MAINE AFL-CIO

A Union of Unions Standing for Maine Workers

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Testimony of Adam Goode, Maine AFL-CIO Legislative & Political Director, In Support of LD 575, "An Act to Ensure Equitable Access to the Paid Family and Medical Leave Benefits Program by Removing the Requirement That Leave Must Be Scheduled to Prevent Undue Hardship on the Employer" and in opposition to LDs 406, 539, 952, 1169, 1221, 1249, 1273, 1307, 1333, 1400 & 1712

Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 575.

We testify in opposition to LDs 406, 539, 952, 1169, 1221, 1249, 1273, 1307, 1333, 1400 & 1712. We are opposed to any effort to repeal the Paid Family Medial Leave Program or any effort that creates harmful carve outs, delays or solvency risks to the program.

Our Maine AFL-CIO Executive Board has spent considerable time looking at Paid Family Medical Leave (PFML) including the past proposed Citizen's Initiative and the bills in the 129th and 131st legislatures. Our board has been clear that the Maine AFL-CIO supports the right of working people to paid leave. We think that it is a fundamental human right and that it is essential that people can access paid leave to care for a new born child, a serious health condition, military caregiving needs and more.

Working people deserve time away from their job in order to care for themselves or a loved one. It is not possible to expect people to be able to do this without being paid. Life is better for a newborn child if their parents take leave in order to form a critical initial bond with them and to bring them to the pediatrician for a regular check-up or immunization. The 178,000 older adults who live in Maine are better able to recover from injury and illness when cared for by family members and for most of us that can happen only if we have wage replacement to do so. All working people should be able to have the dignity, respect and peace of mind in the workplace to be able to provide care for their family and an income for their family.

Subchapter 10 of the current law deals with collective bargaining agreements (CBAs). That CBA language was deliberately put in the law because a CBA process affords both workers and employers the opportunity to find the most workable solutions to workplace issues. LD 1712 specifically carves out the portion of the premium that employees and employers pay for PFML. CBAs give workers the best opportunity to shape their total economic arrangement. The repeal of the right to collectively bargain over the portion of the premium for the PFML program can only be described as an attack on collective bargaining rights. We ask that all members of

this committee who support collective bargaining rights oppose any attempt to limit the right to collectively bargain over PFML.

In addition to our support for collective bargaining, we believe the provision on page 1, lines 29-31 of LD 1712 would put union members at an inferior position than non-union members. If an employer bargained an impasse over a proposal and unilaterally implemented it then the employees could have to pay the whole cost. Non-union members pay 50% of the cost of the program through a payroll tax. The new language from LD 1712 could allow for an employer in a unionized workplace to get out of paying anything.

We would also proceed with caution on the other change to subchapter 10 found in LD 1712. If you move forward with the idea, we would ask that the committee work with private sector unions on how to address retroactive problems. In many workplaces there is a 50-50 split in the payroll tax to finance the program. If this section becomes law there would be a set of questions about what this looks like. We would also request that we work together to fully understand if there is any concern related to federal pre-emption on private sector collective bargaining related to this change.

Our final comment specific to LD 1712 has to do with those changes to the weekly benefit amount. When this law was created, we explicitly weighed in on the importance of adequate wage replacement. It is not possible to expect people to take time off to be with a loved one without being paid. LD 1712 cuts the weekly benefit, which makes it even harder for working people to legitimately take time off from work when a family member is sick or when a new person joins their family.

Reducing the wage replacement to 65% basically makes the program inaccessible to people with low and moderate incomes. We still feel strongly that the current law is not sufficient wage replacement for working class people. Some people make higher wages because they have dangerous jobs, have developed specific skills or have spent years working through the lines of progression.

An ideal law would set the wage replacement provisions at an Average Weekly Wage (AWW) for wage replacement to up to 120% of the state AWW. This would ensure workers earning slightly more money do not experience significant wage loss when utilizing the system. Someone who is working lots of overtime in order to catch up on car payments or help get their child through that first year of college should not have their wage dinged if both of their parents take a turn for the worse.

As a concrete example, if you are an electrician working 60 hours a week or a mill worker working lots of overtime and you earn $70,000 per year, you would make $1,346 per week (pre tax). If we improved state law and capped the AWW at 100%, you would still lose more than $300 per week ($1346 - $1036) in wage replacement under the leave system given the cap. Most people live based on the income that they earn and we should do our best to fully replace wages folks earn. The 65% cap in LD 1712 falls far short.

We are providing testimony on twelve bills before this committee. To condense our testimony we would share a few general themes beyond the union-specific aspects of these bills. Multiple bills repeal the PFML program altogether. We are opposed to any effort to repeal the program for all of the reasons found in our testimony on LD 1964 from the 131st Legislature and LD 1410 from the 129th Legislature.

Multiple bills create harmful carve outs and delays to the program. We are opposed to carving out certain sectors. This committee is well aware of our testimony on the mistakes made by carving out agricultural employees from federal labor laws passed during the New Deal. We ask that you not mimic those mistakes with this program. Similarly, educators and school support staff who are employed in school districts should have the full benefits of the program, including the rights to request the specific time off, the accrual and the full set of laws allowing a worker to take the time off when needed.

Lastly, there are a number of bills that create solvency risks to the program, including by allowing employers to request or receive a refund of their contributions if an employer has a substantially equivalent private plan that is approved. On this topic, and the other areas of our concerns, we remind you that social insurance models are a humane and rational way to meet basic human needs. We have fundamental human rights to things like healthcare, education and leave and we should create strong public systems to equitably provide those needs. These kinds of systems reduce inequality in terms of who can access such leave, in terms of closing the gender wage gap, and in terms of overall economic inequality. That is a good thing for all of us.

Every family faces major life events. Working people deserve the right to be fully present – and economically secure – during a major loss in their family or the exciting addition of a new person through birth, adoption or fostering of a child.