

STATE OF MAINE
DEPARTMENT OF PERSONNEL

January 21, 1986

PERSONNEL MEMORANDUM 1-86

TO: All Department/Agency Heads/Personnel Officers

SUBJECT: PROTECTION OF STATE EMPLOYEES WHO TESTIFY BEFORE
LEGISLATIVE COMMITTEES

Attached is a copy of a notice regarding the provisions of 5 MRS.A, C. 2, §21 et seq. (Chapter 167, Public Laws of 1985). This legislation establishes the protection of State employees who testify before legislative committees.

As the notice states, State employees are not to be discharged, threatened or otherwise discriminated against for testifying before or providing information to a legislative committee, provided the employee's conduct is in compliance with this law. Any State employee has the right to represent himself and testify before a legislative committee on the employee's personal time or on authorized leave. Approval of requests for annual leave to appear before legislative committees shall be handled in a manner consistent with existing labor contracts.

In order to comply with the provisions of Chapter 167, department heads are requested to ensure that the attached notice is prominently posted in all State facilities and distributed to all appropriate supervisory personnel.

Questions regarding this notice may be directed to Frank Johnson of my staff.


DAVID W. BUSTIN
COMMISSIONER

Attachment

MAY BE REPRODUCED LOCALLY TO MEET DISTRIBUTION NEEDS

STATE OF MAINE
DEPARTMENT OF PERSONNEL

N O T I C E

PROTECTION OF STATE EMPLOYEES

WHO TESTIFY BEFORE LEGISLATIVE COMMITTEES

As provided by 5 MRSA, C. 2, §21 et seq. (Chapter 167, Public Laws 1985) every State employee has the right to represent himself and testify before a legislative committee on the employee's personal time or on authorized leave. Approval of requests for annual leave to appear before legislative committees shall be handled in a manner consistent with existing labor contracts.

An employer shall not discharge, threaten, or otherwise discriminate against a State employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee, in compliance with Chapter 167, testified before or provides information to a legislative committee. The law protects any State employee who presents testimony or information relating to departments or agencies of State government and which pertains to: successes, failures, or problems of current programs; advantages, disadvantages or other relevant information about proposed programs; and the means of improving existing programs and alternative to existing programs.

This protection does not extend to any employee who presents testimony as a spokesman or representative of a department without the authorization of the appointing authority. Further, an employee is not protected by this chapter if testimony presented constitutes slander or libel.

An employee who alleges a violation of his rights under this law may bring a civil action for appropriate injunctive relief and other remedies, within 120 days after the occurrences of that alleged violation. The action may be brought in the Superior Court for the county where the alleged violation occurred, the county where the complainant resides or the county where the person against whom the civil complaint is filed resides.

A court, in rendering a judgment in an action brought pursuant to this chapter, may order reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights or any combination of these remedies. A court may also award the prevailing party all or a portion of the costs of litigation, including reasonable attorneys' fees and witness fees, if the court determines that the award is appropriate.

The provisions of this law shall not be construed to diminish or impair the rights of the State or respective bargaining agent under any collective bargaining agreement.

DATE: January 21, 1986