

Maine Education Association

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

Testimony

In Support Of

LD 575: An Act to Ensure Equitable Access to the Paid Family Medical Leave Benefits Program by Removing the Requirement That Leave Must Be Scheduled to Prevent Undue Hardship on the Employer

In Opposition To

LD 1400: An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program

LD 406: An Act to Repeal the Laws Providing for Paid Family and Medical Leave and to Reimburse Taxpayers

LD 539: An Act to Repeal the Paid Family and Medical Leave Benefits Program

LD 1249: An Act to Delay Payment of Benefits Under the Paid Family and Medical Leave Benefits Program

LD 1273: An Act to Make Paid Family and Medical Leave Voluntary

LD 1333: An Act to Make Changes to the Paid Family and Medical Leave Benefits Program

LD 1307: An Act to Suspend the Remittance Obligation for Paid Family and Medical Leave Private Plan Users

LD 1712: An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees

Jan Kosinski, Government Relations Director, Maine Education Association

Before the Labor Committee

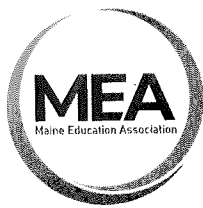
April 23rd, 2025

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.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | www.maineea.org



Maine Education Association

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

I offer this testimony today on behalf of the MEA in OPPOSITION to the following bills:

- **LD 1400, HP0922****An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program - Rep. Nathan Carlow of Buxton**
- **LD 406, HP0260****An Act to Repeal the Laws Providing for Paid Family and Medical Leave and to Reimburse Taxpayers - Rep. Joshua Morris of Turner**
- **LD 539, HP0358****An Act to Repeal the Paid Family and Medical Leave Benefits Program - Rep. Shelley Rudnicki of Fairfield**
- **LD 1249, HP0824****An Act to Delay Payment of Benefits Under the Paid Family and Medical Leave Benefits Program - Rep. Billy Bob Faulkingham of Winter Harbor**
- **LD 1273, HP0848****An Act to Make Paid Family and Medical Leave Voluntary - Rep. Billy Bob Faulkingham of Winter Harbor**
- **LD 1333, HP0868****An Act to Make Changes to the Paid Family and Medical Leave Benefits Program - Rep. Jennifer Poirier of Skowhegan**
- **LD 1307, SP0537****An Act to Suspend the Remittance Obligation for Paid Family and Medical Leave Private Plan Users - Sen. Dick Bradstreet of Kennebec**
- **LD 1712, HP1147****An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees - Rep. Tiffany Roberts of South Berwick**

And the MEA is 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 - Sen. Michael Tipping of Penobscot**

While we are opposed to all of these bills, I want to specifically highlight our opposition to LD 1400, *An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program* and parts of LD 1712, *An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees*.

OPPOSITION TO LD 1400, *An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program*:

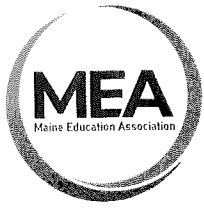
School employees regularly report to us their enthusiasm for the full implementation of the Paid Family and Medical Leave program. For too long, school employees tried to plan their pregnancies for the third week of June, to maximize their baby bonding time. Others endure painful conditions and wait until the summer to undergo treatments or therapies that may be necessary for their well-being. Despite claims to the contrary, I want to assure you teachers and other school employees often put aside their own needs to show up to school to help students.

Teachers and school employees typically accrue sick leave and most have access to fifteen sick days per year. They do not have access to vacation days and only due to the new Earned Paid Leave law they now have a few days to use for specific emergencies.

Teachers and school employees are human beings too. They have babies. They have parents, children and loved ones who fall gravely ill and need help and support. And they too need access to Paid Family and Medical Leave to help them weather the ups and downs of life.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | www.maineea.org



Maine Education Association

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

On Monday, a teacher I know in Lewiston reached out to me. She wanted to have a baby with her husband and did everything she could over more than 4 years to protect her sick days – often pushing her body beyond its normal limits. She saved up 55 days of sick days. She had a baby – a healthy boy. And when she returns to work in a few weeks, her sick leave will be exhausted. She will be left with zero days. If she or her newborn get sick, she will need to go without pay.

