An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees

Reference to the Committee on Labor and Housing suggested and ordered printed.

Presented by President JACKSON of Aroostook.
Cosponsored by Representative ALBERT of Madawaska and
Senators: DAUGHTRY of Cumberland, TIPPING of Penobscot, VITELLI of Sagadahoc,
Representatives: ROEDER of Bangor, Speaker TALBOT ROSS of Portland.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §603, sub-§3, ¶G, as enacted by PL 1999, c. 750, §1, is amended to read:

G. A medical intern or resident engaged in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the American Board of Medical Specialties or the American Osteopathic Association at a health care facility. For purposes of this paragraph, "health care facility" has the same meaning as in Title 22, section 8702, subsection 4; or

Sec. 2. 26 MRSA §603, sub-§3, ¶H, as enacted by PL 1999, c. 750, §1, is amended to read:

H. An employee who works for an employer who shuts down an operation for annual maintenance or work performed in the construction, rebuilding, maintenance or repair of production machinery and equipment, including machine start-ups and shutdowns related to such activity. This exception applies to contractors of the employer that are providing services related to the activities in this paragraph. It does not apply to other operations not involved in the work stated in this paragraph. Notwithstanding this paragraph, a worker may not be required to work beyond the limits prescribed in subsection 2 for more than 4 consecutive weeks; or

Sec. 3. 26 MRSA §603, sub-§3, ¶I is enacted to read:

I. An employee to which section 603-A applies.

Sec. 4. 26 MRSA §603-A is enacted to read:

§603-A. Overtime and scheduling in pulp or paper manufacturing facilities

1. Definition. As used in this section, unless the context otherwise indicates, "pulp or paper manufacturing facility" means a facility that is used primarily to manufacture pulp or paper products.

2. Applicability. This section does not apply:

A. To a pulp or paper manufacturing facility that has 50 or fewer employees; or

B. During an emergency in which there is an immediate danger to life or property. An emergency does not include regular equipment maintenance or other employees not working due to vacation time, holidays, floating holidays, time off for illness or a short-term disability or planned family or medical leave.

3. Mandatory overtime. A pulp or paper manufacturing facility may not require an employee to work more than 2 hours of overtime per day.

4. Advance notice required. A pulp or paper manufacturing facility shall give notice to an employee that overtime is required no later than 7 days before the date of the overtime. A pulp or paper manufacturing facility shall give notice to an employee that an employee's work schedule has changed no later than 7 days before the date of the first day with a change in schedule.

5. Prohibitions. A pulp or paper manufacturing facility may not:
A. Take an adverse employment action against an employee who refuses to work mandatory overtime or who refuses to work a changed schedule with less than 7 days' notice as required by subsection 4; or

B. Require an employee to work on a previously approved vacation day, floating holiday or holiday.

6. Voluntary overtime. An employee of a pulp or paper manufacturing facility may work overtime in excess of 2 hours per day voluntarily.

SUMMARY

This bill places restrictions on mandatory overtime and schedule changes for employees of pulp or paper manufacturing facilities.