

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 1451

---

H.P. 1063

House of Representatives, April 2, 2019

**An Act Providing Labor Unions with Reasonable Access to Current  
and Newly Hired Public Sector Workers**

---

Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative PLUECKER of Warren.  
Cosponsored by President JACKSON of Aroostook and  
Representatives: Speaker GIDEON of Freeport, SYLVESTER of Portland.

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

2 **Sec. 1. 26 MRSA §975** is enacted to read:

3 **§975. Bargaining agent access**

4 **1. Bargaining agent access to employees.** Public employers shall provide to a  
5 bargaining agent access to members of the bargaining unit that the bargaining agent  
6 exclusively represents. Access must include, but is not limited to, the following:

7 A. The right to meet with individual employees on the premises of the public  
8 employer's workplace during the work day to investigate and discuss grievances,  
9 workplace-related complaints and other workplace issues;

10 B. The right to conduct workplace meetings during lunch and other breaks, and  
11 before and after the work day, on the public employer's premises to discuss  
12 workplace issues, collective bargaining negotiations, the administration of collective  
13 bargaining agreements and other matters related to the duties of a bargaining agent  
14 and internal bargaining agent matters involving the governance or the business of the  
15 bargaining agent;

16 C. The right to meet with newly hired employees, without charge to the pay or leave  
17 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days  
18 after receipt of the information provided pursuant to subsection 2, during new  
19 employee orientations or, if the employer does not conduct new employee  
20 orientations, at individual or group meetings; and

21 D. The right to use the e-mail system of a public employer to communicate with  
22 bargaining unit members regarding official bargaining agent matters including, but  
23 not limited to, elections, meetings and social activities, as long as the use of the  
24 e-mail system does not create an unreasonable burden on the public employer's  
25 network capabilities or system administration.

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

29 A. Not later than 10 calendar days after the date a prospective school employee  
30 accepts an offer of employment or not later than 10 calendar days after the date of  
31 hire for all other public employees, public employers shall provide the following  
32 information to a bargaining agent in spreadsheet file format or another format agreed  
33 to by the bargaining agent:

34 (1) Name;

35 (2) Job title;

36 (3) Workplace location;

37 (4) Home address;

38 (5) Work telephone numbers;

39 (6) Home telephone and personal cellular telephone numbers, if known;

- 1           (7) Work e-mail address;
- 2           (8) Personal e-mail address, if known; and
- 3           (9) Date of hire.

4           B. The following are not public records as defined in Title 1, section 402, subsection  
5           3 and are confidential and may not be disclosed by the public employer, except as  
6           provided in paragraph A:

- 7           (1) Home addresses, home or personal telephone numbers, personal e-mail  
8           addresses and dates of birth of employees;
- 9           (2) Names of employees within a bargaining unit; and
- 10          (3) Communications between a bargaining agent and its members.

11          **3. Bargaining agent access to government buildings and facilities.** The  
12          bargaining agent has the right to use government buildings and other facilities that are  
13          owned or leased by government entities to conduct meetings with bargaining unit  
14          members regarding bargaining negotiations, the administration of collective bargaining  
15          agreements, the investigation of grievances, other workplace-related complaints and  
16          issues and internal matters involving the governance or business of the bargaining agent,  
17          as long as that use does not interfere with governmental operations. A bargaining agent  
18          conducting a meeting in a government building or facility pursuant to this section may be  
19          charged for maintenance, security and other costs related to the use of the government  
20          building or facility that would not otherwise be incurred by the government entity.

21          Nothing in this section may be construed to limit the terms of a collective bargaining  
22          agreement that provide a bargaining agent with greater rights of access to employees than  
23          the rights established by this section.

24          **Sec. 2. 26 MRSA §979-T** is enacted to read:

25          **§979-T. Bargaining agent access**

26          **1. Bargaining agent access to employees.** Public employers shall provide to a  
27          bargaining agent access to members of the bargaining unit that the bargaining agent  
28          exclusively represents. Access must include, but is not limited to, the following:

29          A. The right to meet with individual employees on the premises of the public  
30          employer's workplace during the work day to investigate and discuss grievances,  
31          workplace-related complaints and other workplace issues;

32          B. The right to conduct workplace meetings during lunch and other breaks, and  
33          before and after the work day, on the public employer's premises to discuss  
34          workplace issues, collective bargaining negotiations, the administration of collective  
35          bargaining agreements and other matters related to the duties of a bargaining agent  
36          and internal bargaining agent matters involving the governance or the business of the  
37          bargaining agent;

38          C. The right to meet with newly hired employees, without charge to the pay or leave  
39          time of the employees, for a minimum of 30 minutes, not later than 10 calendar days

1 after receipt of the information provided pursuant to subsection 2, during new  
2 employee orientations or, if the employer does not conduct new employee  
3 orientations, at individual or group meetings; and

4 D. The right to use the e-mail system of a public employer to communicate with  
5 bargaining unit members regarding official bargaining agent matters including, but  
6 not limited to, elections, meetings and social activities, as long as the use of the  
7 e-mail system does not create an unreasonable burden on the public employer's  
8 network capabilities or system administration.

