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2023 GEA Report - Department of Labor

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STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0054

JANET T. MILLS
GOVERNOR

LAURA A. FORTMAN
COMMISSIONER

November 1, 2023

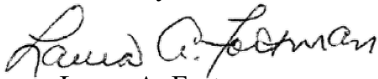
The Honorable Senator Michael Tipping, Senate Chair
The Honorable Representative Amy Roeder, House Chair
Members of the Joint Standing Committee on Labor and Housing
100 State House Station
Augusta, Maine 04333

Dear Senator Tipping, Representative Roeder, and Members of the Joint Standing Committee on Labor and Housing,

I am pleased to submit the enclosed report in accordance with the State's Government Evaluation Act. My team and I appreciate the opportunity to highlight the good work that is happening here in the Department.

We welcome your invitation for further review during the upcoming legislative session. Please feel free to contact the Department's Legislative Liaison, Dillon Murray, should you have any questions in the meantime.

Sincerely,


Laura A. Fortman



**Report to the
Joint Standing Committee on Labor and Housing
In accordance with
Maine Revised Statute Title 3 Chapter 35
State Government Evaluation Act**

November 1, 2023

Maine Department of Labor
State Government Evaluation Act Report
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Maine Department of Labor

Organizational Units

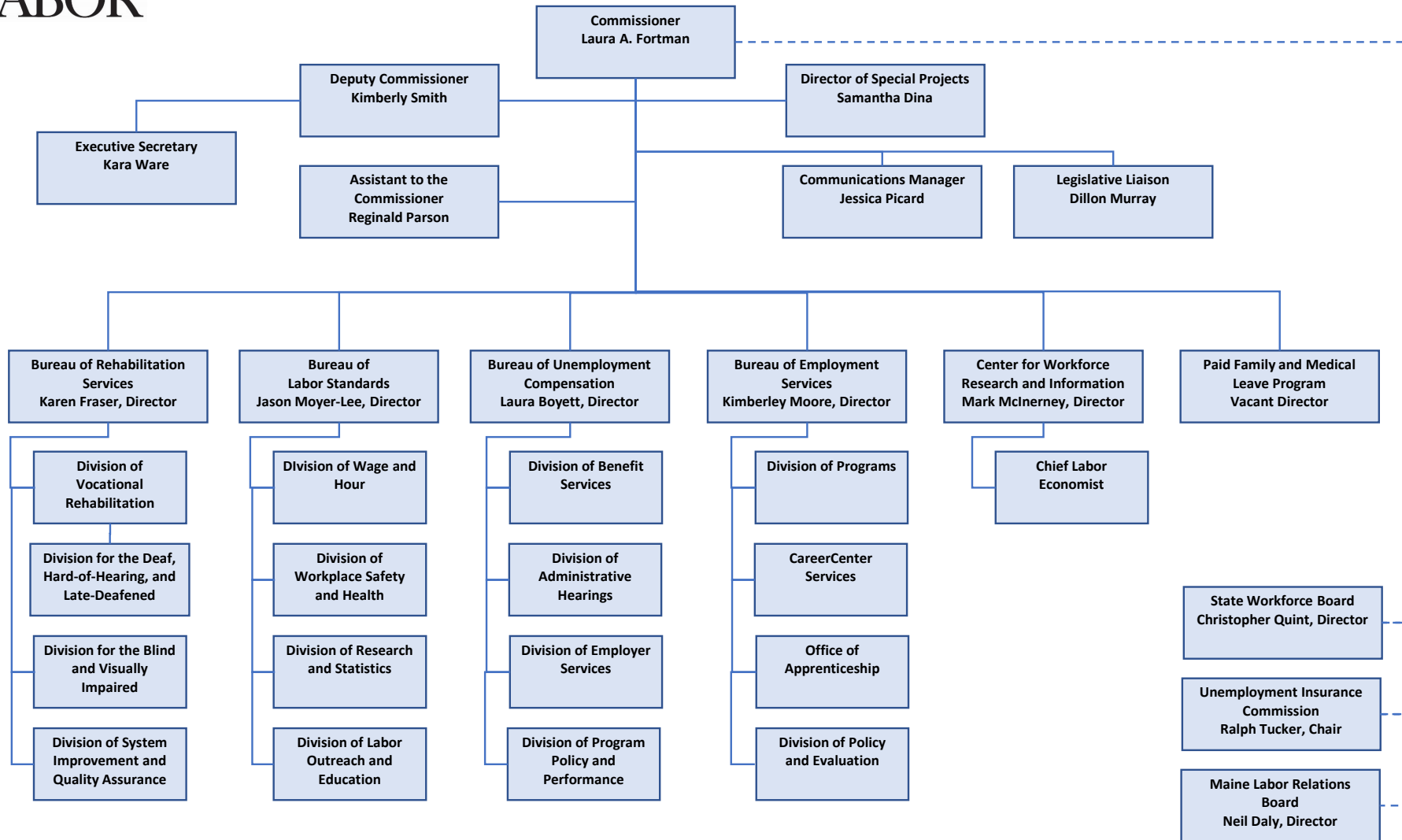
The mission of the Maine Department of Labor is “to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by ensuring safe working conditions and protection against loss of income and by enhancing the opportunities of individuals to improve their economic status.” (26 M.R.S. §1401-A)

