

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF HUMAN RESOURCES

July 7, 2004

HUMAN RESOURCES MEMORANDUM 06-04

TO: Agency Heads, Human Resource Representatives, Workers' Compensation Designees

SUBJECT: USE OF SICK LEAVE WORKERS COMPENSATION / FML

In many cases a workers' compensation leave may also qualify as a covered health condition within the purview of the Maine State Government Family and Medical Leave Policy (Human Resource Memorandum 17-93). HR Memo 17-93 provides that in the event of a covered serious health condition employees must use available sick leave [use (d) in the MSGFML Policy].

It has come to our attention that where a work-related injury is involved employees have long been permitted to decide whether or not to use accumulated sick leave in conjunction with the injury, a situation that creates a conflict between these policies. In considering this situation, it has been determined that ***in the narrowly defined circumstance where a work-related injury is involved, employees may continue to decide whether or not to use accumulated sick leave in conjunction with the injury.*** Whether or not the employee decides to use sick leave, a workers' compensation leave and leave under the Maine State Government Family and Medical Leave Policy can occur simultaneously provided the reason for the absence is due to a qualifying health condition and the employer has properly notified the employee, in writing, that the workers' compensation leave will be counted as Family Medical Leave.

S/ Donald A Wills

Donald A. Wills, Director
Bureau of Human Resources