

MSC MEMBERS BULLETIN

SPECIAL ANNUAL STAFF & EMPLOYMENT ISSUE

GETTING READY FOR THE SEASON

IMPORTANT REMINDER:

This information is being provided for your general educational purposes only. You should always consult your attorney or other advisors for advice on how the law applies to specifics at your camp.

Maine Summer Camps
PO Box 1861
Portland, ME 04104
207.518.9557



The MSC Members Bulletin is a periodic publication for camp members of the Maine Summer Camps/MYCF.

*Contributor: Jack Erler (MSC Counsel)
 Editor: Ron Hall, Director*

Define Your Season: Unemployment Compensation – Labor Department Form FX-25

Youth camps are classified as “Seasonal Industries” under the State of Maine Unemployment Compensation Law. The “Season” is set by the camp and must be less than 26 weeks in order to maintain the “Seasonal” classification. Seasonality affects your unemployment tax liability on wages for employees eligible for unemployment benefits. See the section below for which classes of employees are NOT eligible for unemployment. Camps are required to list the beginning and ending day of their season on the Maine Department of Labor’s form FX-25. The State Unemployment Office sends these out annually, and it is important to fill this out to identify and protect your camp as a seasonal employer from unemployment claims. If you don’t get a form and you are seasonal, contact the Department at (207) 621-5127. FX-25 is not downloadable on the web; you must establish an account. The employment season is not the same as the camper season. FX-25 dates define your employment season and thus the dates should be the same as on the employment contracts for your seasonal employees eligible for Unemployment Compensation. Here is how this relates to unemployment claims: If eligible seasonal employees’ employment ends on the end date you entered on your FX-25 and they then file for unemployment, they may be entitled to benefits, but the benefits will NOT be charged to your camp’s account (since their unemployment is after the end of your season). If their employment ends before the date you entered on your FX-25 (during your season), they may be entitled to benefits and in that case the benefits WOULD be chargeable to your camp’s unemployment account. (However, if you are a nonprofit camp who has elected reimbursement of unemployment benefits in lieu of contributions, you may be required to pay unemployment benefits to an employee whose unemployment period is outside of your season.)

Full-Time Students and Volunteers are not Eligible for Unemployment Compensation.

Because full-time students are not eligible for unemployment compensation, there is no requirement to pay Federal Unemployment Taxes (FUTA) or Maine Unemployment Taxes (SUTA) on the wages for services performed by a student if the service is performed in the employ of the camp for less than 13 calendar weeks in the calendar year and,

- The camp did not operate for more than 7 months in the calendar year and,
- The camp did not operate for more than 7 months in the preceding calendar year or,
- The average gross receipts for the camp for any 6 months in the preceding calendar year were not more than 33-1/3 percent of its average gross receipts for the other 6 months in the preceding calendar year.

Full-time student is defined as—

- An individual who is enrolled as a full-time student at an educational institution or,
- An individual who is between academic years or terms if the individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term and there is a reasonable assurance that the individual will be so enrolled for the immediately succeeding academic year or term.

Hiring reminder

Maine and New Hire Reporting: Maine employers are required to report information about newly hired or rehired employees to the Maine Department of Health and Human Services, Child Support Services: Division of Support Enforcement & Recovery (DSER). The purpose is to enable the DSER to obtain or enforce orders against persons who have failed to pay required child support. The report is due within 7 days of each hire or rehire and must include a specific list of information for any employee who receives a W-2 form and any independent contractor who will be paid \$2,500 or more in a year. Failure to file a report subjects the employer to a civil penalty of up to \$200 per month for each violation. For more information go to: <https://www.maine.gov/dhhs/ofi/programs-services/child-support-services/employers/new-hire-faq>

Employment at Will: If you want to be able to terminate employment without cause, you should clearly state in writing in the employment agreement that the employment is “at will”. Without cause means that the employment may be terminated for any reason not specifically prohibited by law, or no reason. Upon written request by the employee, the employer must provide the reason for termination in writing within 15 days. Note however, at will employment may be terminated by either the employer or the employee.

Hiring Discrimination: Maine resource on allowed hiring questions:

<https://www.maine.gov/mhrc/laws-guidance/employment/pre-employment>

Pay Period Requirement & Counselor Exception

Any employee who is NOT a counselor, junior counselor or counselor-in-training or otherwise exempt as described below under “Minimum Wage” must be paid at least the current hourly minimum wage rate. Typically, at a camp this includes kitchen, maintenance, laundry and office staff.

