

**Commission to Develop
a Paid Family and Medical Leave Benefits Program**

Written Comments

Submitted to Commission as of 5:30 pm December 13, 2021

Patty Kidder, Springvale located in the city of Sanford

My name is Patty Kidder, and I live in Springvale.

My family used to own a beautiful marina on Square Pond in Shapleigh, and I worked there from the time I was a kid. In 1990, at 31 years old, I got pregnant and it was a difficult pregnancy. My doctor told me I needed to rest, and eventually put me on bed rest.

If Maine had Paid Family and Medical Leave then, I would have rested. But like so many people, I couldn't afford to. I had to keep working.

Then at 19 and a half weeks I miscarried. It turned out that my son had severe birth defects and would have had a very low chance of surviving, but that didn't stop it from hurting.

My husband's grief was so immense that he had a mental health breakdown and had to be hospitalized. But I still had to work, and truly, I gave birth to my stillborn baby at 7:30am and I was waiting on my customers by 2:30pm that very afternoon.

I went on to have two beautiful, healthy daughters. But we knew that any pregnancies I had were going to be risky and that paid leave, while being self-employed, wasn't an option.

Again, if Maine had Paid Family and Medical leave, I would have taken the time I needed and then gone back to work. Instead, I had to leave my family's cherished business, and eventually they had to sell it.

We shouldn't have to make those kinds of decisions when we need to take care of ourselves and our families, and it's not right, or practical, for us to ask our businesses to take this on. It's going to take our government to do it. That's why I'm so glad this commission is figuring out how Maine can have the paid family and medical leave system that all Mainers deserve.

Thank you for your time.

Dear members of the Commission. My name is Rebecca Scarborough, and I live in the town of Camden.

A few years ago, I personally experienced how essential paid family and medical leave is. In February, 2018, I celebrated my birthday. After a number of difficult months, I had started a new job and was looking forward to a new chapter of my life. Just eight days later, I collapsed from a sharp, intense pain in my chest. Twenty four hours later, I was having emergency heart surgery to fix an aortic dissection that had caused a stroke. I was also readmitted to the hospital about two months later with a sternal infection from the heart surgery, and I needed multiple operations to clean the infection.

After the stroke, my entire left side was weak. I was in inpatient rehabilitation for three weeks, relearning how to walk and use my left hand. The entire time I was in the hospital, my mother was able to stay with me to help me with tasks like dressing and brushing my hair while the nursing staff were busy.

My mother had a full-time job but took a leave of absence to be with me. When I came home in between the two hospitalizations, Mom cooked, cleaned, did laundry for me, and provided other care I needed. When I came home after the sternal infection, I had a PICC line and needed IV antibiotics. Mom learned how to give me medications by IV twice a day, which she did for weeks before I was able to take to oral antibiotics.

My mother also coordinated my doctors' appointments and drove me. I was struggling with physical, emotional, and mental endurance and was incapable of keeping track of my appointments and therapies, let alone getting to them by myself. Luckily Mom was there to help. She eventually decided to retire early from her job to take care of me.

Not only was my mother's care physically essential, but having her with me was immensely helpful mentally and emotionally while healing. During this time I had no income, and my mother was unable to earn money either. While we were fortunate to be able to handle this financial loss, many other families would not be. Families must have the flexibility and protection to be able to care for their loved ones, and people should be able to recover from injuries and illnesses knowing that their families and loved ones will be able to take care of them without worrying about any financial issues. We need paid medical and family leave.



Maine Municipal Association

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To: Senator Daughtry
Representative Cloutier
Commission to Develop a Paid Family and Medical Leave Benefits Program

From: Kate Dufour, Director State and Federal Relations Department

Date: Monday, December 13, 2021

Re: Paid Leave for Municipal Employees

Thank you for this opportunity to provide comments on the Commission’s work. Although MMA does not have information regarding municipal paid family or medical leave programs, via participation in the annual Salary Survey we know a vast number of communities provide their employees paid sick and vacation leave.

