

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1216

H.P. 848

House of Representatives, March 28, 2017

**An Act To Clarify the Law Regarding Arbitration Privacy with
Respect to Executive and Legislative Branch Employees**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.

Cosponsored by Senator BELLOWS of Kennebec and Representative: HANDY of Lewiston.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §7070, sub-§2, ¶E**, as amended by PL 1997, c. 770, §1, is
3 further amended to read:

4 E. Except as provided in section 7070-A, complaints, charges or accusations of
5 misconduct, replies to those complaints, charges or accusations and any other
6 information or materials that may result in disciplinary action. If disciplinary action
7 is taken, the final written decision relating to that action is no longer confidential after
8 the decision is completed if it imposes or upholds discipline. If an arbitrator
9 completely overturns or removes disciplinary action from an employee personnel file,
10 the final written decision is public except that the employee's name must be deleted
11 from the final written decision and kept confidential. If the employee whose name
12 was deleted from the final written decision discloses that the employee is the person
13 who is the subject of the final written decision, the entire final written report, with
14 regard to that employee, is public.

15 For purposes of this paragraph, "final written decision" means:

16 (1) The final written administrative decision that is not appealed pursuant to a
17 grievance arbitration procedure; or

18 (2) If the final written administrative decision is appealed to arbitration, the final
19 written decision of a neutral arbitrator.

20 A final written administrative decision that is appealed to arbitration is ~~no longer~~
21 confidential ~~120 days after a written request for the decision is made to the employer~~
22 ~~if the~~ until a final written decision of the neutral arbitrator is ~~not~~ issued and released
23 ~~before the expiration of the 120 days;~~

24 **SUMMARY**

25 Current law requires that the final written decision of a state executive branch or
26 legislative branch employer relating to disciplinary action of an employee that is appealed
27 to an arbitrator be made public when the arbitrator issues a final written decision on the
28 matter or within 120 days after a written request for the decision is made to the employer,
29 whichever is earlier. This bill changes the law to making the employer's final written
30 decision relating to disciplinary action of the employee public upon the issuance and
31 release of the arbitrator's written decision on the matter, regardless of the time frame in
32 which the arbitrator's decision is issued and released.