

The Maine Heritage Policy Center Testimony on LD 1345 “An Act To Ensure a Fair Workweek”

Senator Bellows, Representative Sylvester, and members of the Committee on Labor and Housing, my name is Adam Crepeau and I serve as a policy analyst at the Maine Heritage Policy Center. Thank you for the opportunity to express our opposition to LD 1345.

There’s no doubt that last-minute changes to work schedules can be a headache for workers, and that some employers fail to do enough to create predictable schedules for their employees. But in seeking to establish tighter worker protections, this bill goes too far and threatens to cause unintended effects that will harm the very employees it seeks to help.

These sorts of scheduling laws are fairly new -- San Francisco was the first jurisdiction to adopt such a policy in 2014 -- and the evidence so far provides good reason for caution. A 2016 study found that San Francisco’s policy had caused 35 percent of employers to be less flexible with employee schedules. More importantly, 17 percent were offering fewer jobs across the board and 21 percent of businesses were offering fewer part-time shifts.¹

These real-world results highlight the unintended consequences of well-meaning advanced scheduling mandates. Employers respond by making work schedules more rigid and less adaptable to the dynamic needs of their employees. Workers who previously valued the opportunity to pick up an occasional extra shift on short notice may lose this ability, reducing their income. At the same time, the burdens of complying with the regulations make employers reluctant to hire workers, particularly for part-time, variable-hour positions.

Even without restrictive scheduling requirements, the problem of employees being forced to work an unexpected shift is not pervasive. In San Francisco, just one in seven part-time workers are estimated to be working that schedule involuntarily.² The reason is simple. An employer who consistently calls employees to work on short notice is unlikely to retain a quality workforce or stay in business long. On the other hand, employers who take care to give employees ample notice of scheduling decisions will attract better, more productive workers. There are exceptions, of course, but market forces still provide a powerful incentive to treat employees well.

¹ “Weighing Priorities for Part-Time Workers.” Employment Policis Institute. 2016.
https://www.epionline.org/wp-content/uploads/2016/05/EPI_WeighingPriorities-32.pdf

² Ibid.

By targeting businesses with as few as five employees, this bill would impose significant burdens on mom-and-pop shops, restaurants, contractors, and other small businesses. Since employers with between five and 100 employees make up about 40 percent of all businesses in Maine and account for the majority of jobs, making it harder for these businesses is the wrong approach.³

Its intentions are laudable, but this bill would do more harm than good to Maine's part-time workforce and small business community. I urge you to vote "Ought Not to Pass." Thank you.

³ U.S. Census Bureau.

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=BP_2016_00A2&prodType=table