At a time when our state is facing critical shortages of teachers, ed techs and other school employees. Exempting school employees from Paid Family Leave will not help address the shortages. It will only make it worse. Exempting teachers and school employees from the state plan will be yet another way educators are disadvantaged compared to their private sector counterparts and it will only hurt our efforts to recruit and retain educators. Another teacher from Topsham reached out to me. She had a son a few years ago and was teaching in Lisbon. There was no paid leave. She made the decision to stay home and care for her newborn and gave up her teaching job – because there was no paid leave. She left teaching and only years later was willing to return. A paid family leave may have helped her return to the classroom sooner.

I will remind the Committee that public school employees (and state employees) have no short-term disability program. This is a donut hole in our current system. In fact, last session this Committee had a public hearing and worked on LD 1152, *An Act to Make Long-term Disability Insurance Coverage Available to Public Employees*. The bill was designed to close this donut hole and provide a short-term disability plan to all MainePERS participants and was submitted after years of study and analysis about this lack of coverage. That bill failed due to the inability to find the \$3.2 to \$7.7 million necessary to fund it appropriately. And the donut hole remains.

LD 1400 is particularly problematic because it proposes to exempt school employees from this important new law if they have a “substantially equivalent plan.” But the bill does not address a substantially equivalent plan. Some may point to a “sick leave bank” as an equivalent plan. Sick Leave banks are systems where employees agree to contribute sick days to a local sick leave bank, and this allows some school employees to utilize sick leave if/when they need it. It is important to note, a sick leave bank uses sick days DONATED from other employees.

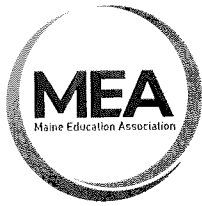
However, not every contract has a sick leave bank. I conducted a cursory review of labor contracts for teachers and school support staff and found no sick banks in RSU 19 (Newport), MSAD 46 (Dexter), RSU 57 (Waterboro) and RSU 25 (Bucksport) to name a few. Frankly, I was surprised how few contracts had negotiated sick leave bank language. Of the ten or so contracts I pulled up, more than half had no sick leave bank.

And even those that have sick leave banks have restrictions – restrictions that severely restrict the usage of these donated days. For example, in Greenville, the sick bank can ONLY be used when the individual’s sick days are at zero and even then, it can only be used for the specific employee, not for a family member in need. Here is what their language says: “The intent is that the days will only be used for the member’s own illness or accident.” The sick bank leave language in the Machias for example caps the number of days at 20. In Calais, usage of any sick leave bank requires the local association to agree to replenish the days in advance of any usage.

Nearly all the sick leave banks I reviewed have some process for management and school employees mutually agree to grant the use of the sick leave bank. Often, there is a committee of two administrators and two union representatives, and a majority of the committee must agree, thus giving either side veto power over the use of the sick leave bank. Nearly every sick leave bank has some caveats or other mechanisms to help administrators maintain control.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | www.maineea.org



Maine Education Association

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

This is no paid leave program. Sick leave banks are an employee donation program to help with horrible situations. We need a Paid Family Leave program. Please vote ought not to pass on LD 1400 and please keep school employees in the present program.

OPPOSITION TO LD 1712, *An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees:*

While we are opposed to many of the bills before you today to delay, repeal or otherwise impede the Paid Family and Medical Leave Program enacted last session, I want to highlight concerns about LD 1712 because it contains specific elements that are problematic and troubling.

First, Sections 2, 6 and 7 of the proposed bill move the premium payments for the Paid Family and Medical Leave program from a mandatory subject of collective bargaining to a nonmandatory issue. This language gives the employer carte blanche to take the full payment from employees without any discussion or bargaining with unionized employees. This is plain wrong. What is next? Are we going to prohibit teachers from negotiating over health insurance premiums? Other premiums? Salaries? In addition, this section of law will contradict current law regarding collective bargaining that has been in place for public sectors workers and unions since the 1960s. Passing this bill, as written, will certainly generate legal questions about which language is controlling and dominant given the conflict between current statute and this proposal.

