

Hon. Craig Hickman  
Senate Chair  
Hon. Mike Sylvester  
House Chair  
Joint Standing Committee on Labor and Housing  
Room 208, Cross State Office Building  
Augusta, ME 04330

Wednesday, April 21, 2021

Dear Senator Hickman and Representative Sylvester and honorable members of the Joint Standing Committee on Labor and Housing:

The Maine State Chamber of Commerce wishes to go on record in opposition to **L.D 938, *An Act to ensure Maines Workers' Right to Request a Schedule Change at Their Place of Employment.***

L.D. 938 attempts to create a “one size fits all” approach to workplace scheduling, when in fact, every business approaches scheduling in a different manner, one that best fits the individual company, and the products, goods or services they provide. It is government attempting to once again mandate how an employer is to manage their business, accompanied by the threat of a massive fine for failing to adhere to the mandate.

In those businesses that regularly schedule, an employee is entitled to request a schedule change today at their workplace, and the employer is entitled to grant it or not. In addition, employees in some businesses can make schedule changes with each other, so long as it is approved by the employer, or the schedule is covered. In other words, employers already work with their workers, try to be accommodating when possible, and are open to flexibility.

L.D. 938 contains numerous unanswered questions – all of which leave the employer open to the \$5000 fine. For example, an employee is entitled to request a schedule change for up to a year. But if granted, what if things change in the workplace, and the employer is required to adjust their agreement? What if it necessary to revoke the agreed upon change? Are they entitled to make such an adjustment? What if the employee objects, but the employer moves forward with the needed change regardless? Does this constitute a violation?

While the employer is not required to grant a schedule request, what constitutes a denial that would avoid a complaint or fine? Is a simple, “no, sorry that won’t work for me” enough, or must there be a more detailed denial? How much detail is sufficient to fulfill the requirement of the law? In addition, the reason for the denial must be in writing, but what

does that mean? Is a letter required? Is a text sufficient? How is an “alternative” defined that does not expose the employer to a violation?

Lastly, while the bill exempts business with 10 or fewer employees, the proposal just creates a different type of issue for larger employees. In other words, the more employees, the greater the potential for requests for schedule changes. This could create an administrative nightmare for HR departments, in addition to impeding a business owners’ ability to manage their workplace in the manner that best suits them. In a business with 10,000 employees *statewide*, there is considerable opportunity for schedule changes – and subsequent error. Even an inadvertent mistake, like failing to respond within the 7-day notice requirement, exposes them to a \$5000 civil fine that goes to whom? It appears the fine may go to the aggrieved employee since it is a civil violation, but the bill is unclear.

In today’s workplace, with the challenges business owners have in finding workers and retaining them, there is every incentive to work with employees when it comes to issues like scheduling. Workplace flexibility is one benefit that employers try to provide as part of their overall compensation. Not every employer can be flexible. The nature of certain business may not lend itself in this way, but where they can, they do. We think L.D 938 is both unnecessary, and an intrusion into the everyday management decisions employers must make to be successful and survive. We would urge this committee to give L.D. 938 a unanimous ought not to pass recommendation. Thank you for the opportunity to provide you with our concerns.

Peter M. Gore

Executive Vice President  
Maine State Chamber of Commerce