

TESTIMONY OF TIMOTHY BELCHER
EXECUTIVE DIRECTOR,
MAINE STATE EMPLOYEES ASSOCIATION, SEIU LOCAL 1989
IN SUPPORT OF LD 1353
"AN ACT REGARDING SALARY INFORMATION FOR PUBLIC EMPLOYEES"
JOINT STANDING COMMITTEE ON THE JUDICIARY
APRIL 30, 2009

Senator Bliss, Representative Priest, members of the Joint Standing Committee on the Judiciary,

My name is Timothy Belcher, and I am the Executive Director of the Maine State Employees Association, SEIU Local 1989, a statewide labor union representing some 15,000 active and retired public employees. We support this legislation as an effort to find an appropriate balance between the privacy rights of rank and file public employees, and the public's right to know.

If you throw a piece of trash in a wastebasket in this building, a custodian comes and takes it away. The same people clean the floors and stock the restrooms. This legislature depends on them, but they are not public figures. Unless you've taken the time to introduce yourself to them, chances are you don't know the name of the person who empties your trash. Under current law, however, you can get the custodian's name, salary, disciplinary history, and a good deal of other information.

As you all know, a national network of conservative policy centers has been putting names and pay of public employees online, so the public can find the incomes of government workers they know. If your neighbor or former spouse plows roads for DOT, you can find out how much he or she earns. You can find the pay and benefits of your case manager, the trooper who just pulled you over, the public nurse who lives down the street. You can look up the names of thousands of employees and retirees, the overwhelming majority of whom are not public figures, and find the pay and benefits they receive from their public employers.

To many, this is a deep violation of their right to privacy. They feel humiliated and exposed. No, it isn't that they are embarrassed by their pay or benefits: they are simply ordinary citizens who feel this information is private. The State as an employer has the obligation to protect that right to privacy, just as it did a few years ago when it protected employee home addresses from disclosure.

Let me be clear that MSEA-SEIU is a strong believer in open government, and a heavy user of the freedom of access laws. We need open access to protect our members, and we file dozens of access requests each year. As a lawyer, I have argued to the Law Court to protect or expand the right to know. We have also, however, come to the Legislature and gone to the courts to protect the privacy interests of rank and file members. Privacy and the right to know are compelling and important principles, and this balance deserves

careful thought. I don't pretend that these are easy questions, or that I know the perfect answer, only that I want to solve a problem.

For all the media attention this bill has received, I am at a loss to remember a single news story or research article that I have read, watched or heard in this state that could not have been written if this bill was law. The Bangor Daily News has published stories about the pay of top level employees, but that research could likely have been based on positions as easily as by name. In any event, I make the offer that if anyone shows me a news clipping that couldn't have been written under this law, I will work to find a way to propose amendments to you as a committee in order to solve the problem.

We have also heard people argue that this bill will prevent coverage of some hypothetical story. For example, that disclosing names might help someone uncover a government employee who is hiring family members. The problem, of course, is that not all family members share a name, and not all people who share a name are family members. Finally, this research would still fail to uncover family members who are working on contract. Still, if that is our concern, we could simply require government employees to report any close family ties to other employees, or to employees of contractors. Disclosing names of rank and file employees does not solve that problem.

There is also a huge blind spot in the information we receive. While we know the details of state employee and retiree pay, we know nothing about the thousands of people who are paid by the state, but as the employees of contractors or consultants. In most other state offices, the custodial work is contracted out. Under current law, you don't know their names, pay, benefits, or disciplinary histories. When you considered legislation a few weeks ago to finally shine the light on those contractors, no one but the Civil Liberties Union and MSEA spoke up.

You can get the pay information on the custodians who are state employees without getting their names. I have attached some excerpts from a database of 15,000 state positions that was published on AsMaineGoes.com in 2008. I believe the data is from the 2007 year. It can be organized by various categories, and gives you actual earnings and benefit costs, not ranges. I included the Custodian I classification, and also some commissioners.

The AsMaineGoes.com data invades no one's privacy, and gives us accurate information on pay and salaries for each person who worked in state government for that year, by position number rather than by name. High-ranking officials and other public figures are generally recognizable by position title. I use this data for research frequently, and find it invaluable. MSEA-SEIU wholly supports disclosing this kind of data, on an individualized basis, but without including the names of rank and file employees.

To reinforce that point, MSEA-SEIU today posted current pay data for every position in state government on our website, www.mseaseiu.org. Names are not included. Benefit information and overtime are not included because we don't request it, but that data is available and would be available under this bill.

When the Heritage Policy Center opened its website, our members responded in anger and disgust, expressing the feeling of being violated. One man called me to say that he was being stalked by a woman against whom he had a protective order. He was afraid that the publication of his name and job would make it easier for his stalker to find him. I called the Center and spoke to the Executive Director and their attorney, asking him to make an exception in this case. He would not.

The real point of this disclosure is clear if you read the anonymous comments that are posted on maineopengov.com. People write in and abuse and insult state workers, teachers, retirees, businesses, and especially legislators. If there is a public interest in creating a public forum to insult public servants, I don't get it. Our members work hard to deliver important services. No, they don't sign up as state workers to be insulted anonymously on the internet.

It's time to value public service, and respect the men and women who work for government. They work hard, often under difficult circumstances, and deserve to be treated fairly. If they work overtime, it is because work needs to be done. If several family members work for the government, it is not a sign of corruption. We can all be grateful to the Mills family for their dedication to public service.

There are many ways to balance the privacy rights of employees with the public's right to know. This bill takes one approach, but we are all open to better ideas. We would hope that the opponents approach the issue without trivializing the privacy interests of state workers, just as state workers respect the need for public scrutiny. I am eager to work with anyone who will join me to solve problems.

In the meantime, on behalf of the thousands of state workers who I am proud to represent, I urge you to support I.D 1353.