

Date:

(Filing No. H-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 128TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1016, L.D. 1477, Bill, “An Act To Coordinate and Enforce Existing Workplace Training Requirements”

Amend the bill in section 2 in §807 in subsection 1 in the 6th line (page 1, line 14 in L.D.) by striking out the following: "shall" and inserting the following: '~~shall~~ may

Amend the bill in section 2 in §807 by striking out all of subsections 4 and 5 (page 2, lines 8 to 22 in L.D.) and inserting the following:

4. Compliance checklist. The department shall develop a compliance checklist for employers covering the requirements under subsection 3. The checklist must be made available on the department’s publicly accessible website. The commission shall provide a link to the compliance checklist on the commission’s publicly accessible website. Employers shall use the checklist to develop a sexual harassment training program and shall keep a record of the training, including a record of employees who have received the required training. Training records must be maintained for at least 3 years and must be made available for department inspection upon request.

5. Enforcement. The department shall enforce the notification requirement under this section and, upon inspection or complaint, shall ensure that employers have provided the training as required by subsection 3. If the department has determined that an employer has complied with the provisions of this subchapter, that determination and all completed department enforcement actions are considered final. Department actions under this subchapter do not limit or affect the authority or jurisdiction of the commission.

The commission may request department enforcement records related to a complaint filed with the commission when the complaint is related to this subsection. Such records are subject to section 3.'

SUMMARY

This amendment makes the following changes to the bill.

1 1. It provides that the Maine Human Rights Commission may provide its sexual
2 harassment workplace poster at no cost to employers, instead of being required to do so.

3 2. It replaces the requirement that the Maine Human Rights Commission provide
4 employers with a training guide and instead directs the Department of Labor to develop a
5 compliance checklist and post it on the department's website. Employers must use the
6 checklist to develop their required sexual harassment training program. Employers must
7 keep a record of the training, including a record of employees who have received the
8 required training, must maintain training records for 3 years and must make such records
9 available to the department for inspection.

10 3. It removes the provision that would have prevented the Maine Human Rights
11 Commission from challenging a determination or completed enforcement action by the
12 Department of Labor related to the sexual harassment training requirements and provides
13 that such actions do not limit or affect the authority or jurisdiction of the commission.