ALL EMPLOYEES are required to be paid at least every 16 days. There is a Maine Department of Labor informal EXCEPTION for camp counselors and junior counselors only which is:

- The camp must prorate the lump sum offered in the contract over the number of 16-day periods in the season and establish a regular payday.
- All required deductions must be computed by pay period.
- Counselors and junior counselors must be permitted to draw up to the full amount of each net amount due on each payday or can allow the amount to be held until requested and must clearly understand that they have this option.
- Employees will be provided with a statement each date wages are due indicating the date of the pay period, gross amount, itemized deductions, and net amount due.

MINIMUM WAGE FOR 2021 is \$12.15/Hour

All hourly employees in Maine must be paid minimum wage. For these employees, a portion of wages may be the reasonable cost of board or lodging. The “reasonable cost of board and lodging” may be determined by the State Department of Labor (DOL). However, if the cost is provided in the employee’s contract, it will be accepted by DOL unless obviously unreasonable.

Counselor Exemptions

Counselors, junior counselors and counselors-in-training are exempt from minimum wage at licensed summer camps (including both resident & day camps counselors), as are employees who are under the age of 18 and who are employees of summer camps and similar seasonal recreation programs not requiring such licensure operated as or by nonprofit organizations.



Challenge Course Services

- Site selection, conceptualization, design, build inclusion-based elements.
- Inspection, modification, maintenance

Dave Cross, CEO 207-939-7814
www.actionlearningconsultants.com

Interaction Development

Training Services for Staff

- Challenge Course/Initiative Workshops
- Staff/Admin Relationship Building
- Field Safety/Trip Leader Strategies
- Offer professional programs at camp

Your Maine Resource

Since 1995



Business Member:
 Maine Summer Camps
Feed Kids. Feed Camps. Feed Maine!

 ACCT[®]
Association for
Challenge Course
Technology

Other Exempt Employees

Employees who meet the definition of “executive” or “administrative” and are paid a salary at or more than an annual rate of 3,000 times the current hourly rate of pay (for 2021 that is: $\$12.15 \times 3,000 = \$36,450$), and provided that this amount is more than the federal rate for salaried employees (which it currently is), are exempt from minimum wage. To be eligible to receive a salary rather than be paid hourly, an employee’s work must also meet the definition for a salaried employee.

Rest Breaks for Hourly Wage Employees

Maine law requires all employees required to be paid minimum wage to have an unpaid 30-minute (consecutive) rest break after 6 consecutive hours of work. A mealtime lasting at least 30 consecutive minutes counts as a rest break if the employee is completely relieved of duty during that time. An employee and employer may negotiate for more breaks, but this should be put in writing.

Harassment – Sexual and Other

Posting Notice. Camps as employers are required to post in a prominent and accessible location a poster regarding sexual harassment. See poster requirements below.

Individual Employee Notification. In addition, camps must annually provide each employee with an individual written notice that includes at a minimum the following information: (1) the illegality of sexual harassment; (2) the definition of sexual harassment under state law; (3) a description of sexual harassment, utilizing examples; (4) the internal complaint process available to the employee; (5) the legal recourse and complaint process available through the Maine Human Rights Commission (the “Commission”); (6) directions on how to contact the Commission; and (7) the protection against retaliation for making a complaint. The notice must be delivered in a manner to ensure notice to all employees without exception, such as including the notice with an employee’s pay.

Training. Camps with 15 or more employees shall conduct an education and training program for all new employees. Training provided must include: (1) the illegality of sexual harassment; (2) the definition of sexual harassment under state and federal laws and federal regulations; (3) a description of sexual harassment, utilizing examples; (4) the internal complaint process available to the employee; (5) the legal recourse and complaint process available through the Commission; (6) directions on how to contact the Commission; and (7) the protection against retaliation for making a complaint. Employers shall conduct additional training for supervisory and managerial employees, which must include, at a minimum: (1) the specific responsibilities of supervisory and managerial employees; and (2) methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

Compliance Checklist. The Department of Labor has developed a compliance checklist for employers covering the training requirements described above. The checklist is available on the Department’s publicly accessible website. The Maine Human Rights Commission also provides a link to the compliance checklist on the Commission’s publicly accessible website. Employers shall use the checklist to develop a sexual harassment training program and shall keep a record of the training, including a record of employees who have received the required training. Training records must be maintained for at least 3 years and must be made available for Department inspection upon request.

