



Archives Advisory Board

Meeting Minutes (Special)

October 18, 2023

1:30pm – 2:30pm

Location: Zoom

Board Members Present: Adelaide Solomon-Jordan, Eric Stout, Paige Lilly, Jennifer Tarr, Shirley Browne, James Francis, Steve Collins, Greg Zinser

Board Members Absent: Shelly Crosby, Brenda Kielty

MSA Staff Members Present: Kate McBrien (ex-officio), Felicia Kennedy, Tiffany Tattan-Awley, Heather Moran, Tammy Marks

Public Members Present: Dean Staffieri, Tom Feeley, Ben Grant, Beth White, Paul Cavanaugh

Meeting called to order at 1:30 pm

Welcome and Land Acknowledgment

Katherine McBrien welcomed everyone to the meeting and recited the land acknowledgment which is offered by the Maine State Archives at each Archives Advisory Board meeting.

Welcome

Kate welcomed the Board/guests and acknowledged a quorum.

State Employee Disciplinary Records and LD 1397

Kate mentioned to those in attendance that she was looking for guidance regarding disciplinary records. She is scheduled to present information to the Right to Know Advisory Committee next week and was looking for thoughts/comments from everyone.

Felicia added that perhaps a breakdown of formal versus informal discipline should be part of the discussion.

Shirley asked if Risk Management or Bureau of Human Resources had been contacted about the subject. Kate advised that they had both been contacted about this as well as the Attorney General's Office.

There was question about whether a union contract can override the schedules. Ben Grant mentioned that the contracts don't trump the law but the law in this case provides for that. It's in statute that those provisions essentially are not applicable when there is a CBA (collective bargaining agreement) in place; so it's authorized in the statute itself for the CBA to take precedence.

Paul Cavanaugh joined the meeting and mentioned that what started these discussions is the concern that government is hiding crooked cops. Prosecutors must disclose Brady-Giglio material to the defense. If a potential witness has bad history, the prosecutor must give it. It was mentioned that perhaps state workers and law enforcement's disciplinary records are viewed differently by the intent of this change, so the intent of this change is based on the employee's role.

There was comment from Tom Feeley that if a disciplinary record stays in your file for the rest of your career, it could be a huge incentive for an employee to go to the wall fighting every single disciplinary infraction.

It was asked where formal and informal distinctions came from. Felicia mentioned that those were included in much of the research she conducted of retention schedules from other states as well as federal general schedules.

The takeaway from the meeting is for Kate to bring to the Right to Know Advisory Committee the following recommendation: that state and local government disciplinary record schedules should be more closely aligned and that retention for law enforcement should be separate from state/local employee disciplinary record schedules based on their unique situations.

Voting did not take place as this meeting was for discussion only, changes were not made. The guidance sought by Kate was to provide her with thoughts and concerns from stakeholders and the Board to bring to the Committee.

Adjournment

Meeting adjourned at 2:30 pm.