



Family Medical Leave Policy

1. Purpose and Overview

The City of Bath provides family and medical leave in accordance with applicable federal and state law. Family and medical leave is a legal right for eligible employees and includes responsibilities for both employees and the City. This policy explains employee rights and obligations under the federal Family and Medical Leave Act (FMLA), the Maine Family Medical Leave Requirements (Maine FML), and the Maine Paid Family and Medical Leave (Maine PFML) program.

These leave programs provide job-protected time away from work for qualifying family and medical reasons. During approved leave, employees may be entitled to continuation of health insurance benefits and restoration to the same or an equivalent position at the conclusion of leave. While the programs share common purposes, they differ in eligibility standards, duration, pay provisions, benefit years, and administrative requirements. This policy is intended to clearly explain how the programs operate individually and together, using plain and accessible language appropriate for all employees.

Unless otherwise required by law, leaves under FMLA, Maine FML, and Maine PFML will run concurrently when the employee is eligible under more than one program and the reason for leave qualifies under each applicable law. Leave will be designated and coordinated in accordance with legal requirements. Employees may not combine or “stack” leave entitlements to extend leave beyond legal limits.

2. Leave Programs Covered by This Policy

2.1 Federal Family and Medical Leave Act (FMLA)

The federal Family and Medical Leave Act provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave during a rolling twelve-month period measured backward from the date an employee uses any FMLA leave for qualifying family and medical reasons. During approved federal FMLA leave, the City continues group health insurance coverage on the same terms and conditions as if the employee were actively working, provided the employee continues to pay their share of premiums.

Federal FMLA establishes minimum national standards for leave eligibility, notice, certification, qualifying reasons, and job restoration. Employees are expected to cooperate with reporting and documentation requirements; however, the City will designate leave as FMLA-qualifying whenever it has sufficient information to determine that the leave reason is covered, even if all paperwork is not immediately complete.

2.2 Maine Family Medical Leave Requirements (Maine FML)

Maine Family Medical Leave provides up to ten (10) weeks of unpaid, job-protected leave during a twenty-four-month period. Maine FML applies to employees of covered employers, including public employers, and extends leave protections to some employees who may not qualify under federal FMLA.

Maine FML expands the definition of covered family members beyond federal FMLA and includes additional qualifying reasons, including the donation of an organ for a human transplant. When an employee qualifies for both federal FMLA and Maine FML for the same qualifying event, the City will designate both leaves to run concurrently to the extent permitted by law.

2.3 Maine Paid Family and Medical Leave (PFML)

Effective May 1, 2026, the City of Bath provides paid family and medical leave benefits through a private plan administered by Symetra and approved by the State of Maine. This private plan meets or exceeds all requirements of Maine's public PFML statute and regulations.

Maine PFML provides eligible employees with paid, job-protected leave for qualifying family leave, medical leave, military family leave, and safe leave reasons. Payroll contributions begin May 1, 2026. Premium contributions are initially set at 0.7% of an employee's wages for the first twenty-six (26) months of coverage and are shared equally between the employee and the City, unless otherwise required by law.

Leave taken under federal FMLA or Maine FML during the applicable PFML lookback period may reduce the amount of PFML leave available only when the underlying leave qualifies as PFML-covered leave, as permitted by statute. PFML does not extend the total amount of job-protected leave beyond maximum legal limits.

3. Eligibility Requirements

Eligibility for one leave program does not automatically establish eligibility under another, and eligibility determinations are made separately for each program. Eligibility is evaluated at the time leave is requested, and prior periods of FMLA usage may reduce available leave under the rolling twelve-month calculation.

3.1 Federal FMLA Eligibility

To be eligible for federal FMLA leave, an employee must have been employed by the City for at least twelve (12) total months, which do not need to be consecutive, and have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the requested leave.

3.2 Maine FML Eligibility

To be eligible for Maine Family Medical Leave, an employee must have been employed by the City for at least twelve (12) consecutive months immediately prior to the start of the leave.

3.3 Maine PFML Eligibility

Employees are generally eligible for Maine PFML if they work in Maine and meet earnings thresholds established under state law. Eligibility and benefit determinations are made by the approved private plan administrator at the time a claim is filed.

4. Qualifying Reasons for Leave

Eligible employees may request family or medical leave for the qualifying reasons described below, as applicable under federal FMLA, Maine FML, and Maine PFML. Medical or other certification may be required, consistent with applicable law. There is no waiting period for family leave under PFML.

4.1 Family Leave

Family leave may be taken to:

- Bond with a child following the birth of a child or the placement of a child through adoption or foster care. Bonding leave must be completed within twelve (12) months of the child's birth or placement
- Care for a spouse, child, parent, or other qualifying family member with a serious health condition
- Care for additional family members recognized under Maine law, including domestic partners and siblings, when statutory requirements are met

For purposes of family leave, family member definitions generally include:

- **Spouse:** A husband or wife as defined by applicable state law
- **Child:** A biological, adopted, foster, or stepchild, legal ward, or a child for whom the employee stood in loco parentis
- **Parent:** A biological, adoptive, step, or foster parent, or a person who stood in loco parentis to the employee
- Domestic partners and siblings are covered under Maine FML when statutory domicile, financial, and residency requirements are met.

