



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BURTON M. CROSS BUILDING, 3<sup>RD</sup> FLOOR  
78 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0078

SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

JANET T. MILLS  
GOVERNOR

KIRSTEN LC FIGUEROA  
COMMISSIONER

*Testimony of Breena Bissell, Director of the State of Maine Bureau of Human Resources  
Department of Administrative and Financial Services  
testifying in opposition to*

### **LD 949, An Act to Protect Workers from Employer Surveillance**

Sponsored by Rep. Roeder  
*Before the Joint Standing Committee on Labor and Housing*

Senator Tipping and members of the Joint Standing Committee on Labor and Housing, I am Breena Bissell, Director of the State of Maine Bureau of Human Resources. I am providing testimony today in opposition to LD 949.

This bill is of concern to the State as an employer because the State monitors employees under both routine and discrete circumstances. We believe that the State's usage of monitoring is reasonable within the contexts deployed and not unnecessarily invasive, but we are nonetheless concerned that this bill would create an undue burden upon employers to justify and limit our monitoring and provides employees with recourse against valid monitoring.

Using a prominent example from within our own Department of Administrative and Financial Services, both ingoing and outgoing calls at Maine Revenue Services have occurred over a recorded line for over 40 years. MRS uses the recorded line to establish an indisputable record of telephone interactions with taxpayers and hold both taxpayers and staff accountable, as well as for training purposes. The consequences for ignoring notices from MRS attempting to collect on long overdue taxes automatically escalate to holds on your bank accounts and liens placed against your property— these recordings are invaluable when taxpayers dispute the degree and content of their contact with MRS, but they can also be to the taxpayers' advantage if an error has been made. Additionally, monitoring call volume answered, call duration, and call content provides MRS with insight that allows them to improve the quality of their customer service.

The Bureau of Human Resources also selectively engages in surveillance within the progressive discipline structure when employee performance is at issue. If an employee's productivity has been identified as exceptionally low, the Bureau of Human Resources can request that MaineIT track the employee's computer activity to assemble an account of how the employee is spending their days and to build a case for termination. Employees are regularly reminded about the acceptable uses of their State provided technology upon login, but they are not informed if tracking is activated on their computer. This tactic is deployed sparingly but has revealed

employees who are repeatedly inactive for extensive portions of their workday and employees who are operating private businesses and earning other income on State time and using their State computer. Retaining our ability to track employees without their knowledge is essential to documenting malfeasance and disciplining it accordingly.

Most concerning about this bill is that it provides recourse to an aggrieved employee who could shift the issue from their performance to employer surveillance despite thorough documentation of neglecting their job responsibilities at the taxpayers' expense, and thus complicating the State's ability to terminate poor performing employees.

Thank you for this opportunity to testify. I am happy to answer questions from the committee.