Enforcement. The Department will enforce the notification requirement and, upon inspection or complaint, shall ensure that employers have provided the training as required.

Penalties. An employer who violates this law may be assessed a fine by the Department as follows:

1. An employer who violates the workplace posting requirement may be assessed:
 - a. For the 1st violation, a fine of up to \$25 per day, not to exceed \$1,000;
 - b. For a 2nd violation occurring within 3 years of a prior violation, a fine of not less than \$25 per day up to \$50 per day, not to exceed \$2,500; and
 - c. For a 3rd or subsequent violation occurring within 3 years of 2 or more prior violations, a fine of not less than \$25 per day up to \$100 per day, not to exceed \$5,000.
2. An employer who violates the individual employee notification or training requirements may be assessed:
 - a. For the 1st violation, a fine of \$1,000;
 - b. For a 2nd violation, a fine of \$2,500; and
 - c. For a 3rd or subsequent violation, a fine of \$5,000.

BunklineOutfitter **LET'S TALK**

10% Discount On Any New Custom Bulk Order
Expires April 19, 2019

Outfitting • Wholesale Pricing

OUTFITTING

APPAREL
SILKSCREEN • EMBROIDERY

PROMOTIONAL
AWARDS • GIVEAWAYS

UNDER ARMOUR

APPAREL

27 YEARS

CUSTOM

BAGS

Quality + Pricing - Call for quotation **Wholesale Direct Pricing OR Create Camp Store**

CERTIFIED WBO **2019 TRI-STATE CAMP CONFERENCE** **Maine Summer Camps** **SCOPE**

800-435-6888
South Jersey

HIRING REQUIREMENTS

Camps as employers must prepare Form I-9 to document verification of the identity and employment authorization of each employee (both citizen and noncitizen) to preclude the unlawful hiring of non-citizens who are not authorized to work in the United States. Employers must retain original I-9 forms for three years after the date of hire, or one year after the date employment ends, whichever is later. The forms should be stored separately from other personnel files. For more information go to <https://www.uscis.gov/i-9>.

Camps as employers may not use or inquire about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee unless an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee, after which the employer may inquire about or confirm the prospective employee's compensation history.

APPAREL
T-SHIRTS • HOODIES • HEADWEAR
OUTERWEAR • TUBIES • MORE

STICKERS
LOGOS • PRODUCT LABELS • BRANDING
CUSTOM SHAPE • WEATHERPROOF • MORE

BANNERS
VINYL BANNERS • WALL ART • X-FRAME
ROLL UP • PILLOWCASE • MORE

PROMOS
DRINKWARE • SUNGLASSES • JOURNALS
CAN COOLIE • OVER 100,000 ITEMS

PRINT
BUSINESS CARDS • POSTCARDS
BROCHURES • RACK CARDS • MORE

DESIGN
CUSTOM DESIGNS • MOCKUPS
LOGOS • BRANDING • MORE

888-644-7745
info@stickersandmore.com

stickersandmore.com
CUSTOM PRINTING & DESIGN SINCE 1995

FREE T-SHIRT DESIGN
WITH EVERY T-SHIRT ORDER!

FREE SETUP
FREE DELIVERY

OTHER EMPLOYER ISSUES: CRIMINAL BACKGROUND CHECKS

Maine Youth Camp Rules require you to determine if an employee or volunteer has a sexual criminal history. These are spelled out in 10-44 C.M.R. ch. 208, § 6.A.3. a-b. ACA accreditation also requires a check of the National Sex Offender Public Registry [http:// www.nsopw.gov](http://www.nsopw.gov). Many camps routinely conduct third party background checks as a basic screening tool. The State considers non-compliance with Rule 6.A.3 to be a critical violation.

Normally, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment. However, camps are exempt if they are using that information for the purposes of a pre-employment background check and the numbers are being provided on a voluntary basis.

THIRD PARTY BACKGROUND CHECK OPTION

If you use a “consumer reporting agency” to do a background check on applicants for employment, you are subject to the Federal (and Maine) Fair Credit Reporting Act (“FCRA”). It requires you to give notification to each applicant for employment of your intention to use a consumer reporting agency to do a background check on the applicant and requires you to obtain the applicant’s written authorization to do so. The notice must be a stand-alone document and can include the authorization given by the applicant. An electronic signature provision can satisfy the “in writing” requirement.

