



## **Maine Education Association**

Grace Leavitt President | Jesse Hargrove Vice President | Beth French Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

### **Testimony**

### **In Support**

## **LD 1588: An Act to Provide Public Sector Labor Unions Reasonable Access to Information Regarding Employees**

**John Kosinski, Government Relations Director, Maine Education Association**

**Before the Labor and Housing Committee**

**April 20, 2023**

Senator Tipping, Representative Roeder and esteemed members of the Labor and Housing Committee,

My name is John Kosinski (he/him) and I am proud to serve as the Director of Government Relations for the Maine Education Association (MEA). The MEA represents 24,000 educators in the state of Maine, including teachers and other professionals in nearly every public school in the state and faculty and other professional staff in the University of Maine and Community College Systems.

I am here to testify on behalf of the MEA in support of LD 1588, *An Act to Provide Public Sector Labor Unions Reasonable Access to Information Regarding Employees*.

LD 1588 is a simple proposal that will help bring clarity and prevent disputes about access to bargaining unit information for public sector unions. Under current law, public employers are required to provide information on new hires such as basic contact information to bargaining agents. This is important because public sector unions, such as the MEA, have a duty and an obligation to provide representation to bargaining unit employees, even if they choose not to join the union. Failure to adequately represent a covered employee could result in charges before the Maine Labor Relations Board against the union. Obviously, in order for us to best represent the employees we are responsible to represent, we must have the ability to communicate with them.

Current law is clear. Public sector employers must provide basic contact information to the bargaining agent for new hires, but this same standard does not apply to employees who are not new hires. Periodically, the MEA requests information for the employees we are charged to represent. For the most part, employers promptly respond to the request. However, there are too many school districts where these specific requests are met with delay and unnecessary obstacles. Some employers may question why we need this data. They may not respond in a timely way. Not all, but too many create disputes, where no such dispute is necessary. This achieves no other goal but to worsen relations between administration and workers.

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401  
7 Hatch Drive, Suite 220, 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)



## Maine Education Association

Grace Leavitt President | Jesse Hargrove Vice President | Beth French Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

The purpose of LD 1588 is to require public sector employers to provide basic contact information to the bargaining agent. We hope the inclusion of this language will create clear rules and guardrails to make sure public sector unions have the information they need to execute their obligated duties to represent employees.

However, we would like to request two specific amendments to the proposed language in the bill. First, in order to streamline the process and prevent unnecessary disputes, we suggest including language that allows for the local grievance procedure to be used if disputes arise. We encourage the Committee consider including language such as this within each section of the proposed bill:

“This subsection is subject to the dispute resolution process of the applicable collective bargaining agreement.”

Including language like this in each section will provide a swift manner to resolve any disputes about the application of the new law.

Second, I have heard from a representative of the Department of Administration and Financial Services (DAFS) concerns about the current language of the bill regarding new hires. I want to be clear – the language in current law is working fine by all accounts in regards to new hires. The purpose of the bill was simply to require the same information for current employees as provided to the unions for new hires.

Under current law, the statute reads:

### **Title 26 §975. Bargaining agent access**

**2. Bargaining agent access to employee information.** Public employers shall provide to a bargaining agent access to information about members of the bargaining unit that the bargaining agent exclusively represents, as follows.

A. Not later than 30 calendar days after the date a prospective school employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all other public employees, But as you can see in lines 19-22 of LD 1588, the language is altered to read as follows:

“For information regarding newly hired public employees, the employer shall provide the information required under this paragraph not later than 30 calendar days after the date a prospective public employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all public employees. At the request of the bargaining agent, the public employer shall provide all the required information for all public employees in the bargaining unit within 30 calendar days.”

DAFS has raised concerns about the omission of the language regarding “date of hire” in the bill. To that end, we propose an amendment.



## Maine Education Association

Grace Leavitt President | Jesse Hargrove Vice President | Beth French Treasurer  
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

For information regarding newly hired public employees, the employer shall provide the information required under this paragraph not later than 30 calendar days after the date a prospective public employee accepts an offer of employment or not later than 30 calendar days after the date of hire for all public employees. At the request of the bargaining agent, the public employer shall provide all the required information for all public employees in the bargaining unit within 30 calendar days.

Lastly, just to be clear, the references above cite the first section of the bill, but the same language appears in all four sections of the law and would need to be changed under each section.

Thank you for your time, your consideration 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  
7 Hatch Drive, Suite 220, 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)