



Testimony Neither for Nor Against LD 1048
An Act to Require Certain Notice Requirements for Whistleblower Protections
April 2, 2025

Senator Lawrence, Representative Sachs, and members of the committee, my name is James Cote and I am here today on behalf of Versant Power to testify neither for nor against LD 1048.

Currently, Title 35-A, subsection 1316 addresses the right of employees of public utilities, competitive electricity providers, affiliated interests and utility contractors to provide testimony to the Legislature, Public Utilities Commission, and the Public Advocate. This section also provides that the Public Utilities Commission may adopt rules to implement these requirements.

Versant Power understands that LD 1048 seeks amend the notice requirements associated with these provisions, including by mandating an annual written communication sent separately from other employee notices.

As the committee considers whether to move forward with this legislation, we raise several questions for deliberation that will be important to clarify if utilities, utility contractors and other entities will be required to communicate annually with their current and former employees. Other parties may well have additional questions or concerns requiring clarification.

Written Notice:

- Can the notice be sent electronically?
- Does the committee wish to have each utility produce their own notification, or will there be a uniform/standardized notification that will be used?

Applicability:

- Does the statutory definition of "utility contractor" include current and former part-time or temporary employees? Does it include those who provide contract services to a utility, e.g. in information technology, accounting, or janitorial services?
- Does the inclusion of former employees apply to every person who has ever performed a service regardless of how long ago such employment may have taken place?
- Since utility companies typically contract with companies and not individuals, will utility contractors be responsible for sending notice out to their current and former employees?
- Will utilities be liable if contractors or third parties fail to notify their employees?



Employee Conduct

- How does the bill's requirement that the notice to employees "Contain a statement advising the employee that speech outside of working hours may not be restricted by the employer under the law of this State," interface with a utility or utility contractor's employee conduct policies?

Additionally, we would flag that, especially with respect to former employees who may have long since left employment, this notification may produce a significant amount of confusion and raise questions of whether or not there is any action they must take. We would also highlight that current data retention policies may limit a utility's ability to contact certain inactive or former employees.

Finally, the committee may wish to consider whether there are other more efficient means of delivering this information in ways that could lower the associated administrative costs. For instance, this notification could be delivered electronically, could be included as part of an annual human resources trainings, and/or could be made available on existing public websites or internal employee portals. The information could also be required to be publicly posted inside the workplace as other DOL provisions often are.

Versant Power understands the intent behind this legislation and will conform our practices to comply with legislative and commission requirements. We believe, however, that clear and simple directives around such requirements will minimize employee and employer confusion as well as reduce administrative burdens.

Thank you for your consideration, and we would be pleased to provide additional information for the work session upon your request.