



On Behalf of the Maine Tourism Association

In Opposition To

LD 1190, An Act To Ensure a Fair Workweek by Requiring Notice of Work Schedules

April 6, 2023

Senator Tipping, Representative Roeder, and Members of the Joint Standing Committee on Labor and Housing:

I am Josh Tardy of Mitchell Tardy Jackson Government Affairs appearing on behalf of the Maine Tourism Association. MTA is the state's largest tourism advocate with nearly 1500 members in every type of tourism business such as lodging, restaurants, campgrounds, retail, outdoor recreation, guides, tour operators, amusements, and cultural and historical attractions. MTA also operates the seven State Visitor Information Centers from Kittery to Calais, and annually produces the state's official travel planner, *Maine Invites You*. I offer this testimony in opposition to LD 1190.

In the tourism industry, flexibility is critical to any business capacity to function. Large parties may show up at restaurants with little advanced notice, or weather may cause a great increase or decrease in attendance at amusement parks, museums, or theaters. Bus tours may change their schedule requiring different accommodations, stops at a restaurant, or attendance at a historic attraction or other venue. In a small town, a funeral or other unexpected event may cause a hotel to fill up at the last minute. Delivery trucks may arrive at a warehouse at an unexpected day or time due to any number of factors beyond the warehouse employer's control. Some short notice changes are an expected and unavoidable part of most tourism businesses.

Workers value flexibility as an important factor when choosing the tourism industry, and this flexibility is a two-way street. Employees want time off for vacation, sick days, doctor appointments, children's school events, sports schedules, and other family activities. Employers, who are facing severe workforce shortages, want to do everything they can do accommodate their employees and keep those workers happy and employed with them for the long-term--both year-round employees and those seasonal workers who return year after year.

For younger workers, seasonal workers, and retirees working part-time, the availability of additional shifts and the ability to make last minute changes to accommodate other jobs, school, or family obligations are critically important to them. Employers balance that with ensuring their customers and guests receive the top-quality hospitality for which Maine is known.

This bill assumes a contentious relationship between employers and employees and that the solution to this is government micromanagement of businesses' schedules. This is compounded by the additional pay requirements for schedule changes that are a normal part of many tourism businesses and most often out

of the control of the employer—changes that any employee would know is part of the job. These additional pay requirements mandated by the bill are:

- A. With less than 7 days' notice but 24 hours' or more notice to the employee, one hour of pay at the employee's regular hourly rate;
- B. With less than 24 hours' notice to the employee, 2 hours of pay at the employee's regular hourly

rate for each shift of 4 hours or less; and

C. With less than 24 hours' notice to the employee, 4 hours of pay at the employee's regular hourly rate for each shift of more than 4 hours.

This bill also requires employers to keep the schedules on file for three years with the presumption that if there is an unintentional error or missing document that the employer did not comply with the substance of this proposed law. So the employer is presumed guilty of noncompliance with the entire underlying law should there be a paperwork error in maintaining three years' worth of schedules and shift changes.

Swapping shifts is extremely common in tourism jobs, particularly in the restaurant business. Under this bill, there would be no penalty pay for the employee requesting the change, but there would be for the person covering the shift. This encourages employees to request shift changes and not work it out among themselves but force the employer to pay them up to an additional four hours for every change.

This bill is an unnecessary law that would greatly burden the tourism industry. I encourage you to vote Ought Not To Pass. Thank you for your consideration.