

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 1063 - L.D. 1451

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

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

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

§975. Bargaining agent access

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

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

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

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

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

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

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

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

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

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

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

4. Employee may opt out. After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

5. Selling or sharing nonmember data prohibited. A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

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

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

§979-T. Bargaining agent access

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

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

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

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

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

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

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

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;
- (6) Home telephone and personal cellular telephone numbers, if known;
- (7) Work e-mail address;
- (8) Personal e-mail address, if known; and
- (9) Date of hire.

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

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

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

4. Employee may opt out. After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

5. Selling or sharing nonmember data prohibited. A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

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

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

§1037. Bargaining agent access

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

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

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

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

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

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

A. Not later than 30 calendar days after the date of hire for an employee, the university, academy or community college shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

- (1) Name;
- (2) Job title;
- (3) Workplace location;
- (4) Home address;
- (5) Work telephone numbers;

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

(7) Work e-mail address;

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

(9) Date of hire.

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

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

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

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

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

4. Employee may opt out. After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

5. Selling or sharing nonmember data prohibited. A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

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

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

§1295. Bargaining agent access

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

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

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

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

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

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

A. Not later than 30 calendar days after the date of hire for a judicial employee, the public employer shall provide the following information to a bargaining agent in spreadsheet file format or another format agreed to by the bargaining agent:

(1) Name;

(2) Job title;

(3) Workplace location;

(4) Home address;

(5) Work telephone numbers;

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

(7) Work e-mail address;

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

(9) Date of hire.

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

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

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

4. Employee may opt out. After an initial meeting pursuant to subsection 1, paragraph C, an employee may opt out of receiving any further communications from a bargaining agent or allowing a bargaining agent to have any further access to that employee's information described in subsection 2, paragraph A, except for communications related to direct representation of that employee by a bargaining agent.

5. Selling or sharing nonmember data prohibited. A bargaining agent may not sell or share the information provided in accordance with subsection 2, paragraph A of an employee who is not a member of an employee organization except for the purpose of fulfilling the agent's collective bargaining obligations.

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