's additional Earned Time (ET) benefits, unless differentiations between the two types of paid time off are specifically made.

### **II. Eligibility & Accrual**

Earned time is accumulated each pay period based on the category of employee and worked hours per week. Maximum hours per year that can be accrued is based on the length of service and category. Any salaried employee working less than a 40 hour per week schedule will have a prorated earned time accrual based on their standard schedule.

Effective January 1, 2021, Maine's Earned Paid Leave Law allows employees to earn one hour of paid leave for every 40 hours the employee works (referred to as EPL). The amount of EPL an employee can earn in a one-year period under this law is capped at 40 hours. However, employees may be entitled to time beyond this 40 hours of accrued time, per the chart below. Please note that the rates of accrual defined in the chart below include EPL accruals. In several cases, UCP's accrual is more generous than the required accrual for EPL time, therefore it is important to note that the first 40 hours of accrued time is EPL time and any additional accrual is additional Earned Time provided by UCP of Maine.

Employees begin accruing earned time at the start of employment and are eligible to use the leave after 30 days of employment.

An employee that has a reduction in earned time benefits due to a status change (i.e. from full-time status to part-time status or a reduction in hours), the effective date of the new earned time category will be effective on the effective date of the employment status change, as status changes are required to take place at the beginning of a pay period. The

employee will not lose any accrued and unused earned time at the time of status change, however year-end carry over limits will apply under the new earned time category in which the employee is placed, which is equal to or greater than the EPL carryover allowances required by law. Thereafter, the EPL will continue to accrue at the rate of hours worked in the new position up to the maximum accrual allowed by the new category in which the employee falls. If an employee has already accrued the maximum amount of EPL for the year, all future accruals will be considered earned time. An employee moving to a higher level of benefit (i.e. moving from part-time to full-time status) will be eligible for the increase in accrual the first of the month following thirty (30) days of their status change. The employee will not lose any accrued and unused EPL at the time of status change. Thereafter, the earned time will accrue at the rate of hours worked in the new position.

**ACCRUALS FOR THE FOLLOWING EMPLOYEE GROUPS:**

- ALL SALARIED
- ADMIN & SUPPORT SERVICES,
- CASE MANAGEMENT/BHH
- ELIZABETH LEVINSON CENTER

Category		0-2 years of employment		2-5 years of employment		5+ years of employment	
		Maximum Days/Hrs per year	Days/Hrs per pay period or hours worked	Maximum Days/Hrs per year	Days/Hrs per pay period or hours worked	Maximum Days/Hrs per year	Days/Hrs per pay period or hours worked
1	Salaried – Exempt & Salaried Non-Exempt	27 days*	1.04 days per pay period	30 days	1.15 days per pay period	35 days	1.35 days per pay period
2	Hourly Admin/ Support, Support Services, Case Management BHH Speech ELC	220 hours*	.11828 per hour worked	240 hours	.13044 per hour worked	280 hours	.15556 per hour worked
3	Per Diem	40 hours*	.025 per hour worked	40 hours*	.025 per hour worked	40 hours*	.025 per hour worked

**ACCRUALS FOR THE FOLLOWING EMPLOYEE GROUPS (HOURLY EMPLOYEES ONLY):**

- BRIDGES,
- HCT
- RCS
- WAIVER HOME SERVICES

		0-2 years of employment		2-5 years of employment		5+ years of employment	
		Maximum Days/Hrs per year	Days/Hrs per pay period or hours	Maximum Days/Hrs per year	Accrual Rate per Hour Worked	Maximum Days/Hrs per year	Days/Hrs per pay period or hours

			worked				worked
4	Full-Time (30+ hours per week) :	150 hours	.08617 per hour worked	164 hours	.095115 per hour worked	188 hours	.11057 per hour worked
5	Part-Time & Per Diem	40 hours*	.025 per hour worked	40 hours*	.025 per hour worked	40 hours*	.025 per hour worked

Neither EPL nor other forms of earned time will count as worked hours for the purposes of computing overtime.

Employees in Categories 3 & 5 are allowed no more than forty (40) hours in their earned time bank at any time.

### III. Use of Earned Time – Hourly Employees

An employee must have accrued earned time before it is eligible to be used. UCP does not allow borrowing against future accruals. The first forty hours of voluntary time off in the calendar year are designated as earned leave under Maine's Earned Paid Leave law (EPL). Involuntary (downstaffing) time off is designated as regular earned time and does not qualify as EPL time. Employees who are classified as full-time must take available earned time to fill their regular schedule (i.e. paid time must equal 30-40 hours based on their regular schedule), with the exception of employees in Category 4 above, who are not required to fill missed time with earned time for UCP or client-initiated missed time (i.e. client cancellations, UCP downstaffing, closures, etc.). Employees in Category 4 must fill employee-initiated missed time when earned time is available (i.e. call-outs, illness, personal days, etc.) Employees in Category 4 who choose not to fill regularly scheduled hours with earned time (in cases where allowed) must understand that full-time status and benefits may be impacted if average paid hours do not remain at a minimum of 30 hours per week on a quarterly basis. Earned Time must be taken in minimum quarter-hour (.25) increments. The earned time is paid at the higher of the employee's base rate of pay for the position in which earned time is taken, or the average base rate of pay for the prior payroll. The average base rate of pay is calculated by taking the total amount of regular time (excludes overtime pay) paid divided by the total regular hours paid (excludes overtime hours). Use of EPL will not result in the loss of any accrued employee benefits. When an employee takes a scheduled day off during the pay period, they are allowed to take the full day of earned time, even if the employee works additional hours later in the week to assist with staffing needs. A full-time employee who works additional hours in the week and meets their regular schedule is not required to take earned time even if they took a day off earlier in the week.

