

Testimony of Nate Cloutier

Before the Joint Standing Committee on Labor and Housing
April 6, 2023

In Opposition to LD 1190, "*An Act to Ensure a Fair Workweek by Requiring Notice of 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 1190, "*An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules*."

Restrictive scheduling legislation is not new to this Committee. It was defeated for numerous reasons, including putting Maine on the map as an outlier regionally and nationally, potentially being the second state to implement this. Both employers and employees have strongly opposed it in the past because it is an unworkable bill. If this legislation were to become successful it would have a detrimental impact on the industry by handcuffing employers to untenable scheduling parameters established by state government. These parameters will certainly not consider any individual circumstances when schedule changes are needed. When life happens (and it does) and adjustments are necessary, the bill proposes to financially penalize employers. The approach lined out in this bill will do nothing to support existing businesses nor will it attract business opportunity to the state.

Please remember the state is in a workforce crisis and our operators run on thin margins. If this were to become law employers will have even more difficulty staffing, some employees will work less hours, and/or employers will incur penalties because they have no other option to keep their doors open.

Please consider the following circumstances:

- Weather. Weather alone makes accurately predicting business levels impossible. Attempting to lock in a two-week schedule in a four-season state without any changes is not an easy task.
- Decrease in extra shifts. Employees likely won't be offered a chance to work a rainy-day lunch crowd and make a few extra hundred dollars because of the broad protections against retaliation that would be established under the bill.
- The unexpected and the inevitable. For example, emergency appointments or getting the sad phone call about a memorial service next week cannot be anticipated. Just recently Southwest Airlines experienced massive national cancellations that caused local hotels to reach maximum occupancy in a matter of hours.

The hospitality industry is successful in part because of the flexibility that employers are able to offer

their employees. We can't legislate our way out of the next rainstorm or power outage sending half of a town to an establishment for dinner or an overnight stay. Scheduling arrangements should stay between employers and employees where it currently works best.

Please vote ought not to pass on LD 1190. There is no public outcry for this legislation and would have serious negative impacts to the industry. Thank you for your attention and the opportunity to provide comment. I would be happy to answer any questions.