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Legislative Document

No. 1451

H.P. 1063

House of Representatives, April 2, 2019

**An Act Providing Labor Unions with Reasonable Access to Current
and Newly Hired Public Sector Workers**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.
Cosponsored by President JACKSON of Aroostook and
Representatives: Speaker GIDEON of Freeport, SYLVESTER of Portland.

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

2 **Sec. 1. 26 MRSA §975** is enacted to read:

3 **§975. Bargaining agent access**

4 **1. Bargaining agent access to employees.** Public employers shall provide to a
5 bargaining agent access to members of the bargaining unit that the bargaining agent
6 exclusively represents. Access must include, but is not limited to, the following:

7 A. The right to meet with individual employees on the premises of the public
8 employer's workplace during the work day to investigate and discuss grievances,
9 workplace-related complaints and other workplace issues;

10 B. The right to conduct workplace meetings during lunch and other breaks, and
11 before and after the work day, on the public employer's premises to discuss
12 workplace issues, collective bargaining negotiations, the administration of collective
13 bargaining agreements and other matters related to the duties of a bargaining agent
14 and internal bargaining agent matters involving the governance or the business of the
15 bargaining agent;

16 C. The right to meet with newly hired employees, without charge to the pay or leave
17 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days
18 after receipt of the information provided pursuant to subsection 2, during new
19 employee orientations or, if the employer does not conduct new employee
20 orientations, at individual or group meetings; and

21 D. The right to use the e-mail system of a public employer to communicate with
22 bargaining unit members regarding official bargaining agent matters including, but
23 not limited to, elections, meetings and social activities, as long as the use of the
24 e-mail system does not create an unreasonable burden on the public employer's
25 network capabilities or system administration.

26 **2. Bargaining agent access to employee information.** Public employers shall
27 provide to a bargaining agent access to information about members of the bargaining unit
28 that the bargaining agent exclusively represents, as follows.

29 A. Not later than 10 calendar days after the date a prospective school employee
30 accepts an offer of employment or not later than 10 calendar days after the date of
31 hire for all other public employees, public employers shall provide the following
32 information to a bargaining agent in spreadsheet file format or another format agreed
33 to by the bargaining agent:

34 (1) Name;

35 (2) Job title;

36 (3) Workplace location;

37 (4) Home address;

38 (5) Work telephone numbers;

39 (6) Home telephone and personal cellular telephone numbers, if known;

- 1 (7) Work e-mail address;
- 2 (8) Personal e-mail address, if known; and
- 3 (9) Date of hire.

4 B. The following are not public records as defined in Title 1, section 402, subsection
5 3 and are confidential and may not be disclosed by the public employer, except as
6 provided in paragraph A:

- 7 (1) Home addresses, home or personal telephone numbers, personal e-mail
8 addresses and dates of birth of employees;
- 9 (2) Names of employees within a bargaining unit; and
- 10 (3) Communications between a bargaining agent and its members.

11 **3. Bargaining agent access to government buildings and facilities.** The
12 bargaining agent has the right to use government buildings and other facilities that are
13 owned or leased by government entities to conduct meetings with bargaining unit
14 members regarding bargaining negotiations, the administration of collective bargaining
15 agreements, the investigation of grievances, other workplace-related complaints and
16 issues and internal matters involving the governance or business of the bargaining agent,
17 as long as that use does not interfere with governmental operations. A bargaining agent
18 conducting a meeting in a government building or facility pursuant to this section may be
19 charged for maintenance, security and other costs related to the use of the government
20 building or facility that would not otherwise be incurred by the government entity.

21 Nothing in this section may be construed to limit the terms of a collective bargaining
22 agreement that provide a bargaining agent with greater rights of access to employees than
23 the rights established by this section.

24 **Sec. 2. 26 MRSA §979-T** is enacted to read:

25 **§979-T. Bargaining agent access**

26 **1. Bargaining agent access to employees.** Public employers shall provide to a
27 bargaining agent access to members of the bargaining unit that the bargaining agent
28 exclusively represents. Access must include, but is not limited to, the following:

29 A. The right to meet with individual employees on the premises of the public
30 employer's workplace during the work day to investigate and discuss grievances,
31 workplace-related complaints and other workplace issues;

32 B. The right to conduct workplace meetings during lunch and other breaks, and
33 before and after the work day, on the public employer's premises to discuss
34 workplace issues, collective bargaining negotiations, the administration of collective
35 bargaining agreements and other matters related to the duties of a bargaining agent
36 and internal bargaining agent matters involving the governance or the business of the
37 bargaining agent;

38 C. The right to meet with newly hired employees, without charge to the pay or leave
39 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days

1 after receipt of the information provided pursuant to subsection 2, during new
2 employee orientations or, if the employer does not conduct new employee
3 orientations, at individual or group meetings; and

4 D. The right to use the e-mail system of a public employer to communicate with
5 bargaining unit members regarding official bargaining agent matters including, but
6 not limited to, elections, meetings and social activities, as long as the use of the
7 e-mail system does not create an unreasonable burden on the public employer's
8 network capabilities or system administration.

