



128th MAINE LEGISLATURE

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Legislative Document

No. 1378

H.P. 957

House of Representatives, April 11, 2017

An Act To Create the Maine Family First Employer Award

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HERBIG of Belfast.
Cosponsored by Senator VOLK of Cumberland and
Representatives: Speaker GIDEON of Freeport, MASTRACCIO of Sanford, SANBORN of
Portland, VACHON of Scarborough, Senators: BREEN of Cumberland, DESCHAMBAULT
of York, MAKER of Washington, ROSEN of Hancock.

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

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

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

4 **1. Maine Family First Employer Program.** The Maine Family First Employer
5 Program, referred to in this section as "the program," is established within the department
6 to award a designation to an employer who meets the criteria under subsection 3.

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

9 A. "Department" means the Department of Labor.

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

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

14 **3. Program criteria.** Criteria for the program include for all full-time employees:

15 A. The employer demonstrates that an employee, including a woman, person of color
16 and person with a disability, has an equal opportunity to advance to a leadership
17 position as provided in Title 5, chapter 337, subchapter 3;

18 B. The employer provides an employee with access to, or the opportunity to take
19 time off for, mentorship training or leadership opportunities to assist in advancing to
20 leadership positions;

21 C. The employer demonstrates that it does not pay different wage rates to employees
22 for substantially similar work when viewed as a composite of skill, effort and
23 responsibility and is performed under the same working conditions, as provided in
24 Title 5, chapter 337, subchapter 3, except when the wage rate difference is based
25 upon one of the following:

26 (1) A seniority system;

27 (2) A merit system;

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

29 (4) A bona fide reason, other than race, gender, ethnicity or national origin, such
30 as education, training and experience;

31 D. The employer makes a child care stipend, facility or service available to an
32 employee or qualifies for the federal credit for an employer-provided child care tax
33 credit under 26 United States Code, Section 45F;

34 E. The employer provides an employee at least 2 weeks' paid leave in addition to
35 other sick or vacation time that an employee may accrue for the birth or adoption of
36 the employee's child, medical care of that employee and, if possible, medical care of a
37 family member of that employee;

1 F. The employer provides an employee with flexible work arrangements to
2 accommodate important family obligations of the employee;

3 G. The employer provides health insurance options for or contributes to the health
4 insurance costs of all employees and dependents of employees; and

5 H. The employer contributes to an employee's retirement benefit plan at a level equal
6 to or greater than the minimum contribution required for an employee to participate
7 in the retirement plan.

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

11 A. The employer's name, address and description of the type of business, industry or
12 department in which the employer is engaged;

13 B. Evidence that the employer meets at least 4 of the requirements under subsection
14 3; and

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

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

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

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

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

36 **SUMMARY**

37 This bill creates the Maine Family First Employer Program under the Department of
38 Labor to award employers that provide family-friendly workplaces that provide, for all
39 full-time employees, advancement and leadership opportunities; the same pay rates for

1 similar work; stipends or assistance for child care; paid leave for child birth or adoption
2 and medical care for the employee or family member; flexible work accommodations for
3 other important family obligations; and health insurance and retirement plan options. The
4 awards are presented by the Governor and come with a logo that a designated employer
5 may use for promotional purposes.