



131st MAINE LEGISLATURE

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H.P. 608

House of Representatives, March 2, 2023

**An Act Regarding the Right to Request Flexible Working
Arrangements for Employees**

Reference to the Committee on Labor and Housing suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §600-B** is enacted to read:

3 **§600-B. Flexible working arrangements**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Flexible working arrangement" means temporary changes in the employee's
7 regular working arrangements that last up to one calendar year, including:

- 8 (1) Changes in the number of days or hours worked;
9 (2) Changes in the time the employee arrives to or departs from work;
10 (3) Working from home; and
11 (4) Job-sharing.

12 "Flexible working arrangement" does not include routine scheduling of shifts, vacation
13 or other employee leave.

14 B. "Inconsistent with business operations" includes, with regard to a flexible working
15 arrangement, the following conditions:

- 16 (1) The burden of additional costs on an employer;
17 (2) A detrimental effect, unrelated to discrimination or other unlawful employment
18 practices, on aggregate employee morale;
19 (3) A detrimental effect on the ability of an employer to meet consumer demand;
20 (4) An inability to reorganize work among existing staff;
21 (5) An inability to recruit additional staff;
22 (6) A detrimental impact on business quality or business performance;
23 (7) An insufficiency of work during the periods the employee proposes to work;
24 and
25 (8) Planned structural changes to the business.

26 **2. Right to request a flexible working arrangement.** An employee may request a
27 flexible working arrangement up to twice per calendar year. The employer shall consider a
28 request in accordance with subsection 3 twice per calendar year. A flexible working
29 arrangement under this section must meet the needs of the employer and employee.

30 **3. Request and response.** The employer shall discuss in good faith the request for a
31 flexible working arrangement with the employee. The employer and employee may
32 propose alternative arrangements during the discussion. The employer shall consider the
33 employee's request for a flexible working arrangement and whether the request can be
34 granted in a manner that is not inconsistent with business operations or the employer's legal
35 or contractual obligations. The employer is not required to grant the request. The employer
36 shall notify the employee of the employer's decision regarding the request. If the request
37 was submitted in writing, the employer shall state any complete or partial denial of the
38 request in writing.

