



Testimony of Ben Hawkins, Director of Public Affairs Maine Health Care Association

Testimony before the Committee on Labor in opposition to

LD 60, An Act to Allow Employees to Request Flexible Work Schedules

Public Hearing: Wednesday, February 5, 2025

Senator Tipping and Representative Roeder as well as Distinguished Members of the Committee on Labor:

My name is Ben Hawkins, and I serve as the Director of Public Affairs for the Maine Health Care Association. We represent approximately 200 nursing homes, assisted living centers, and residential care facilities across the state. Our mission is to empower members to ensure the integrity, quality, and sustainability of long term care in Maine.

We recognize the intent behind LD 60 is to promote work-life balance by enabling employees to request flexible work arrangements. However, within the healthcare sector, particularly in settings such as nursing homes and assisted living facilities, the implementation of expanded flexible scheduling options, as detailed in this bill, presents significant challenges.

Facilities already offer flexibility whenever possible, and scheduling managers regularly inquire and consider individual workers' availability. Introducing administrative requirements to create an unnecessarily rigid system to discuss flexible work schedules will only hobble the currently sufficient processes.

Our facilities operate around the clock, every day of the year, to provide consistent care. These proposed requirements could disrupt established care routines, potentially compromising patient safety and the continuity of care that our residents depend upon. Additionally, the healthcare industry is currently grappling with a workforce shortage. This bill will ultimately create undue expectations of flexible scheduling options and may exacerbate staffing difficulties, making it more challenging to ensure that all shifts are adequately covered. While LD 60 includes provisions allowing employers to deny

requests that are inconsistent with operational needs and to rescind flexible work schedules when necessary, the practical application of these provisions in a healthcare setting remains problematic.

The bill defines "inconsistent with employer operations" to include factors such as additional costs, detrimental effects on employee morale, and impacts on the ability to meet consumer demand. However, the subjective nature of these terms could lead to disputes and complicate the decision-making process for employers when evaluating flexible work schedule requests. Additionally, the requirement for employers to provide written explanations for denied requests and the possibility of civil penalties for perceived retaliation could result in increased administrative burdens and legal complexities for providers.

Although MHCA supports initiatives that enhance employee satisfaction and work-life balance, we believe that LD 60 would not help in that goal. If anything, it could inadvertently compromise the quality of care provided to our residents and impose additional stress on healthcare facilities. I respectfully urge the committee to oppose the passage of LD 60.