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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 104, L.D. 146, Bill, “An Act To Protect the Confidentiality of Local Government Employees' Private Information”

Amend the bill by striking out the title and substituting the following:

'Act To Protect the Confidentiality of State and Local Government Employees' Private Information'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 5 MRSA §7070, sub-§2, ¶D-1, as amended by PL 2007, c. 597, §6, is further amended to read:

D-1. Personal information pertaining to the employee's race, color, religion, sex, sexual orientation as defined in section 4553, subsection 9-C, national origin, ancestry, genetic information, age, physical disability, mental disability and marital status; social security number; personal contact information as provided in Title 1, section 402, subsection 3, paragraph O; and personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance. When there is a work requirement for public access to personal information under this paragraph that is not otherwise protected by law, that information may be made public. The Director of the Bureau of Human Resources, upon the request of the employing agency, shall make the determination that the release of certain personal information not otherwise protected by law is allowed; and

Sec. 2. 30-A MRSA §503, sub-§1, ¶B, as amended by PL 1997, c. 770, §2, is further amended to read:

B. County records containing the following:

- (1) Medical information of any kind, including information pertaining to the diagnosis or treatment of mental or emotional disorders;
- (2) Performance evaluations and personal references submitted in confidence;

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- 1 (3) Information pertaining to the creditworthiness of a named employee;
- 2 (4) Information pertaining to the personal history, general character or conduct
3 of members of an employee's immediate family; ~~and~~
- 4 (5) Complaints, charges or accusations of misconduct, replies to those
5 complaints, charges or accusations and any other information or materials that
6 may result in disciplinary action. If disciplinary action is taken, the final written
7 decision relating to that action is no longer confidential after the decision is
8 completed if it imposes or upholds discipline. If an arbitrator completely
9 overturns or removes disciplinary action from an employee personnel file, the
10 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
12 name was deleted from the final written decision discloses that the employee is
13 the person who is the subject of the final written decision, the entire final written
14 report, with regard to that employee, is public.

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

- 16 (a) The final written administrative decision that is not appealed pursuant to
17 a grievance arbitration procedure; or
- 18 (b) If the final written administrative decision is appealed to arbitration, the
19 final 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
22 employer if the final written decision of the neutral arbitrator is not issued and
23 released before the expiration of the 120 days; and

24 (6) Personal information, including that which pertains to the employee's:

- 25 (a) Age;
- 26 (b) Ancestry, ethnicity, genetic information, national origin, race or skin
27 color;
- 28 (c) Marital status;
- 29 (d) Mental or physical disabilities;
- 30 (e) Personal contact information, as described in Title 1, section 402,
31 subsection 3, paragraph O;
- 32 (f) Personal employment choices pertaining to elected payroll deductions,
33 deferred compensation, savings plans, pension plans, health insurance and
34 life insurance;
- 35 (g) Religion;
- 36 (h) Sex or sexual orientation as defined in Title 5, section 4553, subsection
37 9-C; or