In the 2020 Municipal Salary Survey, 80% of the participating communities (156 out of 195) reported that employees receive paid sick leave. As shown in table below, the number of sick days varies with Maine’s largest communities providing more paid time off than smaller communities. On average these municipalities provide employees 10 days of paid sick leave each year.

Population Group	Paid Sick Leave Average Days
30,000 +	13
10,000-30,000	12
5,000-9,999	12
3,000-4,999	11
2,000-2,999	10
1,000-1,999	9
Under 1,000	8

The survey data also show that 88% of the survey participants (171 out of 195) provide paid vacation time. On average, municipal employees earn nine days of vacation in the first year of employment, which increases to 20 days after 20 years of service.

Population Group	Average Paid Vacation Days				
	1 Year	5 Years	10 Years	15 Years	20 Years
30,000 +	11	13	18	20	25
10,000-30,000	10	14	19	20	23
5,000-9,999	10	13	18	21	24
3,000-4,999	8	13	16	19	21
2,000-2,999	9	14	18	21	22
1,000-1,999	8	12	15	18	18
Under 1,000	8	12	15	16	17

While community leaders recognize that paid leave is a critical component of a compensation package that bolsters recruitment and retention efforts, it is important that municipal officials retain the authority to determine the level of benefits property taxpayers can afford to provide.

To the extent the Commission makes recommendations for the Legislature's consideration, MMA urges you to keep in mind the burden one-size fits all changes could place on the property taxpayers.

If you have any questions about this information, please do not hesitate to contact me at either kdufour@memun.org or 1-800-452-8786.



Penobscot Energy Recovery Company

29 Industrial Way
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Esoco ORRINGTON, LLC.
Plant Operator

I want to take this opportunity, representing Penobscot Energy Recovery Company (PERC), to provide information to the Commission on Develop a Paid Family and Medical leave Benefits Program.

PERC is a zero liquid discharge waste-to-energy facility located in Orrington, Maine. The facility combusts municipal solid waste and is part of an integrated materials management system that converts waste materials into renewable electric power, reduces the amount of waste requiring landfill disposal by 90% by volume, reduces the emissions of greenhouse gases, and recycles ferrous and non-ferrous metals.

PERC is a company that values it's work force, and many of our employees have been continuously employed by the company for 20 to 30 years. PERC presently offers the following benefits and excellent pay:

Medical Insurance: Harvard Pilgrim-Option of either ME PPO Best Buy or ME POS Best Buy HAS. Dependents eligibility to age 26.

Prescriptions are covered under both health plans.

Dental Insurance: MMTA Employees Benefits Trust-Delta Dental Plan, \$25.00 deductible with a maximum per person of \$2,000.

Vision Plan: MMTA Employees Trust-Delta Vision Plan.

Company Paid Life Insurance: The company automatically provides each regular employee a company paid life insurance benefit in the amount of two times your annual salary. You can also purchase up to three times the annual salary. You can also purchase life insurance for your dependents.

Short Term Disability Plan: The plan provides 60% of your weekly wage for a period of 180 calendar days if you become disabled.

Long Term Disability Plan: The plan provides 60% up to two years if you become disabled.

Employee Assistance Program: Company pays for the first four visits to a qualified counselor.

Nine Paid Holidays:

Personal Time Allotment:

Company Furnished and laundered uniforms:

Safety Glass Program: Company pays 100% of charges for prescription safety glasses. One

Prescription per year, 1 pair of boots per year, and an added stipend for towels.

401-K Retirement Program: Company pays 6% of employee's base wage into this retirement fund. No employee match requirement.

Education and Certification Reimbursement: The company will reimburse regular full-time employees for a portion of

the costs associated with job related schooling. Job required certification is reimbursed 100%.

The purpose of providing information on the benefit package that is offered at PERC, is to show that our company's investment in it's work force is a very costly piece of doing business, and we take it seriously. Added costs are a compounding factor, and at some point, businesses will not be able to continue in operation.

