

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Create the Maine Family First Employer Program**

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

**Sec. 1. 26 MRSA §10** is enacted to read:

### **§ 10. Maine Family First Employer Program**

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

A. "Department" means the Department of Labor.

B. "Designation" means designation as a Maine family first employer.

C. "Employer" means a person engaged in business in the State that employs full time one or more persons. "Employer" includes the State and any political subdivision with one or more employees.

D. "Program" means the Maine Family First Employer Program established in this section.

**2. Program established.** The Maine Family First Employer Program is established within the department to award a designation to an employer who meets criteria under subsection 3.

**3. Program criteria.** In order to be eligible for the program, an employer, with respect to all full-time employees, must meet at least 4 of the following criteria:

A. Demonstrate that all employees, including women, persons of color and persons with disabilities, have equal opportunity to advance to leadership positions as provided in Title 5, chapter 337, subchapter 3;

B. Provide employees with access to or the opportunity to take time off for mentorship training or leadership opportunities to assist in advancing to leadership positions;

C. Demonstrate that the employer does not pay different wage rates to employees for substantially similar work when the work is viewed as a composite of skill, effort and responsibility and is performed under the same working conditions, except when the wage rate difference is based upon one or more of the following:

(1) A seniority system;

(2) A merit system;

(3) A system that measures earnings by quantity or quality of production; or

(4) A bona fide reason such as education, training or experience;

D. Make a child care stipend, facility or service available to employees or qualify for the federal employer-provided child care tax credit under 26 United States Code, Section 45F;

E. Provide employees at least 2 weeks' paid leave, in addition to other sick or vacation time that employees may accrue, for the birth or adoption of a child, medical care of the employees and, if possible, medical care of family members of employees;

F. Provide employees with flexible work arrangements to accommodate important family obligations;

G. Provide health insurance options for or contribute to the health insurance costs of employees and dependents of employees; and

H. Contribute to each employee's retirement benefit plan at a level equal to or greater than the minimum contribution required for an employee to participate in the retirement plan.

**4. Program procedures.** The department shall establish procedures by rule for the program by which an employer may apply for and be awarded a designation for a 3-year period. The application for the designation must include the following:

A. The employer's name and address and a description of the type of business or industry or the department of the employer;

B. Evidence that the employer meets at least 4 of the criteria under subsection 3; and

C. The signature of the owner, manager, chief executive officer, supervisor or department head of the employer, or the owner's, manager's, chief executive officer's, supervisor's or department head's designee, attesting that the information provided in the application is correct. The department may revoke a designation if an employer knowingly provides false information on the application.

**5. Determination of designation.** The department shall review all applications to determine eligibility for a designation. If an employer meets all of the criteria in subsection 3, the employer is entitled to a platinum designation. If an employer meets at least 4 but not all of the criteria in subsection 3, the employer is entitled to a gold designation.

**6. Award of the designation; logo.** The Governor shall award in writing or electronically the designation to an employer that the department has determined is entitled to a designation under subsection 5. The department shall create a logo to be included in the awarding of the designation that an employer that is awarded a designation may use for promotional purposes. A person who has not received a designation under this subsection may not use the logo for any purpose.

**7. List of designated employers.** The department shall publish a list of all designated employers under subsection 5 on the department's publicly accessible website. The department shall update the list at least 3 times per year.

**8. Rules.** The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

## SUMMARY

This bill creates the Maine Family First Employer Program under the Department of Labor to award employers that create family-friendly workplaces by providing, for all full-time employees, advancement and leadership opportunities; the same pay rates for similar work; stipends or assistance for child care; paid leave for the birth or adoption of a child and medical care for employees or family members of employees; flexible work accommodations for other family obligations; and health insurance and retirement plan options. The awards are presented by the Governor and come with a logo that a designated employer may use for promotional purposes.