The consumer reporting agency will require you to certify that you have notified the applicant, received her/his authorization, that you will take the required action described below if you decide to not hire the applicant based on the information in the agency’s report, and that you will not use the information for any illegal purpose.

Prior to taking an “adverse action” based in whole or in part on information contained in the report, such as deciding not to hire based on the report, you must provide the applicant with a copy of the report and a “Notice of the Consumer’s Rights under FCRA”. The consumer reporting agency must provide you with a copy of this notice, which you can send to the applicant. It should also be able to provide you with a form notice as described above.



REMINDER: OSHA REQUIREMENT

The Occupational Safety and Health Act requires camps to maintain records of work-related illnesses and injuries. The required record keeping Forms 300, 300A and 301 can be accessed online at www.osha.gov/recordkeeping. Information about the requirements can be viewed and downloaded.

Required Employment Posters

Employers must display certain posters in the workplace where workers can see them.

There are 9 required posters, and they can be downloaded from:

www.maine.gov/labor/posters/index.html. For questions call the ME Dept. of Labor: 207-623-7900.

The posters are:

Minimum Wage
Video Display Terminal
Child Labor Laws
Worker's Compensation
Regulation of Employment
Sexual Harassment
Occupational Safety and Health Regulations
Maine Employment Security Act (only if you are a state, county or municipal employer)
Whistleblower's Protection Act

Optional Posters: These are available at: <http://www.maine.gov/labor/posters/>

Federal Government Posters (US Dept of Labor) Available by downloading from this site :<https://www.dol.gov/general/topics/posters>



www.BlastPartyRentals.com

BLAST
PARTY RENTALS.COM

We Bring the FUN!

We're ready for
SUMMER!

South Berwick, ME - 207-457-0234

***NEW* for the season ~LED Mini Golf~ VR Roller Coaster ~ and more ~**

Maine Staff Training Opportunities

Compiled by Maine Summer Camps for MSC members

Course Training Title:	Start	End	City	State	Email
Art Class					
Stained Glass	06-25-2021	08-03-2021	Manchester	ME	glassacademy@stainedglassexpress.com
Challenge Course /Ropes	Start	End	City	State	Email
LEVEL 2 CHALLENGE COURSE CERTIFICATION EXAM	06-06-2021	06-06-2021	Brattleboro	VT	pnuovo@high5adventure.org
Level 2 Challenge Course Certification Exam	05-07-2021	05-07-2021	Brattleboro	VT	pnuovo@high5adventure.org
Level 1 Challenge Course Certification	05-24-2021	05-24-2021	Brattleboro	VT	pnuovo@high5adventure.org
ADVANCED TECHNICAL SKILLS: LEVEL 2 REVIEW	05-12-2021	04-13-2021	Brattleboro	VT	pnuovo@high5adventure.org
CHALLENGE COURSE MANAGER CERTIFICATION EXAM	04-09-2021	04-09-2021	Brattleboro	VT	pnuovo@high5adventure.org
LEVEL 2 CHALLENGE COURSE CERTIFICATION EXAM	05-14-2021	05-14-2021	Brattleboro	VT	pnuovo@high5adventure.org
LEVEL 2 CHALLENGE COURSE CERTIFICATION EXAM	05-07-2021	05-07-2021	Brattleboro	VT	pnuovo@high5adventure.org
ADVENTURE BASICS: LEVEL 1 TRAINING	04-28-2021	05-02-2021	Brattleboro	VT	pnuovo@high5adventure.org
Adventure Basics: Level 1 Training	04-28-2021	05-02-2021	Brattleboro	VT	bpuoro@high5adventure.org
Wingspeed High and Low Ropes Training	05-16-2021	05-19-2021	Oakland	ME	acharrier@clubaycc.org
Covid	Start	End	City	State	Email
Gathering Again 2: High Element Operations	05-28-2021	05-28-2021	Brattleboro	VT	pnuovo@high5adventure.org
GATHERING AGAIN: ADVENTURE ACTIVITIES WITH PHYSICAL DISTANCE	05-27-2021	05-27-2021	Brattleboro	VT	pnuovo@high5adventure.org

