



April 6, 2023

Committee on Labor and Housing
Burton M. Cross Office Building
111 Sewall St, Room 202
Augusta, ME 04330

Re: L.D. 1190 - An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules

Dear Committee Members:

On behalf of the American Hotel & Lodging Association, I write to express my concerns with L.D. 1190, which would implement a restrictive scheduling mandate on Maine hospitality businesses.

If enacted, Maine will be only **one of two** states with a state-wide scheduling mandate and only join a small number of other municipal jurisdictions that implemented similar measures. Not only will Maine be a national and regional outlier on this issue, implementing any costly mandate on the hotel industry will only slow its ability to recover from the dramatic impacts of the COVID pandemic.

While many businesses do attempt to provide schedules in advance for their employees, the staffing needs of a hotel can change radically – and quickly – due to factors beyond the control of the hotel. For example, hotels located near airports are frequently impacted by changes in the airline schedules. During widespread flight cancellations – such as the recent Southwest Airlines outage that caused nationwide cancellations – can cause local hotels to reach 100% occupancy in less than an hour. Although the bill grants narrow exemptions for, the event referenced above would not fall under any such exemptions – it just created an emergency demand.

During the height of the COVID pandemic, this bill would have further decimated Maine hotels. The emergency declarations issued in Maine and nationwide didn't prevent hotels from operating, but essentially prohibited people from travelling and cut-off business overnight. Under the language of this bill, the employer would have not only lost all the revenue from that cancelled business, but it would also be required to shoulder additional labor expenses.

This would heavily impact banquets and events. Hotels will often have large meetings or events that are scheduled or cancelled with very short notice. These events have major staffing needs associated with their execution – the language of this bill would require hotels to turn away that needed much-needed business if it fell within the two week time period. This not only hurts the business – it takes away opportunities for the employees themselves.

The flexible scheduling in our industry is often what appeals to our employees. Managers and owners can sit down with their employees to develop a work schedule that accommodates their daily lives - class schedules, taking care of family, or whatever their individual situation calls for. Mandating a scheduling policy not only takes away the flexibility from the business – it also impacts our employees.

Overall, this legislation would place an immense administrative burden on businesses. As written the legislation would require businesses to change their entire scheduling process to ensure that they're in



compliance. We know from the small number of jurisdictions that have implemented similar laws that the administration and additional paperwork generated from this law is substantial. As one hotel General Manager said:

Any clock in mistake or lateness by more than a few minutes requires multiple pieces of paper... It is quite challenging reviewing punches vs. a schedule for any discrepancies. Sometimes a change is made to an employee's arrival time due to the employee's own scheduling needs and this needs to be notated in multiple ways.

While the intent of this legislation is admirable, it is so complex, with so many different exceptions and requirements, that it would almost be impossible for a business owner to correctly implement.

If you have any questions, please do not hesitate to contact me at sbratko@ahla.com or 508-783-2094.

Sincerely,

Sarah R. Bratko, Esq.
American Hotel & Lodging Association