The mission is carried out through the following components, which are included in this report.

- Bureau of Employment Services
- Bureau of Rehabilitation Services
- State Workforce Board
- Center for Workforce Research and Information
- Bureau of Unemployment Compensation
- Unemployment Insurance Commission
- Bureau of Labor Standards
- Paid Family and Medical Leave Program (effective October 25, 2023)

Please note, the Maine Labor Relations Board is scheduled for review separately, and is therefore not included in this report.

Department Organizational Chart



Maine Department of Labor
Bureau of Employment Services
Kim Moore, Director

Enabling Legislation

The Bureau of Employment Services (BES) was established in 1996 (26 M.R.S.A. §1401-A) through the consolidation of the Bureau of Employment and Training program and the Bureau of Employment Security Job Service Division.

26 M.R.S. §1401-A

26 M.R.S. §1083

Program Description

Enhancing economic success through workforce development is the primary purpose of the Bureau of Employment Services (BES). BES administers the State's workforce development programs, which are primarily funded through Federal employment grants. Workforce services are delivered through the Department's twelve state-wide CareerCenters and through Maine's three local workforce investment boards.

The CareerCenters and local boards are components of the larger workforce development system, which also includes agencies such as Adult Education and the Community College System. The larger workforce system's purpose is to increase employment, job retention, wage earnings, and worker skill-attainment.