Rod Carr

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Public Affairs Manager

Penobscot Energy Recovery Company

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Amy Jane Larkin
Arundel

My name is Amy Larkin, I am a resident of Arundel, and I'm one of Maine's many family caregivers. Four years ago, my husband and I moved in with my now 99-year-old grandmother Eva, who had been living alone since my mother passed away. About a week after our move, she fell down the stairs and broke her wrist. She needed a cast for the first month after her fall. Eva suddenly needed help eating, bathing, using the bathroom, taking her pills and eye drops, and getting into bed. She's hard of hearing, so I accompanied her to every doctor's appointment too, and there were many. After the cast came a brace for 6 weeks, which made things easier, but I was still needed. I had no concept of the time it would take before living it.

Now, nearly 4 years later, my grandmother thankfully continues to do well, but in our years living together things like stent surgery after a small stroke, and a car accident have popped up and required months of extra care. It's aging, and it's my honor to care for my grandmother the way she helped care for me as a child. But it's draining, and as a proud New Englander, she doesn't love needing assistance. I am fortunate to work for myself as an illustrator and don't need to ask for time off, but these health events mean I can't work. Having Paid Family Medical Leave would mean I wouldn't have to worry so much about all the hours missed when something big comes up. I want that for all the family caregivers like me, and all Mainers.

December 13, 2021

Commission to Develop a Paid Family Medical Leave Benefits Program
100 State House Station
Augusta, Maine 04333
c/o: Colleen Reid McCarthy, Commission Office

Dear Senator Daughtry, Representative Cloutier and Commission Members,

I represent National Association of Social Worker, Maine Chapter (NASW ME), writing to support a Paid Family Medical Leave program for all Mainers. The 5,000 or more licensed social workers in Maine provide substantial support to family caregivers, the elderly, and disabled Mainers. We believe that Paid Family Medical Leave (PFML) is a key component to a secure economic infrastructure, critical to the stability of families, and essential to the development and protection of children and adults. PFML is a gender and racial equity issue. According to the Institute for Women's Policy Research, between August and September 2020, 865,000 women dropped out of the labor market, four times the number of men who are no longer employed or looking for work (U.S. Bureau of Labor Statistics, 2020d)

Over my 40 year career, I have witnessed women leaving their jobs to take care of children and other family members. I have watched clients lose their jobs due to recovery from depression, diabetes and grief. One of my closest friends died of early Alzheimers at the age of 52. His wife, Nancy, became the sole family bread-winner, at a time where he had fluctuating needs and his adult children were going off to college. Over the 7 years before his death, Nancy was recruiting friends, family and paid caregivers and a nursing home who fired him after two months due to his aggressive and "eloping" behaviors. Nancy could not have kept her much-needed job to pay for most of these non-insurable costs without PFML.

We do not believe that the Building Back Better legislation should prevent Maine from establishing a robust and just Paid Family Medical Leave program. NASW Maine wants your help in ensuring that Mainers have a PFML leave program that is:

1. universal, regardless of the industry, size of business.
2. ensure job protection
3. comprehensive, covering leave for bonding with and caring for a new child, caring for a sick family member, addressing one's own serious medical and mental health needs, and preparation for and reintegrating after military deployment
4. provide adequate wage replacement with
5. a sufficient number of weeks to allow them to fully address their needs
6. funded through an employer/employee match

Thank you for your work and dedication on this very important policy matter.

Sincerely,

Julie M. Schirmer, LCSW
President-Elect, NASW ME Board of Directors
Co-chair, NASW ME Policy Committee

Mason, E, Flynn, A, Sunn, S. (2021). Building a better future for gender equitable recovery. The Institute for Women's Policy and Research. [Policies-for-a-Gender-Equitable-Recovery-Executive-Summary-Final.pdf \(iwpr.org\)](#)



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Unum Public Comment

Commission to Develop a Paid Family and Medical Leave Benefits Program

December 14, 2021

Good morning Senator Daughtry, Representative Cloutier, Senator Rosen, Representative Stearns and all members of the Commission.