### IV. Use of Earned Time – Salaried/Exempt & Non-Exempt Employees

The first 40 hours of leave in a calendar year are designated as earned leave (EPL) under Maine's Earned Paid Leave Law. Salaried employees who have absences of one (or more) full days for personal reasons are required to use accrued earned time. If a salaried employee works any part of the work day, they are paid their salary for the day. It is up to the employee's supervisor to ensure consistent application of this policy and to address

any related performance issues. Leave designated as EPL must be taken in minimum one-day increments. The EPL is paid at the employee's base rate of pay. Use of paid leave time will not result in the loss of any accrued employee benefits.

## V. Notification Requirements

- Please refer to the Attendance and Punctuality Policy for notification requirements related to time off requests. Leave designated toward the 40-hour cap under the Earned Paid Leave Law will have different notification requirements, as follows:
- Employees will not have to specify the reason for the leave unless the leave is utilized for an emergency, illness or other sudden necessity, in which case the employee has to specify it is for one of those reasons;
- Absent an emergency, illness, or other sudden necessity, employees are required to provide reasonable notice of intent to take this leave and to schedule the leave to prevent undue hardship to UCP. Reasonable notice means notice consistent with UCP's general leave policies. Notice required for an emergency, illness or other sudden necessity must be reasonable under the circumstances; this means that employees must make a good faith effort to provide as much notice as is feasible under the circumstances of the intent to use the leave time.
- If the employee continues leave after the 40 hours under the Earned Paid Leave policy, the regular policy provisions regarding notice would apply.

## VI. Annual Rollover

Full-time employees are allowed to "rollover" up to fifteen (15) days or one hundred twenty (120) hours annually. Part-time employees are allowed to "rollover" up to seven (7) days or fifty-six (56) hours. Per diem staff are allowed to "rollover" up to forty (40) hours per year. These totals include any accrued but unused time designated as EPL, up to a cap of 40 hours. There is no cap on earned time banks throughout the year for full-time and part-time staff, however, following rollover at calendar year end, a full-time employee shall have no more than fifteen (15) days, or one hundred twenty (120) hours in their earned time bank, a part-time employee shall have no more than seven (7) days or fifty-six (56) hours in their earned time bank. A per diem employee is allowed the maximum of forty (40) hours in their bank at any time, and a per diem employee shall have no more than forty (40) hours in their bank after rollover at calendar year end. No more than 40 hours of any rolled-over time can be designated as leave under the Earned Paid Leave law. **Any unused earned time in excess of the allowable rollover amount will be forfeited at calendar year end.**

Special exceptions to this carryover limit may be made upon the request to and approval of the Director of Operations and/or Chief Executive Officer. Special exceptions will normally only be made upon notice of a pending medical leave that requires an extended

absence or similar circumstance for which a leave is expected in the first quarter of the following calendar year. Any exceptional carryover amount allowed will be subtracted from any accrued earned time payout in the following year in the case of employment separation.

**VII. Cash-Out Provision**

UCP does not offer in-service earned time cash outs.

**VIII. Donation of Earned Time**

Employees who wish to donate their personal accrued earned time, including EPL time, to another staff member at UCP may do so as long as the employee receiving the donation of earned time is experiencing a personal or family emergency situation that requires them to take unplanned time away from work and the receiving employee has exhausted their own earned time. Rollover caps at year end still apply in rollover situations unless a special exception request is made and approved. Employees wishing to donate earned time to another employee should complete the E-04 Earned Time Donation Request Form and submit to their supervisor for approval. The donating employee must indicate the name of the receiving employee on the donation form as general donation requests are not accepted.

**IV. Payment Upon Termination**

In the event of employment separation, UCP will pay out an employee's balance of unused accrued earned time, including any unused accrued EPL time up to a maximum payout of fifteen (15) days or one hundred twenty (120) hours for full-time staff and seven (7) days or fifty-six (56) hours for part-time employees, and forty (40) hours for per diem employees. The maximum amount of ET cash-out in the case of employment separation will be the lesser of the employee's actual ET balance (less any exceptional carryover allowed in the prior year) or these maximum amounts.

  
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Scott Tash, CEO

6-14-2021  
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Date