



Maine Grocers &
Food Producers
Association
PO Box 5234
Augusta, ME 04332
207.622.4461
info@mgfpa.org

Wednesday, April 21, 2021

IN OPPOSITION - LD 938 'An Act To Ensure Maine Workers' Right To Request a Schedule Change at Their Places of Employment'

Dear Senator Hickman, Chair, Representative Sylvester, Chair, and Members of the Labor and Housing Committee,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association. Originally from Augusta, I now live in Sidney. I grew up working at my father's convenience store and coincidentally, now advocate on many of the issues we discussed growing up that affect his business and businesses alike.

The Maine Grocers & Food Producers Association is a business trade association representing more than 200 businesses within Maine's food community; Main street businesses including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

LD 938 would require an employer (of 10 or more) to respond in writing to a requested change in an employee's schedule within 7 days and if they cannot accommodate the request they must include a reason and an alternative option, if available. In today's work environment, those who are not accommodating and meeting their employees' needs are the businesses having the most difficulty retaining their staff. There is a mutual understanding between the employer and the employee in the workplace — an existing understanding to accommodate employees with reasonable and manageable schedules. We question the true need for this to be in Maine's labor laws and whether or not it is simply a solution looking for a problem.

A business with more than 10 employees does not necessarily have a designated human resources staffer within their business. Many times, they've contracted with a consultant or in some instances the owners and managers take on HR related tasks. These small business owners and managers take on many roles whether that be scheduling, product inventory management and receiving goods, to financials and payroll. Our small businesses are tightly managed ships that do not have the manpower to take on additional mandated laborious schedule-management tasks that are best left managed and in a preferred communicated method between the employee and employer.

What are the specifics of this written request format? What are the specifics of the written required reply? Would *all* change requests by *every* employee then have to be in writing and also then documented for record keeping? While the employee may make the request(s) for schedule changes, there are no guarantees that the accommodation must be granted, and we question what then determines and defines an acceptable alternative? How many requests may an employee make and on what ground are their requests considered reasonable? Contrastingly, how is the employee held accountable when they do not abide by the schedule?

Unfortunately, many of our employers have an abundance of employees that do not show-up for their shifts. In addition to the unknowns and complexities, the fine is unreasonably high.

There are so many factors that come into play when crafting a schedule, including promotions and sales, holidays and seasonality influences, product shipment and deliveries, payroll cycles, community and in-store events, and unforeseen factors such as weather (both seasonally “nice” and “poor” conditions), distribution disruptions, just to name a few. Schedules are typically done within a reasonable 1 -2 weeks of posted notice with other changes already coming into play which include employee requested modifications.

Grocers must adapt and prep prior to a large storm (or conversely an employee who cannot make it in because of a storm), or a food producer who receives a large order and may need extra staff to make that essential delivery. The ability to have flexibility and make changes is critically important for the success of our industries and valued by both employee and employers alike. The burdensome management requirements, documentation, and record keeping needs are likely to have unintended consequences resulting in the loss of flexibility.

Scheduling is an amicable relationship between employer and employee; the realities of everyday life and the ability to make changes is an important component best left between the business and employee to manage the balance. We ask the Committee to Vote Ought Not to Pass on LD 938.

Thank you for the opportunity to provide testimony.



Christine Cummings
Executive Director