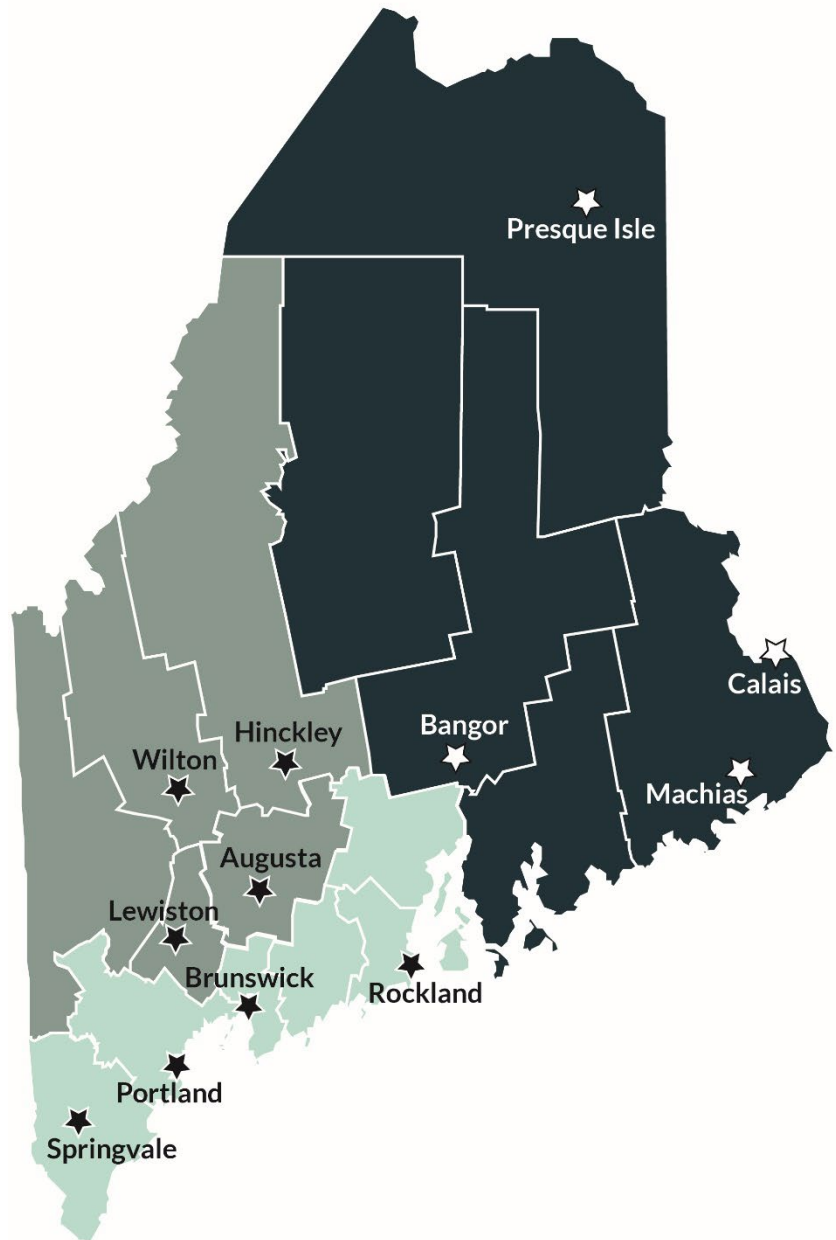
Under the federal Workforce Innovation and Opportunity Act (WIOA), all programs focus on basic career services and universal access. WIOA individualized career services and training services targets resources to those people with documented or assessed need. One of the larger programs comes to BES through WIOA, which provides career and training services to job seekers. These services include job search assistance, workforce preparation, and career development services. In addition to serving individual job seekers, these programs help businesses find the skilled workers they need by referring qualified job seekers, filling job orders, and through tailored work-based learning strategies.

BES also provides services to businesses, with a team dedicated to employer services. These include workforce consultations, recruitment, referrals to other supports and resources, and development and support of employer-driven training programs. Occupational information and training are also provided to educators, training program managers, and policy makers.

All services are available through the statewide network of CareerCenters. There are twelve MDOL CareerCenters located in Springvale, Portland, Brunswick, Lewiston, Augusta, Wilton, Fairfield, Rockland, Bangor, Machias, Calais, and Presque Isle. Services are also available online at www.mainecareercenter.gov.

CareerCenters are part of the American Job Center (AJC) Network, which provide:

- integrated intake necessary to assess worker needs,
- customer “no wrong door” access to all partner programs and activities,
- core career services like job search and placement assistance, labor market information, career counseling, resume writing assistance, referral to and coordination with activities across programs,
- individualized career services like assessments of skill, development of employment plans, workforce preparation activities and financial literacy accessible to all eligible workers,
- connection to and support for training and related supportive services that result in employment, with an emphasis on good jobs (www.dol.gov/general/good-jobs).



WIOA specifically identifies the American Job Centers as the system to unify numerous employment and training programs across multiple agencies into a single, customer-friendly set of services.

In addition to WIOA, BES holds responsibility for numerous federal and state funded programs dedicated to specific activities. These activities are primarily embedded in the CareerCenters.

Employment Service (ES): The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices, now known as the Employment Service (ES). The Employment Service seeks to improve the functioning of the nation's labor markets by bringing together individuals seeking employment with employers seeking workers. ES services are delivered through the AJC network and are designed to increase employment opportunities for all workers and meet the needs of businesses for work-ready job seekers. One of the primary goals of ES is to ensure that job seekers and employers have universal access to basic labor exchange services.

Migrant Seasonal Farmworker (MSF): Also established through the Wagner Peyser Act, MSF is program of services for migrant and seasonal farmworkers and their dependents. Through this program, BES helps farmworkers and their dependents acquire necessary skills to either stabilize or advance in their agricultural jobs or obtain employment in new industries.

Maine JobLink: This web-based job posting, job search tool provided at no cost to employers and job seekers through the Wagner Peyser Act. Maine JobLink provides jobseekers, employers, and training providers with easy-to-use tools that support a wide range of activities. Users can create and post a resume or job advertisement, determine eligibility for workforce programs, search for a job or candidate, find a training program or service provider and research labor market information.

