

STATE OF MAINE
UNPAID DISCIPLINARY SUSPENSIONS OF FLSA EXEMPT EMPLOYEES

I. Applicability

This Policy applies only to employees who are not eligible for overtime pursuant to the collective bargaining agreement and are exempt under the Fair Labor Standards Act and Maine Law.

II. Unpaid Suspensions

Generally, an exempt employee cannot be suspended without pay for blocks less than one or more full weeks. However, if the suspension is in good faith for infractions of safety rules or rules of major significance, then the unpaid suspension may be done in blocks less than a full week. Rules against sexual harassment, workplace violence, drug and alcohol use, or for violations of State or Federal law are considered safety rules or rules of major significance. Performance or attendance issues are not considered serious misconduct. A rule under this section must apply to all employees. This would mean that the policy must be state-wide, such as the Sexual Harassment Policy, Drug Free Workplace Policy, and the Family and Intimate Partner Violence, Sexual Assault, and Stalking Policy.

The above paragraphs do not relieve the employer of the need to follow applicable disciplinary policies and agreements when considering a suspension or other discipline. If you are in doubt about the appropriateness of a disciplinary penalty, please contact the Office of Employee Relations.

III. State of Maine Policy

It is the State of Maine 's policy to comply with the salary basis requirements of the FLSA. Therefore, the State prohibits all managers from making any improper deductions from the salaries of exempt employees. The State of Maine has made employees aware of this policy, and that the State does not allow deductions that violate the FLSA.

IV. What To Do If An Improper Deduction Occurs

If an employee believes that an improper deduction has been made to their salary, they should immediately report this information to their direct supervisor, to a human resources representative, or to the Director of the Bureau of Human Resources. Information received by a supervisor must be immediately reported to the Bureau of Human Resources.