Thank you for the opportunity to share Unum's perspective as we strive toward a common goal of developing meaningful paid family and medical leave benefits for all Maine workers.

My name is Laura Kilmartin. I am a resident of Westbrook and Chief of Staff to Unum's Chief Operating Officer.

Unum has had a presence in Maine since 1881 and currently employs nearly 3,000 Mainers. We are one of the nation's leading providers of disability income protection, delivering paid medical leave through short-term disability insurance alongside many other vital employer-sponsored benefits.

In 2020, at the height of the pandemic, Unum handled over a million short-term disability claims and leave requests. In June we released a report sharing that Unum paid over \$6.2 billion in short-term disability benefits and helped over 900 companies manage more than 100 leave laws. In addition to providing such benefits, Unum is also one of the largest administrators of leave programs in the country, as we have been since we began providing this service in 2000.

Then and now, we remain committed to the value and necessity of paid leave and it continues to be our top public policy priority.

We support Maine as it takes the important step of developing a paid family and medical leave program that meets the unique demographic and workforce needs of our state. In recent years we have successfully partnered with states, including New York and Massachusetts, to ensure the most efficient, affordable, and sustainable paid family and medical leave outcomes for workers. It is due to our experience with other state PFML programs that we believe that a public-private partnership will ensure Mainers receive paid family and medical leave protection sooner rather than later.

In fact, when New York decided to leverage their existing benefits infrastructure by choosing to partner with the private sector, benefits were delivered less than two years from enactment.

Massachusetts, too, experiences one of the highest participation rates through private plans. More than 1 million workers are covered by private plans which represents 1/3 of all covered workers in the state

Beyond speed and efficiency, the private-sector approach reduces start-up and technology expenses, takes the administrative burden off the shoulders of state government, and results in a fiscally sustainable funding mechanism that ensures the program's longevity and vitality.

Understanding this protection is long overdue, a robust partnership that allows for private-sector participation will help to achieve our common objective – ensuring that no Mainer will be left out.

Based on our longstanding expertise in the employee benefits space, as well as our deep commitment to the value of paid family medical leave and the people of Maine, we are here to help the Commission in any way possible as you carry out this important task.

It is our firm belief that paid leave for all truly takes all of us.

Unum appreciates the opportunity to be here today and welcomes any questions from members of the Commission. If interested, Unum would be happy to provide a more detailed presentation of our involvement in existing state paid family and medical leave programs.

Thank you all for your time and commitment to this Commission.

Laura C. Kilmartin

Laura C. Kilmartin
Chief of Staff to COO
Unum



December 13, 2021

To: Sen. Matthea Daughtry and Rep. Kristen Cloutier, co-chairs
Members, Commission to Develop a Paid Family and Medical Leave Benefits Program

From: David R. Clough – Maine State Director

Re: Comments Regarding NFIB Members and the Commission's Legislative Assignment

These comments are on behalf of the nearly 3,000 small business owners in Maine who are members of the National Federation of Independent Business. Member businesses are located throughout Maine and collectively span a wide range of economic activities.

The Commission is charged with developing legislation that would implement a paid FMLA program for Maine workers, financed by employees, employers or both. In effect, the Commission is charged with developing a proposal that would impose new direct and indirect costs of employment on small businesses as well as impose new burdens on the ability of a small business owner to effectively manage their day-to-day workforce. These costs and burdens may have a disproportionate effect on small businesses because the size of the business provides very little flexibility to absorb embedded employment costs and adapt to workforce disruptions dictated by legislative actions.

We cannot help Commission members design such a program.

At some point later in the process of preparing its report to the 130th Maine Legislature, NFIB may be in a position to provide comments on specific program features that may become part of the Commission's report and proposed implementation legislation.

Meantime, we urge you to be very mindful of small business owners and to do them no harm.

Thank you.



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December 14, 2021

Dear Members of the Maine Paid Family and Medical Leave Commission,

Thank you for the opportunity to provide written comments as this Commission works diligently to research and develop a paid family and medical leave program in Maine.

