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April 4, 2023

Honorable Michael Tipping, Senate Chair
Honorable Amy Roeder, House Chair
Joint Legislative Committee on Labor and Housing
100 State House Station
Augusta, ME 04333

Re: ***Testimony in opposition to LD 949, An Act To Protect Workers from Employer Surveillance***

Dear Senator Tipping, Representative Roeder, and Members of the Committee on Labor and Housing:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in opposition to LD 949.

About MWUA. The Maine Water Utilities Association is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and counts approximately 109 water utilities in Maine as members.

Discussion. LD 949 prohibits the use of trackers, task software, or other monitors that track productivity of employees by employers, except where strictly necessary to protect the health and safety of an employee or the security of the employer's data.

There are many important business reasons why an employer may want to use modern technology to track employee productivity not related to the narrow exceptions where tracking is allowed by this bill. Many utilities are moving to modern work order systems where work scheduling efficiencies are maximized; the use of tracking information to know where employees are (or should be) is essential to the scheduling of work and serving utility customers. Ratepayers (who pay for our operations) benefit when utilities use this technology to increase and monitor employee productivity.

In addition to the money saving efficiencies gained in day-to-day customer service activities, vehicle and mobile device GPS allows utility dispatchers to view, in real-time, where personnel and equipment are located when emergencies occur. Without this technology, time and efficiency can be lost by sending crews that are not the closest to the problem, or by calling individuals over phone or radio to obtain their location prior to dispatching them.

Tracking also assists a utility in maintaining its vehicles and equipment; mileage, fueling and usage all can be tracked making fleet maintenance more efficient. The way a vehicle is driven— such as speeding, or hard braking – has implications on a utility's insurance rates and public image as well as employee safety. With this technology, employer can appropriately train and coach employees when driving behavior appears inappropriate.

Letter from MWUA re LD 949

April 4, 2023

Page 2

Company purchased Smartphones are often provided to employee and have built-in GPS tracking technology; use of this tracking would be prohibited by this bill. During worktime, employers should be able locate employees. The use of smartphone technology makes this easier and more efficient.

Conclusion. The far-reaching prohibitions of this bill are detrimental to water utility operations. Water utilities serve the public and use tracking as a tool to maintain good customer service in the most economically efficient manner possible, not to invade the privacy of our employees. We hope you will oppose this legislation and vote ought not to pass.

Thank you for your consideration.



Roger Crouse,
Legislative Committee Chair, Maine Water Utilities Association
General Manager, Kennebec Water District

cc: Bruce Berger, Executive Director (MWUA)
James I. Cohen, Verrill Dana, LLP, Legislative Counsel