

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1051

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S.P. 311

In Senate, February 28, 2019

### An Act To Create the Maine Family First Employer Program

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HERBIG of Waldo.  
Cosponsored by Speaker GIDEON of Freeport and  
Senators: KEIM of Oxford, MILLETT of Cumberland, POULIOT of Kennebec, ROSEN of  
Hancock, Representatives: AUSTIN of Gray, CUDDY of Winterport, DAUGHTRY of  
Brunswick, HIGGINS of Dover-Foxcroft.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §10** is enacted to read:

3 **§10. Maine Family First Employer Program**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Department" means the Department of Labor.

7 B. "Designation" means designation as a Maine family first employer.

8 C. "Employer" means a person engaged in business in the State that employs full  
9 time one or more persons. "Employer" includes the State and any political  
10 subdivision with one or more employees.

11 D. "Program" means the Maine Family First Employer Program established in this  
12 section.

13 **2. Program established.** The Maine Family First Employer Program is established  
14 within the department to award a designation to an employer who meets criteria under  
15 subsection 3.

16 **3. Program criteria.** In order to be eligible for the program, an employer, with  
17 respect to all full-time employees, must meet at least 4 of the following criteria:

18 A. Demonstrate that all employees, including women, persons of color and persons  
19 with disabilities, have equal opportunity to advance to leadership positions as  
20 provided in Title 5, chapter 337, subchapter 3;

21 B. Provide employees with access to or the opportunity to take time off for  
22 mentorship training or leadership opportunities to assist in advancing to leadership  
23 positions;

24 C. Demonstrate that the employer does not pay different wage rates to employees for  
25 substantially similar work when the work is viewed as a composite of skill, effort and  
26 responsibility and is performed under the same working conditions, except when the  
27 wage rate difference is based upon one or more of the following:

28 (1) A seniority system;

29 (2) A merit system;

30 (3) A system that measures earnings by quantity or quality of production; or

31 (4) A bona fide reason such as education, training or experience;

32 D. Make a child care stipend, facility or service available to employees or qualify for  
33 the federal employer-provided child care tax credit under 26 United States Code,  
34 Section 45F;

35 E. Provide employees at least 2 weeks' paid leave, in addition to other sick or  
36 vacation time that employees may accrue, for the birth or adoption of a child, medical  
37 care of the employees and, if possible, medical care of family members of employees;

1 F. Provide employees with flexible work arrangements to accommodate important  
2 family obligations;

3 G. Provide health insurance options for or contribute to the health insurance costs of  
4 employees and dependents of employees; and

5 H. Contribute to each employee's retirement benefit plan at a level equal to or greater  
6 than the minimum contribution required for an employee to participate in the  
7 retirement plan.

8 **4. Program procedures.** The department shall establish procedures by rule for the  
9 program by which an employer may apply for and be awarded a designation for a 3-year  
10 period. The application for the designation must include the following:

11 A. The employer's name and address and a description of the type of business or  
12 industry or the department of the employer;

13 B. Evidence that the employer meets at least 4 of the criteria under subsection 3; and

14 C. The signature of the owner, manager, chief executive officer, supervisor or  
15 department head of the employer, or the owner's, manager's, chief executive officer's,  
16 supervisor's or department head's designee, attesting that the information provided in  
17 the application is correct. The department may revoke a designation if an employer  
18 knowingly provides false information on the application.

19 **5. Determination of designation.** The department shall review all applications to  
20 determine eligibility for a designation. If an employer meets all of the criteria in  
21 subsection 3, the employer is entitled to a platinum designation. If an employer meets at  
22 least 4 but not all of the criteria in subsection 3, the employer is entitled to a gold  
23 designation.

24 **6. Award of the designation; logo.** The Governor shall award in writing or  
25 electronically the designation to an employer that the department has determined is  
26 entitled to a designation under subsection 5. The department shall create a logo to be  
27 included in the awarding of the designation that an employer that is awarded a  
28 designation may use for promotional purposes. A person who has not received a  
29 designation under this subsection may not use the logo for any purpose.

30 **7. List of designated employers.** The department shall publish a list of all  
31 designated employers under subsection 5 on the department's publicly accessible website.  
32 The department shall update the list at least 3 times per year.

33 **8. Rules.** The department may adopt routine technical rules as defined in Title 5,  
34 chapter 375, subchapter 2-A to carry out the purposes of this section.

35 **SUMMARY**

36 This bill creates the Maine Family First Employer Program under the Department of  
37 Labor to award employers that create family-friendly workplaces by providing, for all  
38 full-time employees, advancement and leadership opportunities; the same pay rates for  
39 similar work; stipends or assistance for child care; paid leave for the birth or adoption of a

1 child and medical care for employees or family members of employees; flexible work  
2 accommodations for other family obligations; and health insurance and retirement plan  
3 options. The awards are presented by the Governor and come with a logo that a  
4 designated employer may use for promotional purposes.