Maine Registered Apprenticeship Program: Structured yet flexible training programs designed to meet the specific needs of Maine employers through on-the-job learning and related classroom instruction. Apprenticeship Programs can be sponsored by employers, employer associations, or labor/management groups that can hire and train in a working situation. In January 2022, Maine Apprenticeship Program launched a \$12.3 million grant opportunity, funded by the Maine Jobs and Recovery Plan and a USDOL State Apprenticeship Expansion, Equity, and Innovation (SAEEI) grant. Fourteen collaborations (employers, community-based organizations, training providers, unions, and apprenticeship intermediaries) were selected to receive grant funding. These investments will expand the number of high-quality pre and registered Apprenticeships offered and increase the number of under-represented workers in Apprenticeship with a focus on women, people of color, people with disabilities, and justice involved individuals.

Competitive Skills Scholarship Program:

The Competitive Skills Scholarship Fund (CSSF) was adopted by the Maine State Legislature in June 2007. The Competitive Skills Scholarship Program (CSSP) provides workers with support to help bridge the gap between traditional educational programs and the needs of Maine's adult workers in a transitioning economy. The 127th Maine Legislature amended the statute to include CSSP resources for secondary school students participating in the Early College and Career and Technical Education Program (ECCTEP). This will increase employment and training opportunities for students while in high school and more importantly to assist them with training when they transition from school to work.

Work Opportunity Tax Credit (WOTC) and Federal Bonding:

WOTC is a Federal tax credit available to employers for hiring and employing individuals from certain targeted groups who have faced significant barriers to employment. WOTC joins other workforce programs that incentivize workplace diversity and facilitate access to good jobs for American workers. BES is responsible for receiving, verifying, and processing Maine employer applications for the credit.

The U.S. Department of Labor established the Federal Bonding Program to provide Fidelity Bonds for “at-risk,” hard-to-place job seekers. The bonds cover the first six months of employment at no cost to the job applicant or the employer. BES is responsible for purchasing bonds in response to worker or employer requests.

Trade Adjustment Assistance Program:

A federal program that provides aid to workers who lose their jobs or whose hours of work and wages are reduced because of increased imports. The TAA program offers a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, job search and relocation allowances, income support, and other reemployment services. A petition for TAA may be filed by a group of three or more workers, their union, or other duly authorized representative. BES is responsible for identifying possible TAA eligible layoffs and administering the employment and training program services and activities.

Rapid Response:

Rapid Response is a pro-active, business-focused, and flexible strategy designed to respond to layoffs and plant closings by quickly coordinating services and providing immediate aid to companies and their affected workers. Rapid Response teams work with employers and employee representatives to quickly maximize public and private resources to minimize disruptions associated with job loss. Rapid Response can provide customized services on-site at an affected company, accommodate any work schedules, and assist companies and workers through the transitions associated with job loss. The Rapid Response team (led by BES in coordination with other specialists) provide laid off workers information on filing for unemployment insurance, career counseling and re-employment assistance, information on health insurance options, access to skills upgrading and training resources, local labor market information and job fairs, etc.

Jobs for Veterans State Grant:

Provides federal funding, through a formula grant, to BES to hire dedicated staff to provide individualized career and training-related services to veterans and eligible persons with significant barriers to employment and to assist employers fill their workforce needs with job-

seeking veterans. Disabled Veterans' Outreach Program (DVOP) specialists provide individualized career services to eligible veterans and eligible spouses experiencing significant barriers to employment, as well as other additional populations as authorized, with an emphasis on assisting veterans who are economically or educationally disadvantaged. Veterans facing these barriers include veterans experiencing homelessness and vocational rehabilitation clients. Local Veterans' Employment Representative (LVER) staff conduct outreach to employers to advocate for the hiring of veterans. They also work with businesses, contractors, and employer organizations to develop career opportunities for veterans.