9 **2. Bargaining agent access to employee information.** Public employers shall
10 provide to a bargaining agent access to information about members of the bargaining unit
11 that the bargaining agent exclusively represents, as follows.

12 A. Not later than 10 calendar days after the date a prospective school employee
13 accepts an offer of employment or not later than 10 calendar days after the date of
14 hire for all other state employees and legislative employees, public employers shall
15 provide the following information to a bargaining agent in spreadsheet file format or
16 another format agreed to by the bargaining agent:

17 (1) Name;

18 (2) Job title;

19 (3) Workplace location;

20 (4) Home address;

21 (5) Work telephone numbers;

22 (6) Home telephone and personal cellular telephone numbers, if known;

23 (7) Work e-mail address;

24 (8) Personal e-mail address, if known; and

25 (9) Date of hire.

26 B. The following are not public records as defined in Title 1, section 402, subsection
27 3 and are confidential and may not be disclosed by the public employer, except as
28 provided in paragraph A:

29 (1) Home addresses, home or personal telephone numbers, personal e-mail
30 addresses and dates of birth of employees;

31 (2) Names of employees within a bargaining unit; and

32 (3) Communications between a bargaining agent and its members.

33 **3. Bargaining agent access to government buildings and facilities.** The
34 bargaining agent has the right to use government buildings and other facilities that are
35 owned or leased by government entities to conduct meetings with bargaining unit
36 members regarding bargaining negotiations, the administration of collective bargaining
37 agreements, the investigation of grievances, other workplace-related complaints and
38 issues and internal matters involving the governance or business of the bargaining agent,
39 as long as that use does not interfere with governmental operations. A bargaining agent

1 conducting a meeting in a government building or facility pursuant to this section may be
2 charged for maintenance, security and other costs related to the use of the government
3 building or facility that would not otherwise be incurred by the government entity.

4 Nothing in this section may be construed to limit the terms of a collective bargaining
5 agreement that provide a bargaining agent with greater rights of access to employees than
6 the rights established by this section.

7 **Sec. 3. 26 MRSA §1037** is enacted to read:

8 **§1037. Bargaining agent access**

9 **1. Bargaining agent access to employees.** The university, academy or community
10 college shall provide to a bargaining agent access to members of the bargaining unit that
11 the bargaining agent exclusively represents. Access must include, but is not limited to,
12 the following:

13 A. The right to meet with individual employees on the premises of the university's,
14 academy's or community college's workplace during the work day to investigate and
15 discuss grievances, workplace-related complaints and other workplace issues;

16 B. The right to conduct workplace meetings during lunch and other breaks, and
17 before and after the work day, on the university's, academy's or community college's
18 premises to discuss workplace issues, collective bargaining negotiations, the
19 administration of collective bargaining agreements and other matters related to the
20 duties of a bargaining agent and internal bargaining agent matters involving the
21 governance or the business of the bargaining agent;

22 C. The right to meet with newly hired employees, without charge to the pay or leave
23 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days
24 after receipt of the information provided pursuant to subsection 2, during new
25 employee orientations or, if the university, academy or community college does not
26 conduct new employee orientations, at individual or group meetings; and

27 D. The right to use the e-mail system of the university, academy or community
28 college to communicate with bargaining unit members regarding official bargaining
29 agent matters including, but not limited to, elections, meetings and social activities,
30 as long as the use of the e-mail system does not create an unreasonable burden on the
31 university's, academy's or community college's network capabilities or system
32 administration.

33 **2. Bargaining agent access to employee information.** The university, academy or
34 community college shall provide to a bargaining agent access to information about
35 members of the bargaining unit that the bargaining agent exclusively represents, as
36 follows.

37 A. Not later than 10 calendar days after the date a prospective school employee
38 accepts an offer of employment or not later than 10 calendar days after the date of
39 hire for all other university, academy or community college employees, the
40 university, academy or community college shall provide the following information to

1 a bargaining agent in spreadsheet file format or another format agreed to by the
2 bargaining agent:

3 (1) Name;

4 (2) Job title;

5 (3) Workplace location;

6 (4) Home address;

7 (5) Work telephone numbers;

8 (6) Home telephone and personal cellular telephone numbers, if known;

9 (7) Work e-mail address;

10 (8) Personal e-mail address, if known; and

11 (9) Date of hire.

12 B. The following are not public records as defined in Title 1, section 402, subsection
13 3 and are confidential and may not be disclosed by the university, academy or
14 community college, except as provided in paragraph A:

15 (1) Home addresses, home or personal telephone numbers, personal e-mail
16 addresses and dates of birth of employees;

17 (2) Names of employees within a bargaining unit; and

18 (3) Communications between a bargaining agent and its members.

