



Janet T. Mills
GOVERNOR

STATE OF MAINE
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AUGUSTA, MAINE
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April 16, 2020

Secretary Eugene Scalia
U.S. Department of Labor
200 Constitution Ave NW
Washington DC 20210

Dear Secretary Scalia,

The Emergency Family Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA) both provide that an employer may exclude employees who are health care providers or emergency responders from leave requirements under the Acts. The regulations governing these Acts recognizes that no list could be fully inclusive or account for the differing needs of specific communities, and therefore the definition allows for the highest official of a state or territory to identify other categories of emergency responders, as necessary. 29 CFR Part 826.

Accordingly, as Governor of Maine, I hereby identify the following employees as falling within the definition of health care providers and emergency responders who may be excluded from leave requirements under the EFMLEA and the EPSLA:

- Direct care residential provider staff, including assisted living facility staff
- Home health nurses
- Direct care children's crisis staff
- Child care staff
- Direct care youth and adult homeless staff
- Direct support professionals providing support to adults with intellectual disabilities, Autism or Brain injury
- Personal Support Specialists providing home care to older persons or adults with physical disabilities
- Behavioral health agency staff critical to service delivery
- Care Coordinators at agencies designated by DHHS as Service Coordination Agencies.

Thank you for your consideration to this matter.

Sincerely,

Janet T. Mills
Governor

cc: Commissioner Laura Fortman, Maine Department of Labor
Cheryl Stanton, Administrator, US DOL Wage and Hour Division



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