



HOUSE APPROPRIATIONS COMMITTEE
House Bill 904
State Personnel – Collective Bargaining – Exclusive Representative Access to New Employees
February 25, 2021
Urging an Unfavorable Report
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Chair McIntosh, Vice Chair Chang, and members of the Committee, thank you for the opportunity to share our thoughts regarding House Bill 904.

House Bill 904 would require the USM institutions to turn over highly sensitive personally identifiable information (PII) belonging to each bargaining unit-eligible employee, without any showing of the need for this information, any requirement to protect this information, or any limit on the exclusive representative's use of the information. Also, it significantly expands the unions' initial access to new employees hired into bargaining unit-eligible positions on several important fronts and creates new, unnecessary administrative burdens for the institutions.

Currently, the exclusive representative enjoys the statutory right to participate in the agency or unit's new employee orientation or training program to collectively address all new employees in attendance, not just the new employees the union represents. House Bill 904 preserves this right, but also establishes a new right -- the exclusive representative may meet *in person* with every new bargaining unit employee within the first full pay period after the employee's start date. The bill provides that the exclusive representative alone has the right to determine if public health concerns necessitate that a meeting be conducted remotely via video. USM employees must have the exclusive right to choose to join or not join a union devoid of undue influence or outside pressure.

House Bill 904 also requires USM institutions to transmit a new employee's name, unit, and *all employee identification numbers, including Workday identification numbers*, to the union president within 24 hours of the employee's start date. This is unacceptable. Providing sensitive information to union representatives places the employee at a higher risk for identity theft. Consider the huge number of fraudulent unemployment insurance claims currently pending against state employees to grasp the potential risk to employees. Once the USM has released the employee identification numbers, it no longer exercises control over how the data is used, shared, and protected. The personally identifiable information, or PII, of employees is highly protected at USM institutions by practice, policy and state and federal statutes. House Bill 904 provides no similar protections to employees to ensure that this data does not get into the wrong hands and likewise establishes no limits on the use of this personal information.

From an administrative standpoint, it is impossible to comply with this bill's requirement that the university provide certain data to the union within 24 hours of the employee's start date. A new employee's record is accumulated and built within the USM's personnel systems over a period of days and weeks, but rarely within 24 hours of their start date. As a practical matter, a new employee's Workday identification number takes weeks to establish, after key data has been transmitted between the USM institution and DBM, and back again.

For these reasons the USM urges an unfavorable report.