

**Testimony of  
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On behalf of the  
Maine State Chamber of Commerce  
Before the Joint Standing Committee on Labor and Housing  
in opposition to  
L.D. 827, An Act to Allow Employees to Request Flexible Work Schedules**

March 23, 2023

Sen. Tipping, Rep. Roeder and members of the Joint Standing Committee on Labor and Housing, my name is Peter Gore, and I am a Government Affairs Consultant with Maine Street Solutions, and I am here on behalf of my client, the Maine State Chamber of Commerce, a statewide business association representing both large and small businesses speaking to you today in opposition to **L.D. 827 An Act to Allow Employees to Request Flexible Work Schedules**.

LD 827 would allow employees to request a flexible work arrangement involving hours worked or work location, for up to 6 months in duration, with the “reasonable expectation” of automatic renewal if approved initially by the employer. The proposal applies to private employers with one or more employees but does not appear to apply to municipalities or schools or anyone other than an employee of the executive or legislative branch of the state. The bill does not say whether an employer may or may not grant the request; no guidelines are included as to grounds to approve or deny the request. There is nothing to indicate what might happen if the request is denied, for instance, is there is an appeal process? The entire proposal is open ended.

Even prior to the pandemic, employers willingly worked with their employees to comply with flexible work arrangements. Certainly during, and after the height of the pandemic, flexible work schedules became the norm for many workplaces. The advent of employees working from home became normalized, due to both public health and practical reasons. Now that COVID has become more “endemic” in our society, employers have begun the process of reintegrating their workers back into their traditional office spaces. However, flexible work schedules are still common and accepted in many cases. As such, we question the need for LD 827.

In addition, the Chamber has concerns over the practical issues with the bill, and real-world application. For example, a business is experiencing a slow period. An employee requests an adjustment to their schedule so that they can arrive at work 10 minutes late and stay an extra ten minutes on the back end so that they can get their child to school. The

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employer agrees to the change as long as things remain quiet, wanting to be flexible. Two months later, business picks up and they need the employee to be at work at the regular time, not 10 minutes late. We are concerned the employer cannot require the employee to revert back to their old schedule because of the 6-month duration portion of the bill, unless the parties jointly agreed to a different schedule. What was once an employer trying to help an employee now potentially becomes a staff shortage that places greater pressure on the remaining workers. In addition to complicating the workplace environment.

It is also not clear who will enforce the new law? Will it be the role of the DOL, a private right of action, and what will be enforced besides the no retaliation provision of the bill?

The Chamber believes flexible work arrangements are already available and even relatively common in the post pandemic workplace. While businesses are brining workers back to the office, many are also allowing flexible hours and remote work as options in addition to onsite work. Practically speaking, the fact is some jobs lend themselves to flexibility more than others. Where it is possible, employers are working to accommodate their workers for productivity purposes, but also for recruitment and retention as well. We do not believe we need a new law to mandate what is already happening voluntarily. It is for these reasons we are opposed to LD 827, and we would urge you to give it a unanimous ought not to pass.

Thank you for the opportunity to provide you with our concerns. I would be pleased to answer any questions you might have.