



## Maine Education Association

Jesse Hargrove President | Beth French Vice President | Jaye Rich Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

### Testimony

#### In Support Of

#### LD 1484: An Act Related to Public Access of Records of Certain Disciplinary Actions of Public Employees

Jan Kosinski, Government Relations Director, Maine Education Association

Before the Judiciary Committee

April 11th, 2025

Senator Carney, Representative Kuhn, and other members of the Judiciary Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program.

I offer this testimony today on behalf of the MEA in support of LD 1484, *An Act Related to Public Access of Records of Certain Disciplinary Actions of Public Employees*.

Last session this committee was charged with grappling with the delicate balance between the public's right to know and the personnel files of public workers. In a perfect world, there will be no issue here. Yet sadly, every year, there are multiple cases of arbitrary and capricious discipline actions from administrators in public schools. In some cases, these are often beginning levels of discipline, often the first step in a progressive discipline policy. However, a despondent and aggrieved employee may choose to walk away. In some cases, the first mark of discipline -- not necessarily leading to a termination or a demotion, just the first mark -- is enough for someone to recognize that they should find a different place to work. They may object to the accusation, and the low-level discipline but decide to walk away and find work in another district. Should this record be available to the public?

However, if an employee has a credible case and they are facing termination, demotion, or suspension, they will often pursue the grievance process through the collective bargaining agreement, should one exist. If their case is strong, they may take it all the way to arbitration. This grievance and arbitration process provides an additional protection for public employees. Through it, arbitrary, capricious, unfair discipline decisions can be overturned and thrown out.

The bill before you would slightly increase the threshold for a public employee's file to be deemed a public record. It restricts the definition only to the discipline that "imposes or results" in significant disciplinary action -- action so bad it requires a suspension, a demotion, or a termination. We prefer this approach because it helps eliminate the likelihood of low-level discipline being used to target or harass a teacher, educator, or any public employee in our state. Further, actions that result in significant discipline, including termination, demotion, and suspension without pay have the safety valve of the grievance and arbitration process to help resolve discipline disputes between employers and employees, at least for unionized employees.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401  
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | [www.mainea.org](http://www.mainea.org)



## Maine Education Association

Jesse Hargrove President | Beth French Vice President | Jaye Rich Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

Lastly, if a public employee covered by a collective bargaining agreement has experienced a disciplinary event at work that has resulted in suspension, demotion, or termination, and they have decided not to pursue a grievance, these cases are and will remain public under this bill.

Thank you for your time and your attention and your service to the people of Maine. I will do my best to answer any questions you may have.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401  
PO Box 310, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | [www.maineaa.org](http://www.maineaa.org)