

May 13, 2023

TO: Joint Committee on Labor and Housing

FROM: Margo Lukens, Professor of English, University of Maine (lukens@maine.edu)

RE: In Support of LD 891, An Act to Protect Due Process for Certain Public Sector Employees

Senator Tipping, Representative Roeder, Members of the Committee:

My name is Margo Lukens, and I have been at the University of Maine since 1992, tenured since 1998. During the past 31 years I have held a number of administrative positions in which I have supervised colleagues: chair of Department of English (2004-2007), director of Academic Programs in Innovation Engineering (2007-2016), chair of New Media (2014-2016), and director of the McGillicuddy Humanities Center in the College of Liberal Arts and Sciences (2018-2020).

I write in support of LD 891 because I now realize that when I began my employment on the tenure track in 1992, I was never informed I could earn the rights provided by the *Loudermill v Cleveland Board of Education* decision of the United States Supreme Court. *Loudermill* states that public employees after a probationary period have a property right to their employment, and that under the 5th and 14th Amendments, public employees may not be deprived of that property without due process. When my probationary period ended, there was no mention that in fact these rights were mine. Even worse, when I was hired into administrative positions at the University of Maine, I was never informed that those I supervised had such rights. All of us were at risk of losing our constitutional rights because we were ill-informed, and because the institution did not describe or observe a process to guarantee those rights would not be abridged.

L.D 891 can address this threat to our rights. All employees, and importantly, all supervisors should be provided with the details of the *Loudermill* decision. All members of the University of Maine System community need to be informed of these rights. We should require the University of Maine System to inform the Legislature on a regular basis of its process to protect *Loudermill* rights, and the specific steps it takes to acknowledge and respect these rights for all its employees.