Lifeguard Training and Water Safety	Start	End	City	State	Email
Lifeguard Instructor	06-09-2021	06-14-2021	Bridgton	ME	information@winonacamps.com
Water Safety Instructor	06-09-2021	06-13-2021	Bridgton	ME	information@winonacamps.com
Lifeguard Training	06-14-2021	06-15-2021	Poland	ME	Info@TeachAmericaToSwim.com
Lifeguard Training	06-29-2021	06-30-2021	Wiscasset	ME	Info@TeachAmericaToSwim.com
Shooting Sports, Archery and Riflery	Start	End	City	State	Email
Camp Rifle Counselor Training	06-10-2021	06-11-2021	Bridgton	ME	information@winonacamps.com
Trip Leader	Start	End	City	State	Email
State of Maine Trip Leader	06-14-2021	06-14-2021	Bridgton	ME	information@winonacamps.com
ACA Level 1-3 River Canoe instructor cert. workshop	05-19-2021	05-23-2021	Brunswick	ME	bobmyron@live.com
ACA Level 1-Canoe instructor cert. workshop	05-19-2021	05-21-2021	Brunswick	ME	bobmyron@live.com
Watercraft	Start	End	City	State	Email
US Sailing Counselors Course	06-08-2021	06-09-2021	Bridgton	ME	information@winonacamps.com
US Sailing Counselors Course	06-06-2021	06-07-2021	Bridgton	ME	information@winonacamps.com
ACA Level 1, 2 SUP Update/Upgrade (Open to All)	07-09-2021	07-10-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Essentials of SUP ICW (Open to All)	07-07-2021	07-10-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Kayak EOKT Update/Upgrade	06-17-2021	06-18-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Kayak EOKT Instructor Certification Workshop (Open to All)	06-15-2021	06-18-2021	Topsham	ME	bobmyron@live.com
ACA Level 1, 2 SUP Update/Upgrade (Open to All)	07-09-2021	07-10-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Essentials of SUP ICW (Open to All)	07-07-2021	07-10-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Kayak EOKT Update/Upgrade	06-17-2021	06-18-2021	Topsham	ME	bobmyron@live.com

Watercraft	Start	End	City	State	Email
ACA Level 2 Kayak EOKT Instructor Certification Workshop (Open to All)	06-15-2021	06-18-2021	Topsham	ME	bobmyron@live.com
ACA Level 1 Canoe Instructor Certification Workshop	06-09-2021	06-12-2021	Topsham	ME	susie@wyonegonic.com
ACA level 2, 3 Canoe ICE/Update/Upgrade (Note: Pre-requisites)	05-22-2021	05-23-2021	Topsham	ME	bobmyron@live.com
ACA level 1, 2, 3 Canoe Instructor Certification Workshop	05-19-2022	05-23-2021	Topsham	ME	bobmyron@live.com
ACA level 1 Canoe Instructor Certification Workshop	05-19-2021	05-21-2021	Topsham	ME	bobmyron@live.com
ACA Level 2 Essentials of SUP Instructor Certification workshop	07-07-2021	07-10-2021	Brunswick	ME	bobmyron@live.com
ACA Level 2 Essentials of Kayak Touring Instructor Cert. Workshop	06-15-2021	06-18-2021	Brunswick	ME	bobmyron@live.com
Wilderness First Aid and First Responder	Start	End	City	State	Email
ADVANCED TECHNICAL SKILLS: LEVEL 2 REVIEW	05-12-2021	05-13-2021	Brattleboro	VT	pnuovo@high5adventure.org
Beyond Basics: Level 2 Training	06-02-2021	06-05-2021	Brattleboro	VT	pnuovo@high5adventure.org
Beyond Basics: Level 2 Training	05-03-2021	05-06-2021	Brattleboro	VT	pnuovo@high5adventure.org
ADVENTURE BASICS: LEVEL 1 TRAINING	05-19-2021	05-23-2021	Brattleboro	VT	pnuovo@high5adventure.org
Wilderness First Aid	06-17-2021	06-18-2021	Bridgton	ME	information@winonacamps.com
Wilderness First Aid	06-12-2021	06-13-2021	Bridgton	ME	information@winonacamps.com
Wilderness First Aid	06-05-2021	06-06-2021	Bridgton	ME	information@winonacamps.com
Wilderness First Aid	06-12-21	06-13-21	Fayette	ME	andy@campwinnebago.com