

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 961

---

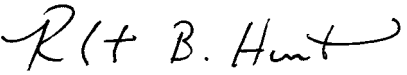
H.P. 608

House of Representatives, March 2, 2023

### **An Act Regarding the Right to Request Flexible Working Arrangements for Employees**

---

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.

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

2               **Sec. 1. 26 MRSA §600-B** is enacted to read:

3       **§600-B. Flexible working arrangements**

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

6               A. "Flexible working arrangement" means temporary changes in the employee's  
7 regular working arrangements that last up to one calendar year, including:

8                       (1) Changes in the number of days or hours worked;

9                       (2) Changes in the time the employee arrives to or departs from work;

10                      (3) Working from home; and

11                      (4) Job-sharing.

12               "Flexible working arrangement" does not include routine scheduling of shifts, vacation  
13 or other employee leave.

14               B. "Inconsistent with business operations" includes, with regard to a flexible working  
15 arrangement, the following conditions:

16                      (1) The burden of additional costs on an employer;

17                      (2) A detrimental effect, unrelated to discrimination or other unlawful employment  
18 practices, on aggregate employee morale;

19                      (3) A detrimental effect on the ability of an employer to meet consumer demand;

20                      (4) An inability to reorganize work among existing staff;

21                      (5) An inability to recruit additional staff;

22                      (6) A detrimental impact on business quality or business performance;

23                      (7) An insufficiency of work during the periods the employee proposes to work;  
24 and

25                      (8) Planned structural changes to the business.

26               **2. Right to request a flexible working arrangement.** An employee may request a  
27 flexible working arrangement up to twice per calendar year. The employer shall consider a  
28 request in accordance with subsection 3 twice per calendar year. A flexible working  
29 arrangement under this section must meet the needs of the employer and employee.

30               **3. Request and response.** The employer shall discuss in good faith the request for a  
31 flexible working arrangement with the employee. The employer and employee may  
32 propose alternative arrangements during the discussion. The employer shall consider the  
33 employee's request for a flexible working arrangement and whether the request can be  
34 granted in a manner that is not inconsistent with business operations or the employer's legal  
35 or contractual obligations. The employer is not required to grant the request. The employer  
36 shall notify the employee of the employer's decision regarding the request. If the request  
37 was submitted in writing, the employer shall state any complete or partial denial of the  
38 request in writing.

**4. Other rights not diminished.** This section does not diminish any rights of any employee under this chapter or pursuant to a collective bargaining agreement. An employer may institute a flexible working arrangement policy that is more flexible than is provided by this section. This section does not affect any legal rights an employer or employee may have under applicable law to create, modify or terminate a flexible working arrangement.

**5. Retaliation prohibited.** An employer may not retaliate against an employee exercising a right under this section. An employer may not discharge an employee from employment or discriminate against an employee because that employee asserted or attempted to assert the right to make a request under this section.

**6. Enforcement.** An employer that violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 per violation may be adjudged. The Department of Labor shall enforce this section.

## SUMMARY

This bill allows employees to request a flexible working arrangement from an employer up to twice per year. An employer must consider a request by an employee for a flexible working arrangement twice per year and discuss the flexible working arrangement with the employee in good faith. The employee and employer may discuss alternative arrangements to the flexible working arrangement. The employer is not required to grant the employee's request for a flexible working arrangement.