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Date: (Filing No. S-)

LABOR AND HOUSING

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 486, L.D. 1190, “An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules”

Amend the bill by striking out the title and substituting the following:

'An Act to Require Minimum Pay for Reporting to Work'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §626-A, first ¶, as amended by PL 2021, c. 404, §2, is further amended to read:

Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B or 639-A is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Sec. 2. 26 MRSA §639-A is enacted to read:

§639-A. Minimum pay for reporting to work

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

A. "Employee" has the same meaning as in section 663, subsection 3, but does not include an individual employed in a seasonal industry as defined in section 1251, subsection 1.

B. "Employer" means an employer, as defined in section 1043, subsection 9, that employs at least 10 employees in the usual and regular course of business for more than 120 days in any calendar year. "Employer" does not include a public employer as defined in section 626.

2. Pay for reporting to work. On any day an employee reports to work at the request of an employer and the employer cancels or reduces the number of hours in an employee's scheduled shift, the employee must be paid the lesser of:

COMMITTEE AMENDMENT

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A. Two hours of pay at the employee's regular hourly rate of pay; and

B. The total pay for the shift for which the employee was initially scheduled.

3. Notice. An employer that makes a documented good faith effort to notify an employee not to report to work is not liable to pay wages under subsection 2. If the employee reports to work after the employer's attempt to notify the employee has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work, as long as the employee is physically able to perform those duties.

4. Exception. The provisions of this section do not apply if an employee is not required to work or is unable to work due to:

A. Adverse weather conditions;

B. A natural disaster or civil emergency;

C. An illness or medical condition of the employee; or

D. A workplace injury of the employee.

5. Rules. The Department of Labor may adopt rules to implement and enforce the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Regulation and Enforcement 0159

Initiative: Provides ongoing funds for one half-time Labor and Safety Inspector position and related All Other costs to support the anticipated increase in workload to ensure compliance with wage and hour regulations.

| GENERAL FUND | 2023-24 | 2024-25 |
|-------------------------------|-----------------|-----------------|
| POSITIONS - LEGISLATIVE COUNT | 0.500 | 0.500 |
| Personal Services | \$33,504 | \$46,904 |
| All Other | \$4,252 | \$5,669 |
| GENERAL FUND TOTAL | \$37,756 | \$52,573 |

'
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. It replaces the bill and changes the title. It provides that on any day an employee reports to work at the request of an employer and the employer cancels or reduces the number of hours in an employee's scheduled shift, the employee must be paid the lesser of 2 hours of pay at the employee's regular hourly rate of pay or the total pay for the shift for which the employee was

1 scheduled. An employer that makes a documented good faith effort to notify an employee
2 not to report to work is not liable to pay wages. If the employee reports to work after the
3 employer's attempt to notify the employee has been unsuccessful or if the employer is
4 prevented from making notification for any reason, the employee must perform whatever
5 duties are assigned by the employer at the time the employee reports to work. The
6 provision does not apply when an employee is not required to work due to adverse weather
7 conditions, a natural disaster, a civil emergency, an illness or medical condition of the
8 employee or a workplace injury of the employee. The amendment does not apply to public
9 employers or certain seasonal employers. This amendment applies to employers who
10 employ at least 10 employees in the usual and regular course of business for more than 120
11 days in any calendar year.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**