



27 State St Ste 44 Bangor ME 04401 (207) 990-0672
145 Lisbon St Ste 201 Lewiston ME 04240 (207) 782-7876
565 Congress St Ste 200 Portland ME 04101 (207) 797-0967
www.MainePeoplesAlliance.org

Testimony in Support LD 402, An Act To Restore Overtime Protections for Maine Workers

March 11, 2019

Senator Bellows, Representative Sylvester, and honorable members of the Labor and Housing Committee:

My name is Taryn Hallweaver. I am the Political and Legislative Director for the Maine People's Alliance. On behalf of the 32,000 members of the Maine People's Alliance, I am pleased today offer testimony in support of LD 402, An Act To Restore Overtime Protections for Maine Workers.

We support this policy because the 40-hour workweek, and the idea that folks working overtime ought to be paid for their extra labor, are fundamental to the social contract of work in our country—but both have been severely eroded over time.

The federal Fair Labor Standards Act, passed in 1938, was designed to ensure that low-wage workers are automatically eligible for overtime. But the salary threshold hasn't been significantly updated since 1975. At that time, 62% of salaried Americans earned below the threshold amount below which salaried workers are automatically considered eligible for overtime. In 2013, only 11% of workers were below the threshold. In a time of increasing economic insecurity,

This bill mirrors the Department of Labor rule proposed in 2016 to restore the intent of the FLSA. This bill would increase the threshold in Maine (currently set at \$36,000 per year) gradually, reaching \$55,224 by 2022, and index it thereafter. (Note that this figure is higher than that suggested by the 2016 proposal, in order to adjust for inflation and the five years of wage growth since then.)

LD 402 would cover 42% of salaried workers in Maine, to allow them a better work-life balance and fair compensation for their labor in cases when they work more than 40 hours. Out of the just-under 28,000 Maine workers who would gain overtime protection, 13,500 of them—nearly half—ought to *already* be overtime eligible; but despite their salaries being above the current threshold, their job classifications exclude them. (The current “duties tests” are complicated and ambiguous, leading to both accidental and intentional underpayment of workers.)

The rest of the 14,000 workers will be newly overtime eligible. These workers are typically middle-class, low-level managers who are expected to work long hours without extra pay—including nurses, social workers, administrative assistants, retail workers, and food servers.

Everyone deserves to be fairly compensated for their labor and overtime. We're long overdue for an update to the FLSA, and LD 402 is a solution at our fingertips. We urge the committee to vote “ought to pass.” Thank you for your time.

Taryn Hallweaver
Political and Legislative Director
Maine People's Alliance
taryn@mainepeoplesalliance.org