

STATE OF MAINE
GUIDANCE ON P. & S.L. 1989, CH. 86, TEMPORARY TOTAL DISABILITY FOR
CONFIDENTIAL EMPLOYEES

I. Policy Statement

The State of Maine provides short-term disability benefits to eligible confidential employees who are unable to work due to a non-work-related illness, injury, or medical condition. This guidance is designed to support employees during temporary absences while ensuring a consistent and fair approach to leave management for confidential employees.

II. Definitions

“Confidential Employee” means employees within the executive branch, including probationary employees, who are in positions excluded from bargaining units pursuant to 26 M.R.S. § 979-A(6)(B, C, D, I, and J).

“Continuous Leave” means leave that is neither intermittent nor reduced schedule.

III. Eligibility

To be eligible for the benefits under Section IV, an employee must be:

1. A current confidential employee,
2. Has worked at least six months in their current position,
3. Is totally disabled and under the care of a licensed physician,
4. Has either exhausted their accumulated sick leave or has 30 days of continuous total disability, whichever occurs last, and
5. The disability is not compensable under Maine’s workers’ compensation laws.

IV. Benefits

An eligible employee shall receive up to 365 days of benefits, calculated at 2/3rd of the employee’s weekly salary at the date of total disability. This amount shall be reduced by any state retirement allowance. Other employment benefits shall continue on the same terms that were in effect immediately before the date of disability. The benefits shall end on the earliest of the following:

1. The day before the day the employee returns to any gainful occupation,

2. The balance of the 365-day period of continuous leave is exhausted, or
3. The first day the employee is eligible for a disability retirement allowance under 5 M.R.S Ch. 423(V)(3).

All benefits must be for continuous leave, no intermittent nor reduced schedule leave are covered by this benefit.

V. Balance of Benefit

An employee is entitled to any unused benefit for subsequent periods of disability. For example, if an employee uses 200 days of continuous leave, they have 165 days of benefits remaining that may be used for a subsequent period of total incapacity. The 365-day benefit is for the entire tenure of the employee, regardless of any breaks in service.

VI. Breaks in Service

If a confidential employee leaves state service or transfers to another position that is non-confidential, then the employee is no longer eligible for benefits under this Guidance. If an employee later returns to confidential service, then the employee will be eligible for the balance of their benefit under this Guidance after being employed in that position for a period of at least six months.

VII. Effective Date

The effective date of this Policy is January 1, 2025.