



February 5th, 2025

Senator Tipping
Representative Roeder
Members of the Committee on Labor

RE: Opposition to LD 60, An Act to Allow Employees to Request Flexible Work Schedules

My name is Eric Venturini, and I am the Executive Director of the Wild Blueberry Commission of Maine.

The Wild Blueberry Commission (WBCM) works on behalf of Maine's 512¹ farms who grow wild blueberries on 47,600¹ acres across the State. In 2024, Maine produced approximately 85 million pounds of wild blueberries representing nearly 100% of all *wild blueberries* and approximately 10% of all *blueberries* grown in the US. Our industry contributes \$361 million dollars to the state's economy annually² and is the only state with significant commercial production of wild blueberries.

What problem is this bill trying to solve?

Flexible, work-from-home arrangements are increasingly common. Twenty-three percent of State employees telework more than half the week. One of my three employees works remotely every Friday, and I frequently work remotely myself. One of our largest wild blueberry companies has remote employees scattered across the State. These remote arrangements are the result of dialogue and compromise between an employer and an employee. What is wrong with this system? Why add legal requirements, and therefore the need to maintain records of requests and reasons for granting or not granting them?

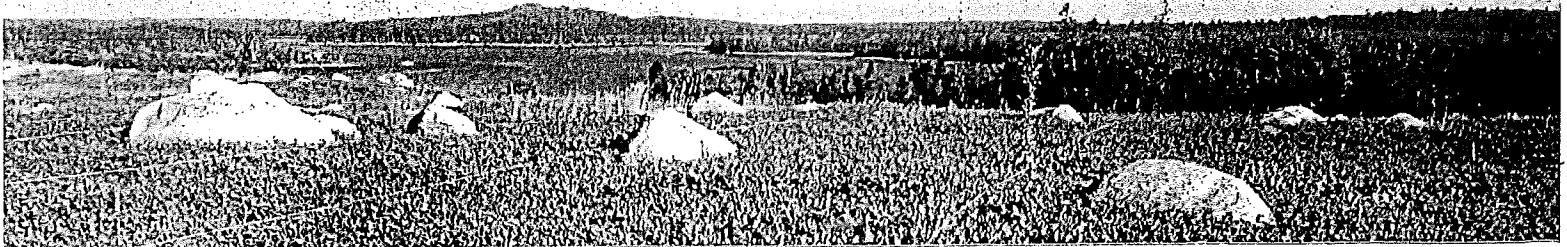
Agriculture is not an office job

While some of our companies do employ year-round employees who work remotely, the bulk of the agricultural workforce is hired during peak season to bring in the harvest. Both in the fields harvesting and in processing lines sorting and packing, during the harvest season, time is of the essence.

- Weather - a week of rain means no harvesting. However, a sudden break in the clouds and a short

¹ USDA National Agricultural Statistics Service. 2022. Berries: 2022. United States Census of Agriculture.

² Camoine Associates. Unpublished Data. Economic and Fiscal Impacts of the Maine Wild Blueberry Industry. Wild Blueberry Association of North America - US, October 2023.



spell of moderate weather requires all-hands on deck while the good weather lasts.

- Absent employee in the processing plant – cleaning, sorting, and packing wild blueberries requires a precise number of people to maintain efficiency. If someone is missing in that chain, we will experience a loss of product and decreases in quality.
- Absent worker on a harvest crew – The harvest season is a race against the clock. An absent harvest worker will have a direct impact on yield.

In all these situations, an employer is unlikely to grant remote or flexible schedule requests because granting such a request during the harvest season would be detrimental to their business. Despite the incongruity between agriculture, harvest, and flexible scheduling and remote work, an agricultural employer faced with a request will still be required to document the request, document their response, and ensure that any denial is in line with the list of situations that are “inconsistent with employer operations” as defined in this bill. If they do not document, they put themselves at risk in case of any suit. This adds an unnecessary layer of bureaucracy and recordkeeping with no tangible benefit.

Those that can reasonably have flexible or remote arrangements are not currently hampered by the lack of this law.

Inconsistent with employer operations

LD 60 outlines 9 reasons why an employer may deny a request. Those 9 reasons are situations where flexible and remote work are inconsistent with employer operations. If the Committee votes to pass this bill despite the opposition of much of the business community, we request adding an additional reason that employers could deny a request. I am referring to worker and workplace safety, as follows:

Reduction in site staffing creates less safe working conditions for coworkers.

Wild blueberry businesses often operate large and complex machinery. In many cases, the absence of certain employees, or the lack of a sufficient number of employees for certain tasks, would create an unsafe working environment for those working on-site.

Thank you for the opportunity to speak on this matter. I would be happy to try and answer any questions that you may have.