The Maine Small Business Coalition (MSBC) is a statewide collective of over 1,200 small business owners. Our mission is to amplify the voices of small business owners on important policy issues in Maine. We work to advance public policies that allow small businesses to thrive, invest in Maine's workforce, and promote investment in our communities.

The MSBC believes that the creation of a statewide PFML program would be a significant investment in Maine's small business community and the people who help small businesses thrive. The establishment of a PFML program will foster a robust workforce, help level the playing field for small businesses, and benefit our economy by helping Maine stay competitive in the New England region.

Fostering A Healthy Workforce

A healthy workforce is key to the financial stability of small businesses and strong local economies. The COVID-19 pandemic has highlighted how important it is to take time away from work to recover from a serious illness, but it has also highlighted the devastating costs of not having the flexibility to take necessary time away from work without worrying about lost income.

At some point, most people—including small business owners—need to take extended time away from work for major life events or medical emergencies such as welcoming a new baby, recovering from an accident, or caring for a seriously-ill family member. These events are a part of life, but for many small business owners, these events can mean financial ruin. Many small businesses operate on razor-thin margins and a single medical emergency can jeopardize the survival of the business and have a domino effect on employees' financial stability and even other businesses who provide a good/service to that business (e.g., a local fishmonger who supplies fish to a family-owned restaurant).

PFML provides small business owners with much-needed flexibility and financial security to deal with major life events without jeopardizing their business, or negatively impacting employees' livelihoods and other businesses.

Leveling the Playing Field for the Small Business Community

Small business owners take great pride in employing people from their communities. They truly care about their workers (many treat their staff like family) and they strive to do right by their employees. Most small business owners want paid leave benefits for themselves and their employees, but they cannot afford to offer the benefit.

There are very limited choices for private paid leave policies and the available options are very costly—especially for high-risk fields such as construction or manufacturing. In general, the private market does not offer affordable policies to small businesses because these businesses lack the capital and the scale to make it affordable.

On the other hand, large businesses and corporations—who have the capital and employee volume to acquire private paid leave policies—currently enjoy a competitive advantage in attracting and retaining talent with more robust benefits packages. A statewide PFML program would help level the playing field for small businesses by providing an affordable and comprehensive benefit to all working Mainers.

PFML is an Investment in Maine's Economic Future

A comprehensive, statewide PFML program would put Maine in good company with other New England states—and more importantly, make us more competitive by helping to attract and retain talent in Maine's workforce. However, to ensure that we are competitive in the region, the Commission should ensure that its proposal:

- provides a sufficient amount of paid leave to properly address the needs of small business owners and their employees;
- shares the program cost between employees and employers to keep costs low;
- is affordable for small businesses and the self-employed (e.g., exempting small businesses and allowing the self-employed to contribute at an employee level); and
- offers high wage replacement to support small business owners, employees, and the self-employed.

The MSBC is pleased that the State of Maine has a meaningful opportunity to conduct a thorough study on PFML benefits and propose a program that is specifically tailored to the needs of our state. We respectfully urge this Commission to issue a PFML proposal that works for small businesses and provides adequate support to all working Mainers.

Respectfully submitted,

Selecca Bulgar-Medina
MSBC Director

December 13, 2021

**TESTIMONY OF MAINE EMPLOYMENT LAWYERS ASSOCIATION
IN SUPPORT OF DEVELOPING A
PAID FAMILY AND MEDICAL LEAVE BENEFITS PROGRAM**

My name is Jeffrey Neil Young. I am the principal in the law firm Solidarity Law, an Executive Board member of the National Employment Lawyers Association (NELA), and vice-president of the Maine Employment Lawyers Association (MELA). NELA is the largest organization of civil rights lawyers in the country with about 4,000 national and affiliate attorney members. MELA is the largest organization of civil rights lawyers in Maine with about 75 member attorneys who represent employees in labor and employment matters across the state as at least 2/3 of their practice. I have been practicing labor and employment law for almost 40 years, the last 33 years here in Maine.

