

## Maine Education Association

Jesse Hargrove President | Beth French Vice President | Jaye Rich Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

### Testimony

#### In Opposition To

**LD 55: An Act to Amend the Law Governing the Accrual of Earned Paid Leave**  
**LD 833: An Act to Expand the Earned Paid Leave Exception**

**Jan Kosinski, Government Relations Director, Maine Education Association**

**Before the Labor Committee**

**March 19th, 2025**

Senator Tipping, Representative Roeder, and other members of the Labor Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program.

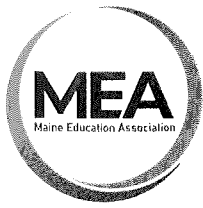
I offer this testimony today on behalf of the MEA in OPPOSITION to LD 55, *An Act to Amend the Law Governing the Accrual of Earned Paid Leave* and in OPPOSITION to LD 833, *An Act to Expand the Earned Paid Leave Exception*.

Both bills attempt to gnaw away at the recently enacted earned paid leave law. The law took effect on January 1, 2021, and was enacted due to the threat of a potential ballot initiative to bring this issue before voters via referendum. The earned paid leave law has been a game changer for some, and has had positive impacts for many workers, including school employees. Nearly all the 250+ labor contracts the MEA services for our local associations now contain some language regarding the implementation of this law and its application for school employees. It is important to note, changes to the underlying law could result in a chain reaction of re-negotiation in some school districts resulting in costly and protracted negotiations.

LD 55 is an attempt to undermine the entire law. It proposes to allow employers to decide how much leave employees can accrue, and incredulously leaves the accrual policy completely at the mercy of the employer's policy. If this bill were enacted, employers could cap earned paid leave at one day, two days per year. Some creative employers may initiate policies that cap the accrual of earned paid leave at one hour because this is the minimum now required under this bill, apparently. And the bill does nothing to protect against employers changing their policies whenever they like. This bill will also generate interesting questions as to how an employer's policy interacts with the negotiated labor contract and attorneys will rack up billable hours to sort this out. Surprisingly, this bill allows employers to establish their own accrual rates for earned paid leave but is convoluted yet prescriptive in the way the leave is carried forward. This bill is a solution looking for a problem but creates more problems.

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LD 833 takes a different approach, but, if enacted, would also serve to undermine our state's earned paid leave law, especially for school employees. The law attempts to create a new exception that absolves employers from proving earned paid leave if they offer other types of leave. This could serve to defeat the whole purpose of the earned paid leave law.

Prior to the enactment of the earned paid leave law, it was commonplace for teachers and other school employees to have sick leave, and nothing else. In some cases, school employees may have been successful in negotiating a small number of personal days, but often the contractual language surrounding the use of these days was so restrictive they were almost useless. Oftentimes the discretion to use a personal day was completely determined by a superintendent and approvals were sometimes arbitrary and disparate.

The earned paid leave law, in most cases, has provided teachers and school employees with a few days they can use to take care of personal business they cannot get done outside of the school day. Instead of calling in sick and leaving your students with a sub for the day (if your district can find one), teachers and school employees can plan ahead and use a personal day, or half day, without relenting to an interrogation from their boss about the need for the day.

Teachers and school employees are people too. They have their own families, with their own needs. They must see the dentist and see lawyers to get their wills in order. They must care for sick children and family members and help neighbors in need. Teachers and school employees should be able to do this without being denied because their supervisor does not like them.

I want to be clear. Teachers and school employees want to be in school working with students. They would not be working in schools if they did not. As you are all aware, the pay in school is low, and overwhelmingly employees in our schools want to be there because they care about students and education. For teachers especially, a day away from school is usually coupled with hours of work preparing sub plans.

The earned paid leave law has made their working conditions a little better. At a time when our schools are plagued by workforce shortages, when schools are struggling to find teachers, ed techs, bus drivers and other key personnel, it would be unwise to take away a simple and modest benefit that helps school employees take care of their basic needs.

Thank you for your attention and your service to the people of Maine. I will do my best to answer any questions you may have.

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