Foreign Labor Grant:

Foreign labor certification programs permit U.S. employers to hire foreign workers on a temporary or permanent basis to fill jobs essential to the U.S. economy. Certification from USDOL may be obtained in cases where it can be demonstrated that there are insufficient qualified U.S. workers available and willing to perform the work at wages that meet or exceed the prevailing wage paid for that occupation in the area of intended employment. BES is responsible for the creation of job orders and the promotion to US workers of all H2-A and H2-B employment opportunities in the state. The grant also requires BES to perform required housing inspections on every new H2-A job order within 32 days of the date that workers are scheduled to arrive.

National Dislocated Worker Grants (DWGs):

Discretionary grants awarded by USDOL. DWGs provide resources to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. This funding is intended to temporarily expand capacity to serve dislocated workers, including military service members, and meet the increased demand for WIOA employment and training services, with a purpose to reemploy laid off workers and enhance their employability and earnings. Disaster DWGs provide funding to create temporary employment opportunities to assist with clean-up and recovery efforts, when an area impacted by disaster is declared eligible for public assistance by the Federal Emergency Management Agency or otherwise recognized by a federal agency with authority. Employment Recovery DWGs temporarily expand capacity to serve dislocated workers and to meet the increased demand for employment and training services following a qualifying event such as major economic dislocations or mass layoffs. BES successfully applied and is responsible for administering DWGs including CAREER (funds the development of a virtual American Job Center), QUEST (in response to the pandemic, supports services for adversely affected workers and sectors with a focus on quality jobs) and Connecting with Opportunities (employment and training services focused on those affected by the opioid crisis and/or wanting to enter the career field).

Constituencies served:

Universal access is a basic tenet of the public workforce system. As such, BES provides services to all Maine jobseekers and employers through the CareerCenter network. In addition, specific outreach to and enhanced services are available to groups that are underrepresented in Maine's workforce or that have barriers to employment. These include lower income adults, dislocated or laid-off workers, older workers, individuals in recovery, justice-involved individuals, youth aged 16-24 without meaningful connection to training or work, BIPOC individuals, veterans, English language learners, and individuals with disabilities.

Demographics for Individuals Served in the WIOA Core Programs under BES July 2022 to June 2023

WIOA Core Programs: Adult, Dislocated Workers, Youth and Wagner Peyser/ES

Demographics	Adult	Dislocated Worker	Youth	WP
Total Served	712	138	367	6,779
Female	56.3%	54.3%	55.3%	45.8%
Aged <16	0%	0%	2.2%	0.02%
Aged 16-18	1.8%	0%	47%	1%
Aged 19-24	6.5%	2.2%	51%	5.6%
Aged 25-44	67%	42%	0%	39.6%
Aged 45-54	15%	22.5%	0%	21.3%
Aged 55-59	6.3%	23.2%	0%	12.4%
Aged 60+	3.8%	10.1%	0%	20.2%
Caucasian	70%	88%	76.3%	81%
Black/African American	22%	5.1%	15%	9.5%
Native American	2.8%	.7%	2.7%	1.6%
Hispanic/Latino	3.4%	.7%	4.4%	1.3%
Asian	1.7%	2.2%	1.9%	1.1%
Low Income	75.6%	37%	90%	37%
English Language Learners	30.5%	11.6%	49%	7.3%
Single Parents	21.5%	19.6%	8.7%	2.1%
Individuals with Disabilities	18.7%	13%	57.5%	9.2%
Ex-Offenders	26%	11.6%	7.6%	2.1%
Long Term Unemployed	35.8%	21.7%	41.4%	9.5%
Homeless Individuals/Runaway Youth	6.9%	1.4%	10.1%	1.7%
Foster Youth Transitioning out of Foster Care	0%	0%	3.5%	0.06%

Alternative Delivery Systems

Unlike the previous legislation that had a "one size fits all" focus, WIOA allows states and local workforce development boards to implement programs that meet the specific needs of the local area. This flexibility was especially important during the pandemic, where BES programs and services rapidly shifted to provide virtual options. Currently, customers are connected and served through various methods:

- In-person through our twelve “brick and mortar” CareerCenters statewide or through staff presence at community-based organizations, libraries, schools, prisons and jails, town offices and more
- Virtually through a staffed “LiveChat” available during business hours, virtual appointment options, and “consultant of the day” who provide immediate responses to those who prefer email.
- Telephonically through a statewide CareerCenter hotline

Coordination with State and Federal Agencies

BES ensures there is a high level of coordination of workforce development programs and services offered by the CareerCenters. BES works in close consultation with the other MDOL bureaus (Bureau of Unemployment Insurance, Bureau of Rehabilitation Services, Center for Workforce Research and Information and the Bureau of Labor Standards), the State Workforce Investment Board and Local Workforce Development Boards, and partners under WIOA including the community college system, adult education, Job Corps, YouthBuild, the Senior Community Service Employment Program (SCSEP), etc.