MELA supports the enactment of a paid family and medical leave bill in Maine. Nary a week goes by without some individual contacting a member of MELA concerned about whether she can take time off for childbirth and if so, is she entitled to be paid; whether an employee can stay home to care for a loved one who has contracted Covid; whether an employer must pay a man while he is out of work for a surgical procedure, etc. Sadly, the answer is always the same—even if the employee is entitled to take time off, s/he is not entitled to be paid absent some right to do so under a personal services or union contract. All too often, that means that the employee is unable to take time off altogether because of the loss of income.

A paid family medical leave bill is needed now more than ever in the face of the unrelenting spread of the Covid virus. Paid family medical leave is desperately needed with both parents working in 45.5% of families with children and 71.2% of women with children under 18 at work.¹ Somewhere between 77 and 81% of American workers lack any paid family leave, and only 40% are covered by any short-term disability policy.² The United States is the only industrialized country in

¹ <https://www.bls.gov/news.release/famee.nr0.htm>

² <https://www.nationalpartnership.org/our-work/economic-justice/paid-leave.html>;

<https://www.theatlantic.com/family/archive/2021/11/us-paid-family-parental-leave-congress-bill/620660/>

the work that does not provide paid family leave.³ Passage of such legislation will make Maine more attractive to workers who have a choice where to work.

Nine states—California, New Jersey, Rhode Island, New York, Washington, Massachusetts, Connecticut, Oregon, and Colorado—and the District of Columbia have now enacted paid leave legislation⁴ providing for paid family and medical leave benefit through an insurance-type system.⁵ Of those jurisdictions, five states⁶ provide for a shared employer/employee premium. In three states, 100% of the premium is paid by the employee.⁷ In New Jersey, the cost of medical leave is borne jointly, but employees pay 100% of the cost of family care.⁸ Employers pay 100% of the premium in the District of Columbia.⁹ Two states have considered legislation pending which would make paid family leave a purely voluntary plan to be managed by a private insurer rather than as state agency.¹⁰ The Build Back Better Act, passed by the House on November 19, would require all employer, regardless of size, to provide for 20 days of paid leave with a maximum of \$800/week.¹¹

³ <https://www.bostonglobe.com/opinion/2019/03/13/america-backward-approach-paid-family-leave/M02JqPQRW2f4grwhvr7ScK/story.html>

⁴ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>

⁵ For more information, see chart accompanying testimony of National Partnership for Women and Families analyzing each jurisdiction's bill, including reasons for leave, definition of family member, maximum duration of leave, minimum increment, eligibility requirements, how program is funded, size of employer covered, benefit calculation, job protection provisions, and waiting period.

⁶ New York, Washington, Massachusetts, Oregon, and Colorado. In Washington State, the total premium paid is .4% of earnings; workers pay about 63% and employers about 37% of the weekly premium.

<https://www.seattletimes.com/business/employers-would-be-parents-get-set-for-new-washington-state-medical-and-family-leave/>. In Massachusetts, the total paid premium is .63% of earnings divided evenly between employers and employees (except employers with fewer than 25 employees do not contribute anything; employees still pay the 50% share). <https://www.bostonglobe.com/business/2018/06/22/here-what-know-about-state-paid-leave-program/ocDMJRg6gUjrGZtxqZyewk/story.html>. In New Jersey, the first \$131,000 in wages is taxed. <https://www.law360.com/articles/1127057/more-states-propose-paid-family-leave-policies>.

⁷ California, Connecticut, and Rhode Island. In California, workers pay .09% on the first \$115,000 of income; in Connecticut no more than .5%, and in Rhode Island 1.1% of the first \$71,000 in wages.

<https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>

⁸ <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>

⁹ This may be explained by the fact that the District of Columbia lacks authority to tax commuters.

¹⁰ New Hampshire and Vermont. <https://www.law360.com/articles/1127057/more-states-propose-paid-family-leave-policies>

¹¹ <https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/house-passes-build-back-better-act-with-paid-leave-and-aca-subsidy-provisions.aspx>.

