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IN OPPOSITION - LD 827 'An Act to Allow Employees to Request Flexible Work Schedules'

Dear Senator Tipping, Chair, Representative Roeder, Chair, and Members of the Committee on Labor and Housing,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). MGFPA is a business trade association representing more than 200 businesses within Maine's food community; Main Street businesses including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

LD 827 seeks to ensure that employees are allowed the opportunity to submit a request for a flexible work schedule. The bill defines flexible as an accommodation that is off-site from the traditional location or hours that differ from the traditional hours of the business. Flexibility encompasses many factors such as hours, split shifts, location, start and stop times, and compressed shifts to name a few. In addition, it often requires accommodations from the employer such as remote equipment and technology for increased communication and management.

We have a variety of questions specific to the permission to make the request. Are there formalities or specifics to the request process? Are there specifications within the request details to ensure it's a comprehensive ask? How does the employer demonstrate the receipt of the ask and acknowledge/document the request process to ensure they can justify their compliance with the policy? How much notice is the employee required to give the employer for a change in the flexible accommodation?

LD 961 An Act Regarding the Right to Request Flexible Working Arrangements for Employees has also been published and includes a similar summary. There are additional details within LD 961 which provide some additional clarity. We urge the Committee to review this parallel effort.

Not all jobs support varied off-site work or non-traditional hours. Specific to our grocery and food producer industries, many positions are likely customer facing or production driven. Determining if a flexible schedule works is dependent on a variety of factors including production and service, quality, time spent outside traditional work hours, effect on the balance with other staff, and the impact of these factors in total. Each role has specific duties; some positions may or may not accommodate alternative schedules or locations but we feel confident that if it warrants flexibility then it can be determined upon a conversation without the mandated permission.

Organically, the gig economy is transforming the job market. Employees seek out roles that accommodate their schedules and preferences. In turn, companies are offering unique and creative approaches to attract workers while ensuring efficiency. For example, a grocer who normally would have scheduled their employees to come in at set times to load and unload goods, has modified their process so that staff signs-up at their preferred time to stock items — as long as the tasks are performed and metrics are achieved without significant disruption. "Flex" policies are being used more than ever before as employers and employees seek work-life balance. These efficiencies are occurring naturally in jobs that can accommodate these special scenarios.

It's important to not disrupt the standard work arrangement. It's a delicate balance between those roles that support flexibility and those that don't. It's not for everyone; communication and policy development on behalf of the employer is critical. There are best practices that can be advised to those businesses and employees who are looking to capitalize on flexibility but we express caution for the necessity of a universal request policy.

Thank you for the opportunity to provide testimony.

Christine Cummings

Christine Cummings
Executive Director