4.2 Medical Leave

Medical leave may be taken for the employee's own serious health condition that renders the employee unable to perform the essential functions of their position. A serious health condition includes inpatient care, continuing treatment by a health care provider, or incapacity lasting more than three (3) consecutive full calendar days combined with treatment.

Under Maine PFML, a seven (7) day waiting period applies to medical leave before wage replacement benefits are payable. The waiting period does not reduce the total amount of PFML leave available.

4.3 Military Family Caregiver Leave

Eligible employees who are the spouse, child, parent, or next of kin of a covered service member may take up to twenty-six (26) weeks of leave in a single twelve-month period to care for a service member with a serious injury or illness incurred in the line of active duty or during foreign deployment, consistent with federal law.

4.4 Qualifying Military Exigency Leave (Federal FMLA)

Eligible employees may also take FMLA leave for certain qualifying exigencies arising out of the foreign deployment or active-duty status of a covered military family member. Qualifying exigencies may include attending military events, arranging childcare, addressing financial or legal matters, attending counseling, or spending time with a covered service member during rest and recuperation periods, as defined by federal regulation.

4.5 Safe Leave (Maine PFML)

Maine PFML includes safe leave for employees who are victims, or whose family members are victims, of abuse, violence, assault, sexual assault, or stalking. Safe leave may be used to seek an order for protection; obtain medical care or mental health counseling; secure the employee's or family member's home or relocate to new housing; or obtain legal assistance and participate in court-related proceedings related to the violence.

5. Leave Entitlements and Scheduling

Under Maine PFML, eligible employees may take up to twelve (12) weeks of combined family and medical leave per PFML benefit year. Leave may be taken as a continuous block, intermittently, or on a reduced schedule basis, including partial or non-consecutive days, when allowed by law and supported by certification.

Federal FMLA provides up to twelve (12) weeks of leave during a twelve-month period. Maine FML provides up to ten (10) weeks of leave during a twenty-four-month period. When

more than one leave program applies, leave will be designated and coordinated in accordance with the specific eligibility rules and qualifying reasons of each program.

Employees are responsible for communicating schedule changes and must work collaboratively with Human Resources and their Department Head regarding foreseeable leave scheduling.

6. Wage Replacement and Use of Accrued Leave

6.1 Maine PFML Wage Replacement

Maine PFML provides partial wage replacement based on the employee's average weekly wage and the State Average Weekly Wage (SAWW). Earnings at or below 50% of the SAWW are replaced at 90%, while earnings above 50% of the SAWW are replaced at 66%, subject to the maximum weekly benefit established by law.

PFML benefits may be reduced or offset by other wage replacement benefits, including Workers' Compensation or Unemployment Insurance, as required by applicable regulations.

6.2 Accrued Paid Leave

Employees may elect to use accrued paid leave, such as sick leave, vacation, or paid time off, to supplement PFML benefits, subject to legal requirements and City policy. Accrued leave may be used to supplement PFML benefits so long as total compensation does not exceed the employee's regular wages. Where prohibited by law, the City will not require the use of accrued paid leave while an employee is receiving PFML benefits.

If an employee does not apply for PFML or a PFML claim is denied, the City may require the use of available paid leave during the absence. During any unpaid portion of leave, employees remain responsible for timely payment of benefit premiums to maintain coverage.

7. Coordination With Workers' Compensation and Disability Benefits

Work-related injuries or illnesses resulting in lost time from work may qualify concurrently as FMLA leave, when applicable. Workers' Compensation benefits serve as the primary source of wage replacement for work-related injuries. PFML benefits will be reduced by Workers' Compensation wage benefits received for the same period, as required by law.

The City offers an optional Income Protection Plan (IPP) from Unum, which offers short-term disability (STD) insurance for qualifying non-work-related medical conditions. IPP benefits do not provide job protection by themselves but may run concurrently with FMLA, Maine FML, and PFML, subject to plan terms and coordination rules. Income Protection benefit

calculations may be adjusted when an applicant is also receiving PFML income replacement. Employees are responsible for filing disability claims directly with the applicable carrier.

8. Job Protection, Benefits Continuation, and Retirement

Employees who have been employed for at least one hundred twenty (120) consecutive calendar days are entitled to job protection under Maine PFML. Upon return from approved leave, employees will be restored to the same or an equivalent position with equivalent pay, benefits, and working conditions, in accordance with applicable federal and state law.

Health insurance benefits continue under the same terms as active employment, provided premiums are paid. Leave status may affect retirement service credit under MainePERS. Paid leave generally counts as earnable compensation, while unpaid leave may not.

9. Notice, Reporting, Certification, and Confidentiality

Employees must notify their supervisor and Human Resources as soon as possible when leave may be needed. When the need for leave is foreseeable, employees must provide at least thirty (30) days' advance notice. Human Resources will issue required eligibility and certification notices within five (5) days of learning about the leave request. Employees must return completed certification within fifteen (15) days unless an extension is approved. Changes in leave circumstances must be promptly reported.

