

## Meeting of the Paid Family and Medical Leave Benefits Authority

Monday September 30, 2024 1:00pm

Frances Perkins Room, 45 Commerce Drive, Augusta ME

### Authority members in attendance:

- Maria Fox, Chair
- Samuel Hight, Vice-chair
- David Barber
- Tina Bonney
- Joan Cohen
- Douglas Cotnoir
- Sarah Conroy
- Michelle Corry
- Ranae L'Italien
- Jay Naliboff
- Kimberly Smith
- Jenni Tilton-Flood
- Christopher Washburn
- Benjamin Grant (remote)

### Staff members in attendance

- Director Luke Monahan
- Deputy Director Reggie Parson
- Division Director Sarah Brydon
- Division Director Tim Applegate
- AAG Nancy Macirowski
- Management Analyst II Safiya Khalid

Chair Fox welcomed attendees and opened the meeting.

Authority Member Barber made a motion to approve the minutes of the September 3, 2024 meeting, seconded by Authority Member Naliboff. The Authority voted unanimously to approve them as distributed.

The Authority discussed the content of the current draft version of the rule.

Chair Fox made a motion to have the Authority submit a public comment recommending to replace the phrase "The employer may reasonably determine that schedule of leave creations an undue

hardship” (which had itself replaced the sentence “An employer claiming an undue hardship with respect to the schedule of foreseeable leave has the burden to prove the undue hardship”) with the following: “To demonstrate undue hardship, the employer bears the burden to show that it has reasonably determined the employee’s requested schedule for leave creates an undue hardship for the business.”

The motion was seconded by Authority Member Naliboff.

The vote was 12 in favor, 1 opposed, and 1 abstention; motion passed.

Roll call: Barber (YES), Bonney (YES), Cohen (ABSTAIN), Cotnoir (YES), Conroy (YES), Corry (NO), L’Italien (YES), Naliboff (YES), Smith (YES), Tilton-Flood (YES), Washburn (YES), Grant (YES), Hight (YES), Fox (YES)

Authority Member Tilton-Flood made a motion to have the Authority submit a public comment recommending that instead of saying a private plan “must allow for at least 10 weeks of aggregate leave per benefit year,” the rule should say “in general, the plan must allow for at least 12 weeks of aggregate leave per benefit year, except by voluntary agreement between employer and employee.”

The motion was seconded by Authority Member Cotnoir.

Authority Member Tilton-Flood offered a friendly amendment to remove the phrasing “except by voluntary agreement between employer and employee” from the recommended verbiage in the motion. This was also seconded by Authority Member Cotnoir.

The vote was 9 in favor, 3 opposed, and 1 abstention; motion passed.

Roll call: Barber (NO), Bonney (NO), Cohen (ABSTAIN), Cotnoir (YES), Conroy (YES), Corry (YES), L’Italien (YES), Naliboff (YES), Smith (NO), Tilton-Flood (YES), Washburn (YES), Grant (ABSENT), Hight (YES), Fox (YES)

Vice-chair Hight moved to adjourn, seconded by Authority Member Bonney. The Authority voted unanimously to adjourn at 3:11 pm.