

Testimony in Opposition to LD 833, “An Act to Expand the Earned Paid Leave Exception”

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Good morning, Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor. My name is James Myall and I’m here today to testify on behalf of the Maine Center for Economic Policy against LD 833, “An Act to Expand the Earned Paid Leave Exception.” MECEP opposes LD 833 because it would allow some employers to avoid the protections offered to their workers by Maine’s earned paid leave law.

LD 833 would offer an exemption from Maine’s earned paid leave law to employers who offer facially more generous leave policies than are required under the law. However, the nature of the exemption means that if an employer offers at least 80 hours of paid leave, they do not have to abide by the other provisions of the law. So while they may offer more total leave hours, they would not have to abide by provisions such as:

- The accrual rate of one hour of leave per every 40 hours worked;
- The reasons for use of leave (including sick time and personal leave);
- The carryover of 40 hours of leave from one year to the next; or
- The notice requirements for leave, including the employee’s ability to take emergency leave

Therefore under LD 833, an employer could have a policy which appears to be more generous in the number of hours of leave it offers, but is actually very restrictive in when that leave can be scheduled, for what purposes it can be used, and how much notice the employee has to give.

The current law already allows for employers to offer 80 hours of leave within the framework of the current law, so the only practical effect of LD 833 would be to allow employers to trade more generous amounts of leave for more restrictive uses of such leave.

MECEP believes that all workers deserve the protections offered by the EPL law, and indeed that having a consistent standard across workplaces brings clarity to both workers and employers. And for those reasons we ask you to vote “ought not to pass” on LD 833.

Thank you. I’ll be happy to take any questions.