Medical information is confidential and protected by law. Information regarding leave status, scheduling, payroll, and benefits may be shared with appropriate City personnel, including Department Heads and Finance staff, for legitimate administrative purposes.

10. PFML Claims Administration and Appeals

Employees requesting Maine PFML wage replacement benefits must file claims directly with the approved plan administrator. Claims may generally be submitted up to sixty (60) days before leave begins and no later than ninety (90) days after leave begins, absent good cause. Employees retain the right to appeal PFML eligibility or benefit determinations through the administrator's appeal process and are protected from retaliation for requesting or taking leave in accordance with applicable law.

Claims for PFML benefits through Symetra may be submitted either by telephone or online. Employees may call 1-877-377-6773 to initiate a claim and receive assistance from a representative, or visit www.symetra.com/MYGO to submit a claim electronically or download the necessary claim forms.

11. Return to Work, Modified Duty, and Accommodations

Employees returning from leave must provide medical clearance stating the date of return and any work restrictions or required accommodation. The City will engage in an interactive

process regarding modified duty or reasonable accommodations consistent with the Americans with Disabilities Act (ADA) and business needs. Temporary modified duty arrangements may be reviewed periodically. Long-term restrictions may trigger the ADA interactive process.

12. Extended Leave, Non-Return, and Leaves of Absence

After statutory FMLA or Maine FML leave has been exhausted, employees may request an extension or a non-statutory leave of absence. While such leave is not automatic, the City will evaluate requests in light of operational needs and applicable obligations under the Americans with Disabilities Act or other laws requiring reasonable accommodation. Requests are subject to review and approval by the City Manager. Union employees must also consult applicable collective bargaining agreements.

Employees who fail to return to work as scheduled, fail to maintain required communication during leave, or otherwise abandon their position may be subject to discipline, up to and including termination, consistent with applicable law and any collective bargaining agreement.

13. Compliance, Coordination, and Responsibilities

Leave programs are coordinated to ensure compliance with all applicable laws. Employees may receive wage replacement benefits from more than one source when permitted by law, provided that such benefits are properly coordinated and do not result in compensation exceeding the employee's regular wages. Failure by an employee to meet notice, certification, communication, or return-to-work requirements may result in delays or denial of benefits or protections, to the extent permitted by law

14. What if the FMLA requirements are not met?

If FMLA is denied, that leave does not qualify for the associated protections. The employee should talk to HR and their Department Head about other leave options. The employee may be able to request a leave of absence (see below).

If an employee does not fulfill their responsibilities, such as providing required paperwork or not communicating with the employer representative, HR may deny all or part of the leave. If the employee takes unexcused leave, ceases to communicate despite the employer's efforts, or does not return when expected, they may be subject to discipline, including termination.

The City is committed to fulfilling all legal obligations under federal and state leave laws and to administering leave fairly, consistently, and without retaliation. If the City does not fulfill its responsibilities, such as sending proper notices or not returning an employee to the same or equivalent job, it is not following the law. Every effort should be made to allow both parties to fulfill their responsibilities, while recognizing that medical needs and personal circumstances may impact that ability.

Employees with questions about this policy, leave eligibility, or benefit coordination should contact Human Resources for assistance.

Addendum A - How to File a PFML Claim:

You may file a claim with Symetra in any of the following ways:

1. Apply by Phone. Call 1-877-377-6773 to begin your claim. A Symetra representative will guide you through the process.
2. Apply Online- Visit www.symetra.com/MYGO to:
 - Submit your claim online, or
 - Download PFML claim forms.
3. Submit Claim Forms. If you choose to use paper or PDF forms, you may return them using any of the following:
 - Email: LADCLA@symetra.com
 - Fax: 1 877 737 3650
 - Mail: Symetra Life Insurance Company
Claims Department
P.O. Box 1230
Enfield, CT 06083

Addendum B – Statutory Authority and Governing Law

This policy is guided by and intended to comply with the following federal and State of Maine statutes and implementing regulations, as amended from time to time. In the event of a conflict between this policy and applicable law, the law shall control. This addendum is provided for reference purposes only and does not alter employee rights or employer obligations established by law.

Federal Statutes and Regulations

- Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2601 et seq.
- U.S. Department of Labor FMLA Regulations, 29 C.F.R. Part 825
- Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq., and ADA Amendments Act

State of Maine Statutes

- Maine Family Medical Leave Requirements, Title 26, Maine Revised Statutes, Chapter 7 (Family Medical Leave Requirements)

- Maine Paid Family and Medical Leave, Title 26-A, Maine Revised Statutes, Chapter 7 (Paid Family and Medical Leave)
- Maine Human Rights Act, Title 5, Maine Revised Statutes, § 4551 et seq. (including reasonable accommodation and retaliation protections)
- Maine Workers' Compensation Act, Title 39-A, Maine Revised Statutes (for coordination of work-related injury benefits and leave)
- Maine Public Employees Retirement System (MainePERS), Title 5, Maine Revised Statutes, Parts 3 and 5 (treatment of earnable compensation and service credit)