

Testimony of Nate Cloutier

Before the Joint Standing Committee on Labor and Housing

March 23, 2023

In Opposition to LD 827, *"An Act to Allow Employees to Request Flexible Work Schedules"*

Senator Tipping, Representative Roeder, and distinguished members of the Committee on Labor and Housing: My name is Nate Cloutier, and I am here today on behalf of HospitalityMaine representing more than 1,200 restaurant and lodging operators of all sizes across the state. HospitalityMaine opposes LD 827, *"An Act to Allow Employees to Request Flexible Work Schedules."*

LD 827 allows an employee of a public or private employer to request a flexible work schedule for up to 6 months at a time and provides that the employer may not discipline an employee who requests a flexible work schedule. The bill also provides that the flexible work schedule continues in 6-month increments unless the employer provides written notice to the employee. Given the already flexible nature of work scheduling in the hospitality industry, we appreciate the spirit of the legislation to give employees the ability to ask and potentially receive flexible work schedules. However, we see potential problems with this legislation.

The State is in a workforce crisis, and the businesses I've spoken with see the importance of employee satisfaction as they look to retain workers for the long-term, including returning seasonal employees. We offer the following for the Committee's consideration:

- To our knowledge, an employee already has the legal right to request a flexible schedule of any nature, including 6-month increments, which an employer may approve or deny.
- The bill does not indicate that an employer must respond to the request. It would allow an employee to make the request for a flexible work schedule and establishes length and renewal provisions should an employer accept it, but it appears that nothing would happen if an employer were to deny the request.
- The bill indicates that an employer may not discipline an employee who requests a flexible work schedule. It isn't clear what discipline means here. Is denying the request considered disciplinary?

This bill is unworkable for the hospitality industry. For example, having set scheduled hours for a 6-month period from January to June is impractical given the change in demand across the changing seasons. Our employee's schedules are not generally a 9am-5pm and require more hours to be worked in the peak months. Many people cite they enjoy working in the hospitality industry because of the flexibility employers already offer around their employees' work schedules. As written, this bill appears to be incomplete and unnecessary, and would be unworkable, especially in the state's hospitality and tourism sectors.

We urge you to please vote ought not to pass on LD 827. Thank you for your attention and the opportunity to provide comment. I would be happy to answer any questions.