BES additionally provides services in coordination with Department of Corrections through services offered directly in the prisons; Department of Health and Human Services through coordinated work in Healthcare TrainingforME/Healthcare initiative and through local partnerships with their contracted ASPIRE provider (FedCAP); and Department of Education through partnership with career exploration, CTE programs, and extended learning opportunity coordinators.

Related Federal Laws and Regulations

Program	Program Authorization	Federal Agency
Youth Workforce Investment Activities	WIOA—Title I, Section 126	Department of Labor
Adult Employment and Training Activities	WIOA—Title I, Section 131	Department of Labor
Dislocated Worker Employment and Training Activities	WIOA—Title I, Section 131	Department of Labor
Employment Service	Wagner-Peyser Act of 1933	Department of Labor
Trade Adjustment Assistance	Title II of the Trade Act of 1974, as amended	Department of Labor
Jobs for Veterans State Grant programs	38 U.S.C. Chapter 41	Department of Labor
U.S. Registered Apprenticeship System-Maine Registered Apprenticeship Program	The National Apprenticeship Act (50 Stat. 664; 29 U.S.C. 50)	Department of Labor
Work Opportunity Tax Credit (WOTC)	Small Business and Work Opportunity Tax Act of 2007.	Department of Labor
Federal Bonding Program	44 U.S.C. 3506(c)(2)(A).	Department of Labor

Emerging Issues

The effects of the COVID pandemic continues to negatively impact jobseekers and program participants. They increasingly report that they are isolated, stressed, overwhelmed, face uncertain futures, and experience increased rates of physical and mental health challenges. These effects are compounded for the primary population served, low-income individuals who already face systemic inequities. Staff are witnessing the impact of personal stability challenges and how they disrupt clients' ability to persist in training.

Program Performance Measures and Outcomes

A detailed description of the programs, established authority, target population, performance measures and performance outcomes offered through the CareerCenters is included in **Table I**.

The U.S. Department of Labor, Employment and Training Administration as authorized under federal statute, has established a performance accountability system designed to assess the effectiveness of states and local areas in achieving continuous improvement of WIOA activities. **Table II** includes a summary of the various, program-specific measures that

make up the state and federal performance accountability system. **Table II** includes a summary of the individual negotiated performance measures for Program Years 2021 and 2022 under the Workforce Investment Act and performance measures for Program Year 2023 under the Workforce Innovation and Opportunity Act of 2014.

BES Table I: WIOA Federal Performance Measures by Program

Performance Measures	Workforce Innovation & Opportunity Act				Wagner-Peyser	Vets	Trade Adjustment Assistance
	Adult	Dislocated Worker	Youth (16-24)	Youth (14-21)			
1. Employment 2 nd Quarter After Exit Rate	X	X			X	X	X
2. Employment 4 th Quarter After Exit Rate	X	X			X	X	X
3. Median Earnings – 2nd Quarter After Exit	X	X	X	X	X	X	X
4. Credential Attainment During Participation or Within 1 year after Exit	X	X	X	X			X
5. Measurable Skill Gains	X	X	X	X			X
6. Effectiveness in Serving Employers					X		
7. Title I Youth Education and Employment Rate – 2nd Quarter After Exit			X	X			
8. Title I Youth Education and Employment Rate – 4th Quarter After Exit			X	X			

BES Table II: Maine Performance Standards:

Title I WIOA, Title III Wagner Peyser, Jobs for Veterans State Grant, Trade Adjustment Act