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

12 A. Not later than 10 calendar days after the date a prospective school employee  
13 accepts an offer of employment or not later than 10 calendar days after the date of  
14 hire for all other state employees and legislative employees, public employers shall  
15 provide the following information to a bargaining agent in spreadsheet file format or  
16 another format agreed to by the bargaining agent:

17 (1) Name;

18 (2) Job title;

19 (3) Workplace location;

20 (4) Home address;

21 (5) Work telephone numbers;

22 (6) Home telephone and personal cellular telephone numbers, if known;

23 (7) Work e-mail address;

24 (8) Personal e-mail address, if known; and

25 (9) Date of hire.

26 B. The following are not public records as defined in Title 1, section 402, subsection  
27 3 and are confidential and may not be disclosed by the public employer, except as  
28 provided in paragraph A:

29 (1) Home addresses, home or personal telephone numbers, personal e-mail  
30 addresses and dates of birth of employees;

31 (2) Names of employees within a bargaining unit; and

32 (3) Communications between a bargaining agent and its members.

33 **3. Bargaining agent access to government buildings and facilities.** The  
34 bargaining agent has the right to use government buildings and other facilities that are  
35 owned or leased by government entities to conduct meetings with bargaining unit  
36 members regarding bargaining negotiations, the administration of collective bargaining  
37 agreements, the investigation of grievances, other workplace-related complaints and  
38 issues and internal matters involving the governance or business of the bargaining agent,  
39 as long as that use does not interfere with governmental operations. A bargaining agent

1 conducting a meeting in a government building or facility pursuant to this section may be  
2 charged for maintenance, security and other costs related to the use of the government  
3 building or facility that would not otherwise be incurred by the government entity.

4 Nothing in this section may be construed to limit the terms of a collective bargaining  
5 agreement that provide a bargaining agent with greater rights of access to employees than  
6 the rights established by this section.

7 **Sec. 3. 26 MRSA §1037** is enacted to read:

8 **§1037. Bargaining agent access**

9 **1. Bargaining agent access to employees.** The university, academy or community  
10 college shall provide to a bargaining agent access to members of the bargaining unit that  
11 the bargaining agent exclusively represents. Access must include, but is not limited to,  
12 the following:

13 A. The right to meet with individual employees on the premises of the university's,  
14 academy's or community college's workplace during the work day to investigate and  
15 discuss grievances, workplace-related complaints and other workplace issues;

16 B. The right to conduct workplace meetings during lunch and other breaks, and  
17 before and after the work day, on the university's, academy's or community college's  
18 premises to discuss workplace issues, collective bargaining negotiations, the  
19 administration of collective bargaining agreements and other matters related to the  
20 duties of a bargaining agent and internal bargaining agent matters involving the  
21 governance or the business of the bargaining agent;

22 C. The right to meet with newly hired employees, without charge to the pay or leave  
23 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days  
24 after receipt of the information provided pursuant to subsection 2, during new  
25 employee orientations or, if the university, academy or community college does not  
26 conduct new employee orientations, at individual or group meetings; and

27 D. The right to use the e-mail system of the university, academy or community  
28 college to communicate with bargaining unit members regarding official bargaining  
29 agent matters including, but not limited to, elections, meetings and social activities,  
30 as long as the use of the e-mail system does not create an unreasonable burden on the  
31 university's, academy's or community college's network capabilities or system  
32 administration.

33 **2. Bargaining agent access to employee information.** The university, academy or  
34 community college shall provide to a bargaining agent access to information about  
35 members of the bargaining unit that the bargaining agent exclusively represents, as  
36 follows.

37 A. Not later than 10 calendar days after the date a prospective school employee  
38 accepts an offer of employment or not later than 10 calendar days after the date of  
39 hire for all other university, academy or community college employees, the  
40 university, academy or community college shall provide the following information to

1 a bargaining agent in spreadsheet file format or another format agreed to by the  
2 bargaining agent:

3 (1) Name;

4 (2) Job title;

5 (3) Workplace location;

6 (4) Home address;

7 (5) Work telephone numbers;

8 (6) Home telephone and personal cellular telephone numbers, if known;

9 (7) Work e-mail address;

10 (8) Personal e-mail address, if known; and

11 (9) Date of hire.

12 B. The following are not public records as defined in Title 1, section 402, subsection  
13 3 and are confidential and may not be disclosed by the university, academy or  
14 community college, except as provided in paragraph A:

15 (1) Home addresses, home or personal telephone numbers, personal e-mail  
16 addresses and dates of birth of employees;

17 (2) Names of employees within a bargaining unit; and

18 (3) Communications between a bargaining agent and its members.

