

MAINE STATE LEGISLATURE

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(Emergency)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1985

S.P. 726

In Senate, January 7, 1988

Submitted by the Department of Administration pursuant to
Joint Rule 24.

Reference to the Committee on State and Local Government
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator TUTTLE of York.

Cosponsored by Senator GOULD of Waldo, Representative
CARROLL of Gray, Representative WEYMOUTH of West Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Make Certain Personnel Records
2 Maintained by the Bureau of Human
3 Resources Available to the Bureau of
4 Employee Relations.
5

6 Emergency preamble. Whereas, Acts of the
7 Legislature do not become effective until 90 days
8 after adjournment unless enacted as emergencies; and

9 Whereas, the Bureau of Employee Relations is the
10 Governor's designee responsible for the employer
11 functions of the Executive Department pursuant to the

1 State's labor relation laws; and

2 Whereas, certain personnel records within the
3 Bureau of Human Resources are designated confidential
4 pursuant to the Maine Revised Statutes, Title 5,
5 section 7070; and

6 Whereas, in 1986, the Legislature acted to
7 separate the roles of the Bureau of Employee Relations
8 and the Bureau of Human Resources without providing
9 for either continued availability of necessary
10 personnel records to the Bureau of Employee Relations
11 or continued confidentiality for personnel records in
12 the possession of the Bureau of Employee Relations; and

13 Whereas, the Governor and the Legislature share a
14 desire to promptly and quickly provide for certain
15 access to those records, for continued confidentiality
16 of those records and for clarification that those
17 records may be utilized by the Bureau of Employee
18 Relations as necessary to administer negotiated
19 collective bargaining agreements; and

20 Whereas, in the judgment of the Legislature, these
21 facts create an emergency within the meaning of the
22 Constitution of Maine and require the following
23 legislation as immediately necessary for the
24 preservation of the public peace, health and safety;
25 now, therefore,

26 Be it enacted by the People of the State of Maine as
27 follows:

28 26 MRSA §979-Q, sub-§2 is enacted to read:

29 2. Personnel records available to Bureau of
30 Employee Relations. Personnel records designated
31 confidential by Title 5, section 7070, shall be made
32 available to the Bureau of Employee Relations, as
33 necessary, to represent the State in negotiations,
34 mediation, fact finding, arbitration, grievances and
35 other proceedings. Consistent with the terms of
36 collective bargaining agreements between the State and
37 employee organizations, the Bureau of Employee
38 Relations may utilize those records in grievance

1 proceedings as they are relevant. Confidential
2 personnel records in the possession of the Bureau of
3 Employee Relations shall not be open to public
4 inspection and shall not be public records, as defined
5 in Title 1, section 402, subsection 3.

6 Emergency clause. In view of the emergency
7 cited in the preamble, this Act shall take effect when
8 approved.

9 STATEMENT OF FACT

10 The creation of the Department of Administration
11 resulted in the human resources and employee relations
12 functions being separated into 2 distinct bureaus
13 within that department. The maintenance and retention
14 of personnel records, however, continues as a function
15 of the Bureau of Human Resources.

16 Certain personnel records are relevant and
17 necessary to the Bureau of Employee Relations in order
18 to meet its responsibilities under the state employees
19 labor relations laws and the grievance procedure
20 provisions of collective bargaining agreements. This
21 bill assures continued access for the Bureau of
22 Employee Relations to necessary and relevant personnel
23 records, as well as continued protection of the
24 confidentiality of those records deemed not to be
25 public records.

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