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An Act To Clarify the Law Regarding Arbitration Privacy with Respect to Executive and Legislative Branch Employees

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

Sec. 1. 5 MRSA §7070, sub-§2, ¶E, as amended by PL 1997, c. 770, §1, is further amended to read:

E. Except as provided in section 7070-A, complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final written report, with regard to that employee, is public.

For purposes of this paragraph, "final written decision" means:

- (1) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or
- (2) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is ~~no longer confidential 120 days after a written request for the decision is made to the employer if the~~ until a final written decision of the neutral arbitrator is ~~not issued and released before the expiration of the 120 days;~~

SUMMARY

Current law requires that the final written decision of a state executive branch or legislative branch employer relating to disciplinary action of an employee that is appealed to an arbitrator be made public when the arbitrator issues a final written decision on the matter or within 120 days after a written request for the decision is made to the employer, whichever is earlier. This bill changes the law to making the employer's final written decision relating to disciplinary action of the employee public upon the issuance and release of the arbitrator's written decision on the matter, regardless of the time frame in which the arbitrator's decision is issued and released.