

Testimony of Beth White
Maine Service Employees Association, SEIU Local 1989

In Opposition to LD 1660, “An Act Creating a Private Right of Action Against a Government Employer”, sponsored by Representative David Boyer

Before the Joint Standing Committee on Judiciary
10am Monday, April 28, 2025, State House Room 438 and Electronically

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, I’m Beth White, Director of Politics & Legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. We are a labor union representing over 13,000 Maine workers and retirees, including workers in all three branches of Maine State Government, York County Government, Auburn City Government and Lewiston City Government and Schools.

We are here in opposition to LD 1660 and are here to provide a suggested change to the language.

We have concerns with subsection 13 of the bill as proposed (page 2, lines 24-31) and would recommend striking that subsection entirely. This subsection seems to go beyond the four corners of a lawsuit about a constitutional violation and reaches into the employment context unnecessarily. If an individual employee is found responsible for depriving someone of their constitutional rights, that could certainly be grounds for discipline. However, the forum for such discipline would be at the employee’s constitutionally granted Loudermill hearing, followed by the employee’s ability to challenge the discipline through the applicable civil service appeals process or the contractual grievance and arbitration procedure, as applicable.

In lieu of removing this subsection entirely, we would recommend changing the language in subsection 13 lines 28-29 to say “is evidence that the government employer has just cause for issuing discipline, up to and including termination, the employment of the government employee”.

We feel that one of these changes is necessary to make it clear that employees would still have the right to grieve through their collective bargaining agreements, at least as to the level of discipline imposed.

Thank you and I would be happy to answer any questions.