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February 5, 2025

Senator Mike Tipping, Chair
Representative Amy Roeder, Chair
Members of the Labor Committee

RE: Testimony in OPPOSITION to LD 60, An Act to Allow Employees to Request Flexible Work Schedules

Dear Senator Tipping, Representative Roeder and members of the Labor Committee:

The Maine Grocers & Food Producers Association and the Retail Association of Maine are providing joint testimony on *LD 60, An Act to Allow Employees to Request Flexible Work Schedules*. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise and specialty retailers, convenience stores, distributors, and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

While flexibility in the workplace can be beneficial in certain circumstances, this legislation imposes unnecessary burdens on employers and ignores the realities of many industries where flexible work schedules are neither practical nor feasible.

This bill places a significant administrative burden on employers by requiring written responses to every employee request for a flexible work schedule. Many businesses, particularly small and mid-sized employers, lack the resources to manage this additional paperwork. The requirement to maintain documentation of these requests and responses creates unnecessary red tape and exposes businesses to potential liability for claims of non-compliance.

Many Jobs Are Not Suited to Flexible Schedules

The bill fails to acknowledge that many jobs simply do not lend themselves to flexible scheduling. Industries such as healthcare, manufacturing, retail, and food service require employees to be physically present at specific times to meet customer and operational demands. Positions that rely on teamwork, shift coverage, and real-time service cannot accommodate arbitrary scheduling changes without causing disruptions.

Many employers already provide significant flexibility, particularly in industries such as retail and hospitality. In restaurants, retail stores, and service-based businesses, employees frequently have the ability to pick and

choose their shifts based on availability. This bill overlooks the existing flexibility that allows workers to balance their schedules with personal obligations.

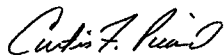
Employers must be able to schedule their workforce based on operational needs rather than individual requests. This legislation could disrupt staffing levels, making it difficult to ensure adequate coverage.

The bill's language regarding when an employer can deny a request due to being "inconsistent with employer operations" is vague and open to interpretation. This ambiguity increases the risk of legal disputes and unnecessary litigation. Employers need clear, objective standards to make scheduling decisions without fear of penalties or legal repercussions.

While the bill allows employers to rescind flexible work arrangements, this provision does not eliminate the initial burden of managing requests, maintaining records, and adjusting schedules. The process of approving, modifying, and potentially revoking arrangements adds an unnecessary layer of complexity to workforce management.

While workplace flexibility is an important consideration, it must be balanced with the realities of business operations. This bill places undue burdens on employers, fails to recognize the impracticality of flexible schedules for many jobs, and disregards the flexibility already present in numerous industries. Rather than imposing one-size-fits-all mandates, we should trust employers and employees to develop mutually beneficial arrangements without government intervention.

For these reasons, I respectfully urge the committee to reject this proposal. Thank you for your time and consideration. I am happy to answer any questions the committee may have.



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