

## **TESTIMONY**

In Support of

### **LD 912: An Act To Extend Family Medical Leave to Hourly School Employees, as amended**

John Kosinski, Government Relations Director, Maine Education Association

Before the Joint Standing Committee on Labor and Housing

**May 7<sup>th</sup>, 2021**

Senator Hickman, Representative Sylvester, and distinguished members of the Joint Standing Committee on Labor and Housing. My name is John Kosinski, and I am here on behalf of the Maine Education Association (MEA) to testify in support of LD 912, An Act To Extend Family Medical Leave to Hourly School Employees, as amended.

When many of us think of public schools, we often think about the hardworking and dedicated teachers in our public schools. But we all know that bus drivers, ed techs, school secretaries, cafeteria staff and the other hourly employees who work in our schools are extremely valuable members of our school communities. The roles they play are critical to the operation of our schools, but also critical to the well-being and the learning and development of students -- yet so often they are undervalued, overlooked, and underpaid.

One example where hourly school employees are overlooked is in the application of the state's current family and medical leave protections. These protections are critical for working people. They provide job security when a worker needs to take time off to care for a newborn, or a sick loved one, or to take care of their own illness. However, sadly, due to the interpretation of some school administrators and their counsel, the state's family and medical leave protections may not apply to school employees, especially hourly employees.

The current state family and medical leave provisions, found in Title 26 MRSA §844, sub-§1, require an employee to work for "12 consecutive months" to qualify. Most school employees do not work for 12 consecutive months. They often are contracted to work 180 days or less. The language requiring employees to work for "12 consecutive months" is perhaps an oversight but is sometimes used to deny family and medical leave protections for hourly school employees.

The amended version of LD 912 presented by Representative Roeder would do two things.

First, it would allow employees who work more than 900 hours in the previous school year to qualify for family and medical leave protections. If an hourly employee works 30 hours per week for 37 weeks, a typical schedule

for ed techs and other hourly school employees, they will have worked 1,110 hours. Under this proposal, they would qualify for the family and medical leave protections, where they may not currently.

Second, the proposal, as we understand it, would also apply the federal Family and Medical Leave Act protections rather than the state protections. The federal FMLA program provides 12 weeks of leave every year, whereas the state program only provides up to 10 weeks of leave every two years. In addition, and perhaps most important, the federal FMLA program protects the health insurance coverage for workers while they utilize the leave, whereas the state program does not.

It is important to note, New Hampshire passed a very similar law to address the same issue.

We hope this Committee will demonstrate its support for the hourly school employees by supporting LD 912, as amended.

Thank you for your time and I am happy to answer any questions you may have.