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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 398, L.D. 553, “An Act To End At-will Employment”

Amend the bill by inserting after section 1 the following:

'Sec. 2. 26 MRSA §600-A is enacted to read:

§600-A. Written employee personnel policy

1. Written employee personnel policy required. An employer shall provide to an employee a copy of the employer's written employee personnel policy. The policy may be in the form of an employee handbook or in another form as determined by the employer. The policy must include a list of offenses for which an employee may be terminated pursuant to section 3702, subsection 3. The employer shall provide to the employee changes to the policy at least 7 days prior to the implementation of any change made by the employer.'

Amend the bill in section 2 in c. 47 in §3701 in subsection 1 in the last line (page 1, line 12 in L.D.) by inserting after the following: "employment" the following: ', except that "cause" does not mean a layoff due to a reduction of operations at the employee's place of employment due to downsizing or restructuring, the seasonal nature of the employer or other economic conditions as determined by the employer'

Amend the bill in section 2 in c. 47 in §3701 in subsection 3 in the 2nd line (page 1, line 17 in L.D.) by striking out the following: "next"

Amend the bill in section 2 in c. 47 by striking out all of §3702 (page 1, lines 21 to 27 in L.D.) and inserting the following:

§3702. Termination for cause

Notwithstanding any provision of law to the contrary, an employer may not terminate the employment of an employee without cause. An employer may terminate an employee for cause only if the employer has followed a progressive discipline policy in accordance with section 3703, except that an employer may proceed to immediate termination with notice as required under section 3703, subsection 2 in the following circumstances:

COMMITTEE AMENDMENT

- 1 **1. Violation of state law.** The employee has violated any state law;
- 2 **2. Judgment of employer.** The employee has committed an action that, in the
- 3 judgment of the employer:
- 4 A. Endangers the safety or well-being of the employer, another employee or a
- 5 customer;
- 6 B. Hinders the ability to operate the business under normal operating conditions; or
- 7 C. May harm the reputation of the business in the community; or
- 8 **3. Violation of written policy.** The employee has committed an offense that is listed
- 9 in a written policy provided to employees pursuant to section 600-A as an offense for which
- 10 an employee may be terminated.'

11 Amend the bill by inserting after section 2 the following:

12 '**Sec. 3. Appropriations and allocations.** The following appropriations and

13 allocations are made.

14 **LABOR, DEPARTMENT OF**

15 **Regulation and Enforcement 0159**

16 Initiative: Provides ongoing funds for 4 Labor and Safety Inspector positions and 2

17 Consumer Assistant Specialist positions and related All Other costs associated with the

18 education, outreach and enforcement of the law that prohibits an employer from

19 terminating the employment of an employee without cause.

20 GENERAL FUND	2021-22	2022-23
21 POSITIONS - LEGISLATIVE COUNT	6.000	6.000
22 Personal Services	\$349,968	\$482,234
23 All Other	\$30,534	\$30,534
24		
25 GENERAL FUND TOTAL	\$380,502	\$512,768

26 '

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section

28 number to read consecutively.

29 **SUMMARY**

30 This amendment is the majority report of the committee. This amendment clarifies that

31 "cause" does not mean a layoff due to a reduction of operations at the employee's place of

32 employment due to downsizing or restructuring, the seasonal nature of the employer or

33 other economic conditions as determined by the employer. This amendment allows an

34 employer to immediately terminate an employee for an action that, in the judgment of the

35 employer:

- 36 1. Has endangered the safety or well-being of the employer, an employee or a
- 37 customer;
- 38 2. Has hindered the ability to operate the business under normal operating conditions;
- 39 or
- 40 3. May harm the reputation of the business in the community.

1 It allows an employer to terminate an employee for committing an offense that is listed
2 in written employee personnel policies as an offense for which an employee may be
3 terminated. It also adds an appropriations and allocations section.

4
5

FISCAL NOTE REQUIRED
(See attached)