19 **3. Bargaining agent access to university, academy or community college**
20 **buildings and facilities.** The bargaining agent has the right to use university, academy
21 and community college buildings and other facilities that are owned or leased by the
22 university, academy or community college to conduct meetings with bargaining unit
23 members regarding bargaining negotiations, the administration of collective bargaining
24 agreements, the investigation of grievances, other workplace-related complaints and
25 issues and internal matters involving the governance or business of the bargaining agent,
26 as long as that use does not interfere with operations. A bargaining agent conducting a
27 meeting in a university, academy or community college building or facility pursuant to
28 this section may be charged for maintenance, security and other costs related to the use of
29 the university, academy or community college building or facility that would not
30 otherwise be incurred by the university, academy or community college.

31 Nothing in this section may be construed to limit the terms of a collective bargaining
32 agreement that provide a bargaining agent with greater rights of access to employees than
33 the rights established by this section.

34 **Sec. 4. 26 MRSA §1295** is enacted to read:

1 **§1295. Bargaining agent access**

2 **1. Bargaining agent access to employees.** Public employers shall provide to a
3 bargaining agent access to members of the bargaining unit that the bargaining agent
4 exclusively represents. Access must include, but is not limited to, the following:

5 A. The right to meet with individual employees on the premises of the public
6 employer's workplace during the work day to investigate and discuss grievances,
7 workplace-related complaints and other workplace issues;

8 B. The right to conduct workplace meetings during lunch and other breaks, and
9 before and after the work day, on the public employer's premises to discuss
10 workplace issues, collective bargaining negotiations, the administration of collective
11 bargaining agreements and other matters related to the duties of a bargaining agent
12 and internal bargaining agent matters involving the governance or the business of the
13 bargaining agent;

14 C. The right to meet with newly hired employees, without charge to the pay or leave
15 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days
16 after receipt of the information provided pursuant to subsection 2, during new
17 employee orientations or, if the employer does not conduct new employee
18 orientations, at individual or group meetings; and

19 D. The right to use the e-mail system of a public employer to communicate with
20 bargaining unit members regarding official bargaining agent matters including, but
21 not limited to, elections, meetings and social activities, as long as the use of the
22 e-mail system does not create an unreasonable burden on the public employer's
23 network capabilities or system administration.

24 **2. Bargaining agent access to employee information.** Public employers shall
25 provide to a bargaining agent access to information about members of the bargaining unit
26 that the bargaining agent exclusively represents, as follows.

27 A. Not later than 10 calendar days after the date of hire for all judicial employees,
28 public employers shall provide the following information to a bargaining agent in
29 spreadsheet file format or another format agreed to by the bargaining agent:

30 (1) Name;

31 (2) Job title;

32 (3) Workplace location;

33 (4) Home address;

34 (5) Work telephone numbers;

35 (6) Home telephone and personal cellular telephone numbers, if known;

36 (7) Work e-mail address;

37 (8) Personal e-mail address, if known; and

38 (9) Date of hire.

1 B. The following are not public records as defined in Title 1, section 402, subsection
 2 3 and are confidential and may not be disclosed by the public employer, except as
 3 provided in paragraph A:

4 (1) Home addresses, home or personal telephone numbers, personal e-mail
 5 addresses and dates of birth of employees;

6 (2) Names of employees within a bargaining unit; and

7 (3) Communications between a bargaining agent and its members.

8 **3. Bargaining agent access to government buildings and facilities.** The
 9 bargaining agent has the right to use government buildings and other facilities that are
 10 owned or leased by government entities to conduct meetings with bargaining unit
 11 members regarding bargaining negotiations, the administration of collective bargaining
 12 agreements, the investigation of grievances, other workplace-related complaints and
 13 issues and internal matters involving the governance or business of the bargaining agent,
 14 as long as that use does not interfere with governmental operations. A bargaining agent
 15 conducting a meeting in a government building or facility pursuant to this section may be
 16 charged for maintenance, security and other costs related to the use of the government
 17 building or facility that would not otherwise be incurred by the government entity.

18 Nothing in this section may be construed to limit the terms of a collective bargaining
 19 agreement that provide a bargaining agent with greater rights of access to employees than
 20 the rights established by this section.

21 **SUMMARY**

22 This bill makes changes to the laws governing collective bargaining for municipal
 23 employees, state employees, judicial employees and employees of the University of
 24 Maine System, the Maine Maritime Academy and the Maine Community College System
 25 to provide a collective bargaining agent with greater access to employees and employee
 26 information for those employees represented by that collective bargaining agent. It also
 27 provides a collective bargaining agent with the right to use any government building or
 28 facility to conduct meetings with its members, as long as that use does not interfere with
 29 governmental operations. The government entity may charge the collective bargaining
 30 agent for any additional costs that use may incur.