19 **3. Bargaining agent access to university, academy or community college**  
20 **buildings and facilities.** The bargaining agent has the right to use university, academy  
21 and community college buildings and other facilities that are owned or leased by the  
22 university, academy or community college to conduct meetings with bargaining unit  
23 members regarding bargaining negotiations, the administration of collective bargaining  
24 agreements, the investigation of grievances, other workplace-related complaints and  
25 issues and internal matters involving the governance or business of the bargaining agent,  
26 as long as that use does not interfere with operations. A bargaining agent conducting a  
27 meeting in a university, academy or community college building or facility pursuant to  
28 this section may be charged for maintenance, security and other costs related to the use of  
29 the university, academy or community college building or facility that would not  
30 otherwise be incurred by the university, academy or community college.

31 Nothing in this section may be construed to limit the terms of a collective bargaining  
32 agreement that provide a bargaining agent with greater rights of access to employees than  
33 the rights established by this section.

34 **Sec. 4. 26 MRSA §1295** is enacted to read:

1           **§1295. Bargaining agent access**

2           **1. Bargaining agent access to employees.** Public employers shall provide to a  
3 bargaining agent access to members of the bargaining unit that the bargaining agent  
4 exclusively represents. Access must include, but is not limited to, the following:

5           A. The right to meet with individual employees on the premises of the public  
6 employer's workplace during the work day to investigate and discuss grievances,  
7 workplace-related complaints and other workplace issues;

8           B. The right to conduct workplace meetings during lunch and other breaks, and  
9 before and after the work day, on the public employer's premises to discuss  
10 workplace issues, collective bargaining negotiations, the administration of collective  
11 bargaining agreements and other matters related to the duties of a bargaining agent  
12 and internal bargaining agent matters involving the governance or the business of the  
13 bargaining agent;

14           C. The right to meet with newly hired employees, without charge to the pay or leave  
15 time of the employees, for a minimum of 30 minutes, not later than 10 calendar days  
16 after receipt of the information provided pursuant to subsection 2, during new  
17 employee orientations or, if the employer does not conduct new employee  
18 orientations, at individual or group meetings; and

19           D. The right to use the e-mail system of a public employer to communicate with  
20 bargaining unit members regarding official bargaining agent matters including, but  
21 not limited to, elections, meetings and social activities, as long as the use of the  
22 e-mail system does not create an unreasonable burden on the public employer's  
23 network capabilities or system administration.

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

27           A. Not later than 10 calendar days after the date of hire for all judicial employees,  
28 public employers shall provide the following information to a bargaining agent in  
29 spreadsheet file format or another format agreed to by the bargaining agent:

30           (1) Name;

31           (2) Job title;

32           (3) Workplace location;

33           (4) Home address;

34           (5) Work telephone numbers;

35           (6) Home telephone and personal cellular telephone numbers, if known;

36           (7) Work e-mail address;

37           (8) Personal e-mail address, if known; and

38           (9) Date of hire.



1 B. The following are not public records as defined in Title 1, section 402, subsection  
2 3 and are confidential and may not be disclosed by the public employer, except as  
3 provided in paragraph A:

4 (1) Home addresses, home or personal telephone numbers, personal e-mail  
5 addresses and dates of birth of employees;

6 (2) Names of employees within a bargaining unit; and

7 (3) Communications between a bargaining agent and its members.

8 **3. Bargaining agent access to government buildings and facilities.** The  
9 bargaining agent has the right to use government buildings and other facilities that are  
10 owned or leased by government entities to conduct meetings with bargaining unit  
11 members regarding bargaining negotiations, the administration of collective bargaining  
12 agreements, the investigation of grievances, other workplace-related complaints and  
13 issues and internal matters involving the governance or business of the bargaining agent,  
14 as long as that use does not interfere with governmental operations. A bargaining agent  
15 conducting a meeting in a government building or facility pursuant to this section may be  
16 charged for maintenance, security and other costs related to the use of the government  
17 building or facility that would not otherwise be incurred by the government entity.

18 Nothing in this section may be construed to limit the terms of a collective bargaining  
19 agreement that provide a bargaining agent with greater rights of access to employees than  
20 the rights established by this section.

## 21 **SUMMARY**

22 This bill makes changes to the laws governing collective bargaining for municipal  
23 employees, state employees, judicial employees and employees of the University of  
24 Maine System, the Maine Maritime Academy and the Maine Community College System  
25 to provide a collective bargaining agent with greater access to employees and employee  
26 information for those employees represented by that collective bargaining agent. It also  
27 provides a collective bargaining agent with the right to use any government building or  
28 facility to conduct meetings with its members, as long as that use does not interfere with  
29 governmental operations. The government entity may charge the collective bargaining  
30 agent for any additional costs that use may incur.