

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 26 MRSA §637** is enacted to read:

§ 637. Earned paid sick days

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Earned paid sick day" means compensated leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from the employment due to the illness of the employee or the illness of an immediate family member. "Earned paid sick day" does not include paid short-term or long-term disability benefits or other types of disability benefits.

B. "Employee" means a person who has been employed by an employer for 6 consecutive months and who has worked at least an average of 24 hours a week for that employer during that 6-month period.

C. "Employer" means a public or private employer with 25 or more employees.

D. "Immediate family member" means an employee's minor child, domestic partner, spouse or parent for whom the employee has caregiving responsibility.

2. Election of time; amount; process. When an employee has completed 6 months of employment, the employer shall provide 3 earned paid sick days to the employee and shall provide 3 earned paid sick days annually from that date. An earned paid sick day may be used only within 12 months from the date it is earned.

3. Exclusion. An employer providing an employee with compensated leave that may be used by the employee to recover from an illness or care for an ill immediate family member and that is equal to or greater in amount than the earned paid sick day described in subsection 1, paragraph A has satisfied all of the obligations imposed by this section.

4. Relationship to collective bargaining. This section applies to employees covered by a collective bargaining agreement unless the agreement provides paid sick leave benefits that are equal to or greater than those provided in this section.

5. Enforcement; rules. The Department of Labor shall adopt rules to implement and enforce the provisions of this section and to provide for reinstatement, back pay or other equitable remedies for violations of this section. The rules may also set forth procedures for the receipt, investigation and prosecution of complaints brought under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. The Department of Labor shall report no later than January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the earned paid sick day provisions of the Maine Revised Statutes, Title 26, section 637 on businesses in this State. The Department of Labor shall report no later than January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the earned paid sick day provisions of Title 26, section 637 on businesses in this State and whether this provision of law should be repealed. The joint standing committee of the Legislature having jurisdiction over labor matters may submit legislation concerning earned paid sick days to the First Regular Session of the 127th Legislature.’

SUMMARY

This amendment replaces the bill. It reduces the amount of paid sick leave required to be provided by employers. The amendment requires an employer to give 3 earned paid sick days to any employee who has been employed for 6 months and 3 earned paid sick days annually thereafter. A sick day may be used only within 12 months from the date it is earned. Earned paid sick days may be used by an employee during an absence from employment due to the illness of the employee or the illness of an immediate family member.

The amendment also requires the Department of Labor to report no later than January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the earned paid sick day provisions of the Maine Revised Statutes, Title 26, section 637 on businesses in this State. It requires the Department of Labor to report no later than January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the earned paid sick day provisions of Title 26, section 637 on businesses in this State and whether this provision of law should be repealed.

FISCAL NOTE REQUIRED **(See attached)**