

Michael Sylvester  
Peaks Island  
LD 460

Testimony LD 460

Senator Daughtry and esteemed members of the Labor and Housing Committee, thank you for letting me testify on these two bills today, LD 460, AN ACT TO AMEND CERTAIN EMPLOYMENT LAWS TO HELP FRONT LINE WORKERS, and LD 831, AN ACT TO AID WORKFORCE DEVELOPMENT. Both of these bills were titles that I put in as concept drafts with the Office of the Revisor in case there were additional workforce problems brought on by Covid-19 that we could not foresee when we put our bills in a year and a half ago.

LD 460, AN ACT TO AMEND CERTAIN EMPLOYMENT LAWS TO HELP FRONT LINE WORKERS is a very straight forward problem and one we addressed when we were discussing school personnel and Covid leave. At that time, I believe it was Representative Drinkwater who said that there were lots of workers who were in a similar situation of being without sick leave of any kind. That's what LD 460 is trying to address.

Much of the restaurant industry has either been working non-stop throughout the pandemic whether in a take out or dine in capacity or they were forced to find new employment when their restaurants closed down temporarily or, in some cases, permanently. I have a lot of conversations from servers who tell me that they no longer have any paid time off if they test positive for Covid. Most of them tell me the story of themselves or a loved one catching Covid at work once or multiple times. If their employer was large enough to offer PTO then they have expended it. If they were not large enough, then they similarly do not have access to sick leave if they come down with Covid. They do not have the savings to take unpaid time so they are forced into the choice that we have all heard about too much. The choice to go to work sick, to go to work with a sick spouse or child at home when they may have been exposed or to pile up bills as they do the right thing and recover at home.

LD 460 tries to solve this problem in a simplistic fashion. The original bill says that restaurant workers are entitled to 80 hours of covid sick leave. The amendment that I am offering you today and which is attached to the end of this testimony as well as now in the chat proposes that the state creates a fund of \$1,000,000 dollars from surplus funds to provide sick leave to restaurant workers. This fund could be in DOL but more likely from DECD. It would reimburse employers directly for the cost of the sick leave. When exhausted, the fund would no longer exist. The Department of Economic Development shall develop rules to disburse the money.

And with that, I'd be happy to answer any questions.

Committee: LBHS

LA: SL

File Name:G:\COMMITTEES\LBHS\Bill Amendments\130th 2nd\246102.docx LR (item):  
246102

New Title?: N

Add Emergency?:

Date: February 22, 2022

LD 460 PROPOSED AMENDMENT Offered by Rep. Sylvester

Sponsor Amendment " " to LD 460, "An Act To Amend Certain Employment Laws To Help Front-line and Other Workers"

Amend the title by striking it and inserting: "An Act To Grant Sick Leave to Restaurant Employees Affected by COVID-19"

Amend the bill by inserting before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, restaurants are struggling with unanticipated labor shortages and labor interruptions;

Whereas, many restaurant employees have exhausted their accrued sick leave time;

Whereas, many restaurant employees have to take unpaid sick leave due to reasons beyond their control; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. 26 MRSA §876 is enacted to read:

§876. Employer to grant sick leave to restaurant employees affected by COVID-19

A restaurant employer shall grant up to 80 hours of paid sick leave to a restaurant employee affected by the illness caused by infection with the coronavirus SARS-CoV-2, referred to in this section as "COVID-19," in accordance with the following.

1. Requirements. A restaurant employee who is affected by COVID-19 is granted up to a maximum of 80 hours of paid sick leave when needed by the employee because the employee:

A. Is subject to a federal, state or local quarantine order related to COVID-19;

B. Has been or is advised by a health care provider to self-quarantine for reasons related to COVID-19;

Office of Policy and Legal Analysis draft

C. Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;

D. Is caring for an individual subject to a federal, state or local quarantine order related to COVID-19; or

E. Is a parent or guardian who is providing care for a child whose school or place of child care is closed or unavailable due to precautions related to COVID-19.

2. Application. This section applies only to a restaurant employee who has exhausted the employee's paid sick leave or to an employee who does not otherwise receive sick paid leave at the employee's place of employment. This section applies until the employee has been granted a maximum of 80 hours of paid sick leave for the purposes described in this section.

3. Grant Program. The Department of Economic Development shall create a program to disperse up to \$1,000,000 dollars of grant funding directly to restaurant owners to reimburse restaurant owners.

Rulemaking.

The department shall adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

\*\*\*\*\$1,000,0000 GF fiscal note to be added by OFPR for the purposes of this legislation\*\*\*\*

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

#### SUMMARY

This amendment replaces the bill, which is a concept draft. This amendment provides that a restaurant employer shall grant up to 80 hours of sick leave time to an employee affected by COVID-19. This sick leave shall be reimbursed by the Department of Economic Development which shall develop rules and oversee disbursement of the program.

Office of Policy and Legal Analysis draft