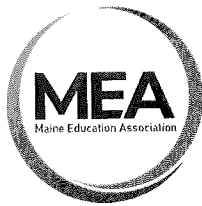
What is more, it is important these premiums remain a mandatory and required matter of collective bargaining because, admittedly, the premiums have a budgetary impact on schools and should be considered part of the total compensation package for teachers and school employees. Removing the premiums from collective bargaining will create more pressure on negotiations with school employees, not less, and will result in more tense negotiations at the bargaining table.

It is important to note, prior to January 1, 2025, the beginning of the premium payments for the Paid Family Leave Program, school districts were required to negotiate the .5% employee share of the premiums with unionized employees. Overwhelmingly, nearly every school district reached an agreement with their employees regarding the .5% employee share. In fact, a number of school districts agreed to pay the full 1% premium costs. These districts are in northern Maine, western Maine, central Maine, and along the coast and of course in southern Maine. We applaud those districts for doing the right thing and covering these necessary costs.

Changing the collective bargaining law around the Paid Family Leave Program could result in chaos as some districts take different approaches and attempt to undo agreements they already reached. This language could interfere with well over two hundred labor contracts at MEA alone, let alone the other unions in or state that represent school employees.

The other fatal flaw in LD 1712 is the language it proposes regarding "undue hardships." The current rule and law on this question has given employers an advantage by allowing them to prevent leave or interfere with the leave an employee needs if they can make a claim of an "undue hardship." The Department of Labor already greatly relaxed the undue hardship provisions during the rulemaking process and empowered employers to deny or interfere with the leave of employees. LD 1712 includes some additional caveats to broaden this scope even more for employers, and even goes so far to state in Section 1 that "an employer may determine additional conditions that constitute undue hardship based on an **individualized assessment** of the effect of the leave request on that employer's operations." This language can be used to deny leave to almost anyone. If schools, already facing staffing shortages, can conduct "individualized assessments," we can fully expect leaves will be

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106



Maine Education Association

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

consistently denied and school employees will be told they need wait to use the leave they need. The bill goes farther, and states “**undue hardship is not reviewable by the department or subject to appeal**,” thus meaning employers have full authority to make undue hardship claims and deny leave to employees. This does not seem fair or rational.

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

For these reasons, we support LD 575 which proposes to remove the undue hardship provisions currently in law. This bill will make sure employees can take leave when they need it and not be subject to arbitrary undue hardship claims. We would prefer this approach and support this bill.

For these reasons and others, I hope this Committee will vote “ought not to pass” on the following bills:

- **LD 1400, HP0922An Act to Exempt Certain Public School Districts and Their Employees from the Paid Family and Medical Leave Benefits Program** - Rep. Nathan Carlow of Buxton
- **LD 406, HP0260An Act to Repeal the Laws Providing for Paid Family and Medical Leave and to Reimburse Taxpayers** - Rep. Joshua Morris of Turner
- **LD 539, HP0358An Act to Repeal the Paid Family and Medical Leave Benefits Program** - Rep. Shelley Rudnicki of Fairfield
- **LD 1249, HP0824An Act to Delay Payment of Benefits Under the Paid Family and Medical Leave Benefits Program** - Rep. Billy Bob Faulkingham of Winter Harbor
- **LD 1273, HP0848An Act to Make Paid Family and Medical Leave Voluntary** - Rep. Billy Bob Faulkingham of Winter Harbor
- **LD 1333, HP0868An Act to Make Changes to the Paid Family and Medical Leave Benefits Program** - Rep. Jennifer Poirier of Skowhegan
- **LD 1307, SP0537An Act to Suspend the Remittance Obligation for Paid Family and Medical Leave Private Plan Users** - Sen. Dick Bradstreet of Kennebec
- **LD 1712, HP1147An Act to Amend the Paid Family and Medical Leave Benefits Program to Balance Support of Businesses and Employees** - Rep. Tiffany Roberts of South Berwick

And we hope the Committee will vote 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** - Sen. Michael Tipping of Penobscot

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