Benefit duration ranges from anywhere from 4 to 20 weeks; California is proposing 26 weeks.¹² Most countries provide an average of 18 weeks to an individual and over 52 weeks when maternity, paternity, home care, and parental leave is combined.¹³ Experts generally have concluded that 26 weeks is optimal for parent-child bonding without harming career opportunities.¹⁴ Research has shown that providing maternity leave benefits results in improved performance and productivity, worker retention, and economic growth.¹⁵

Weekly payments generally are 2/3 of the employee's average weekly wage, often capped at no more than the State's average weekly wage. New Jersey has increased benefits to 85% of an employee's wages capped at \$860.¹⁶ California pays up to \$1216/week.¹⁷

MELA believes that any family medical leave bill should contain the following provisions:

1. **Employers and employees should share the cost of paid family and medical leave.** MELA strongly believes that the cost of family leave should not be borne exclusively by employees but should be shared by employers and employees. Only 3 of the 10 jurisdictions with family leave place the cost solely on employees. Paid family leave benefits not just the employee, but also the employer.
2. **Paid family and medical leave should be universal.** All workers, regardless of the size of their employer or their status as full or part-time should be covered.
3. **Paid family and medical leave should include a comprehensive definition of family.** Families come in all sorts and sizes. Family should include workers of all gender identities and expressions.
4. **Paid family and medical leave should provide adequate levels of wage replacement for all workers.** Low wage workers will not be able to access paid family and medical leave unless wage replacement is adequate.

¹² <https://www.nytimes.com/2019/01/06/upshot/a-california-dream-for-paid-leave-has-an-old-problem-how-to-pay-for-it.html>

¹³ https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

¹⁴ <https://www.nber.org/papers/w5065>

¹⁵ <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/family-act-fact-sheet.pdf>

¹⁶ <https://www.lexology.com/library/detail.aspx?g=852b6a41-9acc-4023-8eef-eef4f71ede62>

¹⁷ <http://www.thenation.com/article/paid-family-leave-score/>

5. Paid family and medical leave should provide job protection and prohibit retaliation.

6. Paid family and medical leave should be administered by the Maine Department of Labor, not some private entity.

7. Paid family and medical leave should provide for a private right of action. The Maine Department of Labor lacks adequate resources to be the sole source of enforcement.

8. Paid family and medical leave should not supersede the Maine Human Rights Act. The Maine Human Rights Act can require an employer to grant extended unpaid leave as a reasonable accommodation in the event of a disability. Paid family and medical leave should not displace the MHRA.

Thank you for your consideration.



Maine People's Alliance

Dec. 13, 2021

Dear Members of the Commission to Develop a Paid Family and Medical Leave Benefits Program,

My name is Cate Blackford and I am the public policy director for the Maine People's Alliance. MPA is Maine's largest community action organization with over 32,000 members across the state. Our mission is to create a world where everyone has what they need, contributes what they can, and no one is left behind.

Thank you all for the opportunity to contribute to your important work.

As you know well, a strong, generous paid leave program could have enormous consequences for everyone in this great state. Research has shown and stories have illustrated the profound health and economic impacts of paid leave.¹ MPA has spent the last year talking with our members and at the doors of everyday Mainers about the times when they had access to paid leave and when they urgently needed it but didn't. Some of them have spoken with you today, sharing their stories in the hearing or in writing. Stories like Bobby's, of caring for a dying parent while being the sole breadwinner of a young family. Stories like Patty's, of losing a child and the family business. Stories like Maggie's, of having to choose between one's job or caring for a dying child. Mainers face these impossible trade offs every day.

