



**Alison Sucy, Chief Operating Officer & Director of Government Affairs  
On Behalf of the Maine Tourism Association**

**In Opposition To**

***LD 938, An Act To Ensure Maine Workers' Right To Request a Schedule Change  
at Their Places of Employment***

April 21, 2021

My name is Alison Sucy, and I am the Chief Operating Officer and Director of Government Affairs for the Maine Tourism Association. The Maine Tourism Association (MTA) is the state's largest advocate for all tourism-related businesses. Incorporated in 1922, MTA members include lodging, camps, restaurants, campgrounds, retail, outdoor recreation, guides, tour operators, amusements, and cultural and historical attractions. MTA also operates the seven State Visitor Information Centers from Kittery to Calais, and annually produces the state's official travel planner, *Maine Invites You*. I offer this testimony in opposition to LD 938.

In the tourism industry, flexibility is critical to any business capacity to function. Large parties may show up at restaurants with little notice, or weather may cause a great increase or decrease in attendance at amusement parks, museums, or theaters, or on tours. In a small town, a funeral or other unexpected event may cause a hotel to fill up at the last minute. Some short notice changes are an expected and necessary part of many tourism businesses.

Workers value flexibility as an important factor when choosing the tourism industry, and this flexibility is a two-way street. Employees want time off for vacation, sick days, doctor appointments, children's school events, sports schedules, and other family activities. Employers, who are facing severe workforce shortages, want to do everything they can do accommodate their employees and keep those workers happy and employed with them for the long-term--both year-round employees and those seasonal workers who return year after year.

For younger workers, seasonal workers, and retirees working part-time, the availability of additional shifts and the ability to make last minute changes to accommodate other jobs, school, or family obligations are critically important to them. Employers balance that with ensuring their customers and guests receive the top-quality hospitality for which Maine is known.

To have a statute dictate that schedule change requests and responses must be in writing is unnecessary micromanagement by the state. It burdens both employees and employers. Employees who switch shifts often discuss it with each other and then merely notify their supervisor or employer. Now one employee would have to provide a written request, wait for the employer's response. If positive, then the other employee would have to also submit a written request and wait to receive the response. A solution to a simple switch in shifts could take a matter of 2-3 minutes of conversation, at most.

There is already a procedure under the Earned Paid Leave law for time off requests with up to four weeks' notice for non-emergency leave. Why is this additional step for schedule changes not due to sick, vacation, or bereavement leave needed? What if the change requested is for a shift that is within less than the seven days the employer has to respond? What if two employees switch shifts and hadn't requested the change in writing? Should they also have a \$5000 fine imposed upon them?

To fine employers \$5000 for making or approving schedule changes orally rather than in writing would be highly detrimental to our businesses and it is unnecessarily and disproportionately punitive.

This bill is an unnecessary law that would burden the already-suffering tourism industry. I encourage you to vote Ought Not To Pass. Thank you for your consideration.