

**TESTIMONY OF JONATHAN FRENCH,
MAINE SERVICE EMPLOYEES ASSOCIATION, SEIU LOCAL 1989**

**BEFORE THE JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES
10 AM APRIL 22, 2021**

**FOR LD 1311, AN ACT REGARDING THE STATE EMPLOYEE HEALTH
COMMISSION**

Senator Sanborn, Representative Tepler, and members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, my name is Jonathan French. I am a member of the Maine Service Employees Association, Service Employees International Union Local 1989 and I am currently serving as the labor co-chair of the State Employee Health Commission (SEHC). I am representing both my union and my caucus in support of LD 1311, as it would strengthen and clarify the role of the Commission and addresses language that needs to be updated in Maine statute.

The mission of the SEHC is “to create a labor and management partnership that ensures the highest value health and wellness services are accessible to its members.” However, in addition to the value that the Commission has provided its membership, the Commission has also driven health and wellness trends in Maine and in the rest of the country through innovation. It has been nationally recognized by the Leapfrog Group, the National Alliance of Healthcare Purchaser Coalitions (formerly the National Business Coalition on Health) and the Robert Wood Johnson Foundation in addition to organizations in other states.

The key to fulfilling this mission has been the labor and management partnership. In addition to the labor members from the various employee unions that represent plan members, the Commission membership also consists of the Executive Director of Employee Health and Wellness, as well as the Director of the Bureau of Human Resources (or their designee), both, of the Department of Administrative and Financial Services (DAFS). Considering these two management members are part of the Commission already, they have input into what the Commission decides for action to be taken. The Director of the Bureau of Human Resources (or their designee) is also the management co-chair of the Commission and controls the sole vote of management.

However, in spite of the role that both of those positions hold in the Commission, the Commission only serves in an advisory role to those two positions in statute. It is also written that administration of the health plans and programs must only be consistent with “rules” adopted by the SEHC. The Commission does not follow an official rule-making process, so this part of statute is left open to interpretation and could potentially be used to disregard an action of the Commission if the action was not interpreted to be a rule. This would jeopardize both the labor-management relationship and any future leadership of the Commission for Maine health and wellness.

To negate this risk, language in this bill would change the advisory role of the Commission to one of providing counsel which can be defined as “providing a policy or plan of action or behavior.” It would also change the word “rules” to “actions taken and counsel provided” which would include official motions made and approved by the Commission as well as any consensus on counsel provided without a motion.

Although the votes of both labor and management are quantified in Maine statute, voting procedure is not. I have personally witnessed that the Commission does its best to come to consensus and has for every official vote taken since I have been on it, but there is still the possibility just given the voting structure for a tie vote to occur. In the case of a tie vote, there is no current procedure for what happens. Therefore, to alleviate any future voting concerns and to clarify procedure, it is important to prioritize consensus building by adding the language “votes of the commission must be unanimous for action to be taken.” With the language in this bill as provided, management would not be able to implement something contrary to the consensus that was achieved at the Commission, which may not be the case now, depending on interpretation of the current language in statute. The proposed language leaves no such ambiguity.

It has been an honor to serve my union and the members of the various health plans on the State Employee Health Commission. I have enjoyed working with both management and labor members to further health and wellness in Maine through innovation and by consensus. That consensus building is at the heart of the Commission’s mission, so it is crucial to protect its value as it also protects the Commission’s value to the State of Maine and its citizens. Therefore, I strongly urge the members of the Committee to accept these language changes that protect and strengthen the value of the Commission, and vote “ought to pass” for LD 1311.

Thank you and I am happy to answer any questions.