These conversations and our research into the lessons learned from other states' efforts to create paid leave programs give us great hope for what Maine can create and the powerful impacts it can have, all while being affordable and easy to participate. MPA urges you to recommend the legislature create a universal paid leave program that abides by the following principles:

- Everyone is able to take paid time off to care for themselves and their close loved ones.
 - All employees in Maine, whether they work for themselves, small businesses or nonprofits, government, or large organizations should be covered by the plan.
 - Family & loved ones are defined broadly because everyone's family is different
 - No one is excluded because they work in the wrong sector, work multiple jobs, aren't salaried, have a particular immigration status, or work seasonal jobs
- People can use this benefit for bonding with a child, taking care of their own health needs or the health needs of a loved one, taking care of a loved one's deployment logistics, to grieve the loss of someone or to extricate themselves from family violence

¹ <https://www.americanprogress.org/article/quick-facts-paid-family-medical-leave/>

- Time available for paid leave is generous enough to meet real needs
 - Maine has no less than 16 weeks and ideally up to 26 weeks paid leave if needed
- Everyone contributes a small amount every paycheck, according to their ability to pay.
 - Those with greater means contribute more
 - Workers will receive robust benefits, on a sliding scale, based on their income
 - Research has shown that lowest income workers cannot practically take leave unless they're getting most of their wages covered by the benefit. Benefits must be high enough and the premiums low enough that everyone can afford to participate.
 - Employers contribute at least as much, if not more, than employees. Both employees and employers benefit from the creation of the program. To ensure costs remain affordable and the risk and reward are equally shared, both should contribute to program costs.
 - Maine's smallest businesses do not have to contribute employer premiums (those with 10 or fewer employees). The self-employed are included in "smallest businesses" category and only pay the employee portion
- The program is set up to be well run, easy to access as a worker, and simple to administer as an employer.
- The administration will be responsive to the public. There will be easy access to remedy and recourse for both workers and employers if the program is not working as intended
- Employers cannot require employees to use PTO prior to accessing PFML. PFML is independent of PTO. PTO can, however, be used to supplement benefits to reach full wage replacement.
- The program is publicly administered, not contracted to a private entity for management. For example, only the State would be able to meaningfully uphold and enforce the rules of the program, pursue worker complaints and audit employers for compliance.
- People cannot lose their job for taking paid leave.

We all know the benefits of having such a program there to support everyone in our workforce and their loved ones will be enormous, from the financial stability to the emotional stability it will create for Maine families.

Thank you all for the incredible time and effort you are putting into this process. Thank you for your consideration.

Sincerely,

Cate Blackford
 Director of Public Policy
 Maine People's Alliance

I am here today to share with you why Paid Family Medical Leave is such a personal issue for me and an investment for all workers, particularly low income workers. I believe that every person deserves care and the tools to meet our highest family responsibilities. No one should have to choose between caring for themselves or a loved one and earning a paycheck. Paid Family Medical Leave is a matter of justice for low income and working class Mainers. We need and deserve a robust paid family medical leave policy that is accessible to all working people, inclusive when it comes to defining family and provides a meaningful length of leave.

In the summer of 2016, I learned that my sister was terminally ill from ovarian cancer. My former employer did not have a Family Medical Leave policy but I was able to use by accumulate sick and vacation and go stay with her while she was dying. Helping her die with dignity and grace as never part of my plan, but it was a great comfort to both of us to be together. Her family was there on her last day to say goodbye and send her off with love.

I was able to use all of my sick and vacation time that I had accrued over the years to be with my sister. I was able to take care of my sister and grieve with my family without worrying about finances. For many low income workers without access to Paid Family Medical Leave, they will continue to face unnecessary financial hardship – missing work can devastate a family budget. Missing a day of work can mean giving up a month's worth of spending on fruits and vegetable. A whole week can amount to a month's rent or a mortgage payment.

At some point in our working years, most Mainers will need to take time away from work when faced with a serious health issue of the illness of a close family member. No one should have to choose between their job and caring for a sick family member or loved one or their own health condition. Yet that is the situation that many Maine workers find themselves in. A strong and robust Paid Family Medical Leave policy ensures that families have the time they need to care for their sick sister, parents, children or other family members.

Mainers deserve to know that we will come together to ensure that no family will face economic uncertainty due to a health condition of family care giving responsibilities. It's Time to create and pass a Strong Paid Family Medical Leave policy in Maine.