

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 891

S.P. 383

In Senate, February 28, 2023

An Act to Protect Due Process for Certain Public Sector Employees

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

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

2 **Sec. 1. 5 MRSA §7073** is enacted to read:

3 **§7073. Due process in suspension without pay or termination**

4 **1. Written notice.** A state agency may not suspend without pay or dismiss an
5 employee of that agency unless the agency has given the employee written notice of the
6 action to be taken and the reasons for such action at least 3 business days prior to the
7 suspension without pay or dismissal. The notice must inform the employee of the
8 employee's right to meet with the agency, or its representative, prior to the suspension or
9 dismissal action and to have an agent, representative or other person present at the meeting.
10 For purposes of this section, "state agency" means a state department, agency, office, board
11 or commission or a quasi-independent agency, board, commission, authority or institution.

12 **2. Meeting request.** An employee who received written notice pursuant to subsection
13 1 may, within 5 business days of receiving the notice, request to meet with the state agency
14 issuing the notice. If the employee requests the meeting prior to or on the effective date of
15 the proposed suspension without pay or dismissal, the effective date of the suspension or
16 dismissal is delayed until the date the agency meets with the employee. If the employee
17 requests a meeting after the effective date of the suspension without pay or dismissal, the
18 agency shall schedule a meeting with the employee to occur within 2 business days of the
19 request.

20 **3. Meeting.** At the meeting between the employee and the state agency, or its
21 representative, the agency shall provide the employee with the reason for the suspension
22 without pay or dismissal and the evidence supporting the suspension without pay or
23 dismissal. The agency shall give the employee and the employee's agent or representative
24 an opportunity to respond.

25 **4. Exception.** Notwithstanding the provisions of this section, a state agency may
26 immediately suspend without pay or dismiss an employee in instances of gross misconduct
27 or where the employee's continued presence on the job represents a potential danger to
28 persons or property or would severely interfere with the operations or security of the
29 agency.

30 **SUMMARY**

31 This bill requires state agencies, including the University of Maine System, to provide
32 written notice prior to suspending an employee without pay or dismissing an employee.
33 The bill also provides the employee an opportunity to meet with the employer prior to
34 suspension or dismissal.