



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

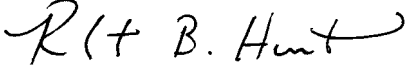
No. 60

H.P. 24

House of Representatives, January 8, 2025

An Act to Allow Employees to Request Flexible Work Schedules

Received by the Clerk of the House on January 6, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.
Cosponsored by Senator TIPPING of Penobscot.

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

2 **Sec. 1. 26 MRSA c. 7, sub-c. 13** is enacted to read:

3 **SUBCHAPTER 13**

4 **FLEXIBLE WORK SCHEDULES**

5 **§879-A. Flexible work schedules**

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

8 A. "Employer" means a private or public employer, including the State and political
9 subdivisions of the State.

10 B. "Flexible work schedule" means a work arrangement in which an employee works
11 completely or partially at a location other than the place of employment or works hours
12 different than the regular hours of the position.

13 C. "Inconsistent with employer operations" means, with respect to a flexible work
14 schedule, any of the following conditions:

15 (1) The burden of additional costs on an employer;

16 (2) A detrimental effect, unrelated to discrimination or other unlawful employment
17 practices, on aggregate employee morale;

18 (3) A detrimental effect on the ability of an employer to meet consumer demand;

19 (4) An inability to reorganize work among existing employees;

20 (5) An inability to recruit additional employees;

21 (6) A detrimental impact on business quality or business performance;

22 (7) An insufficiency of work during the periods the employee proposes to work a
23 flexible work schedule;

24 (8) Planned structural changes to the business; or

25 (9) Determination by the employer that the position held by the employee cannot
26 be performed completely or partially at a location other than the place of
27 employment.

28 **2. Request; duration; denial.** An employee of an employer may submit a request in
29 writing, including by electronic means, for a flexible work schedule. The employer shall
30 consider the employee's request for a flexible work schedule and whether the request may
31 be granted in a manner that is not inconsistent with employer operations. The employer is
32 not required to grant a request by an employee. The employer shall inform the employee
33 in writing, including by electronic means, of the employer's decision regarding the
34 employee's request for a flexible work schedule. If the employer does not grant the request
35 of an employee, the employer shall specify in the decision to the employee the reason the
36 request is denied. The reason may include, but is not limited to, a reason specified in
37 subsection 1, paragraph C. If the employer grants the request by the employee for a flexible

1 work schedule, the employee and employer shall mutually agree on the duration of time
2 and the terms of that flexible work schedule.

3 **3. Employer may rescind flexible work schedule.** Notwithstanding the terms of an
4 agreement between an employee and employer under subsection 2, an employer, with as
5 much notice as practicable to the employee, may rescind a flexible work schedule if the
6 employer determines it is necessary.

7 **4. Retaliation prohibited.** An employer that takes action intended to prevent a person
8 from or penalize a person for exercising rights protected under this section is subject to a
9 civil penalty of not less than \$100 and not more than \$500 payable to the Department of
10 Labor. The penalty is recoverable in a civil action.

11 **5. Collective bargaining agreements.** This section may not be construed to limit the
12 terms of a collective bargaining agreement that provides an employee with rights more
13 expansive than the rights established by this section.

14 SUMMARY

15 This bill does the following.

16 1. It allows an employee to request in writing, including by electronic means, a flexible
17 work schedule.

18 2. It requires an employer, which may be a private employer or public employer, to
19 consider an employee's request for a flexible work schedule and whether the request may
20 be granted in a manner that is not inconsistent with employer operations.

21 3. It specifies that an employer and an employee must mutually agree on the duration
22 of time and terms of a flexible work schedule.

23 4. It allows an employer to rescind a flexible work schedule with as much notice to an
24 employee as is practicable.

25 5. It prohibits an employer from retaliating against an employee for exercising rights
26 given by the bill.

27 6. It specifies that a collective bargaining agreement may provide an employee with
28 rights more expansive than rights established by the bill.