Performance Measures	Maine Negotiated Goals and Actuals Summary				
	PY 2021 7/2021-6/2022		PY 2022 7/2022-6/2023		PY 2023
	Goal	Actual	Goal	Actual	Goal
Adult					
Employment Rate – 2nd Quarter After Exit	73.0%	65.5%	69.1%	72.5%	70.0%
Employment Rate – 4th Quarter After Exit	71.5%	67.0%	67.4%	67.9%	67.5%
Median Earnings – 2nd Quarter After Exit	\$5,203	\$6,707.74	\$6,599	\$6,956	\$6,750
Credential Attainment	60.0%	67.0%	67.2%	62.7%	68.5%
Measurable Skill Gains	55.0%	55.0%	47.9%	57.0%	48.0%
Dislocated Worker					
Employment Rate – 2nd Quarter After Exit	79.5%	73.4%	74.0%	75.3%	74.5%
Employment Rate – 4th Quarter After Exit	77.0%	80.3%	76.4%	77.8%	77.0%
Median Earnings – 2nd Quarter After Exit	\$6,800	\$8,681.74	\$7,800	\$8,162	\$8,000
Credential Attainment	65.0%	61.0%	66.0%	70.3%	66.5%
Measurable Skill Gains	55.0%	61.8%	55.5%	58.4%	56.0%

Performance Measures	Maine Negotiated Goals and Actuals Summary				
	PY 2021 7/2021-6/2022		PY 2022 7/2022-6/2023		PY 2023
	Goal	Actual	Goal	Actual	Goal
Youth					
Title I Youth Education and Employment Rate – 2nd Quarter After Exit	69.0%	68.0%	67.6%	69.2%	68.0%
Title I Youth Education and Employment Rate – 4th Quarter After Exit	71.0%	69.7%	70.5%	70.9%	71.0%
Median Earnings – 2nd Quarter After Exit	\$3,869	\$4,025.99	\$4,000	\$4,644	\$4,050
Credential Attainment	57.0%	54.8%	56.5%	55.5%	57.5%
Measurable Skill Gains	40.0%	52.9%	50.0%	55.3%	51.0%

Performance Standards: Title III Wagner-Peyser

Performance Measures	Maine Negotiated Goals and Actuals Summary				
Employment Rate – 2nd Quarter After Exit	68.0%	51.6%	55.5%	65.7%	56.0%
Employment Rate – 4th Quarter After Exit	66.0%	53.0%	57.0%	60.6%	58.0%
Median Earnings – 2nd Quarter After Exit	\$5,600	\$6,244	\$5,950	\$7,775	\$6,000

Performance Standards: Jobs for Veterans State Grant

Performance Measures	Maine Negotiated Goals and Actuals Summary				
	FY 2021		FY 2022		FY 2023
	Goal	Actual	Goal	Actual	Goal
Employment Rate – 2nd Quarter After Exit	55%	51.97%	52%	54.7%	52%
Employment Rate – 4th Quarter After Exit	57%	53.83%	53%	49.1%	53%
Median Earnings – 2nd Quarter After Exit	\$6,110	\$6,482.14	\$6,490	\$7,225.87	\$6,490

Trade Adjustment Assistance (TAA)

	PY 2022	
	Actual	Denominator
Employment Rate – 2nd Quarter After Exit	55.56%	9
Employment Rate – 4th Quarter After Exit	82.35%	17
Median Earnings – 2nd Quarter After Exit	\$7,576.71	5
Credential Attainment	80%	15
Measurable Skill Gains	75%	4

Maine Department of Labor
Bureau of Rehabilitation Services
Karen D. Fraser, Director

Enabling Legislation

- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1411A-I
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1411-C
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1412-C
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1413-B
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1414
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1418
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1418-C
- Rehabilitation Act of 1973, as amended; 26 M.R.S.A., Sec. 1418-D
- Chapter 751, Public Laws 1997;
- 26 M.R.S. 1419, 1419-A
- 5 M.R.S., Chapter 3, Sub Section 48-A

Program Description

The primary mission of the Bureau of Rehabilitation Services (BRS) is to provide full access to employment, independence, and community integration for people with disabilities. The services provided by BRS result in Maine people with disabilities living independently, becoming employed in competitive jobs, having reduced reliance upon public benefits, and contributing to the Maine economy.

Based at CareerCenters across the state, BRS administers various state and federal vocational rehabilitation services for people with disabilities as mandated by the federal Workforce Innovation and Opportunity Act of 2014 under Title IV, Amendments to the Rehabilitation Act of 1973. The Vocational Rehabilitation programs administered by BRS have the core purpose as expressed in the preamble of the Rehabilitation Act:

“To Empower Individuals with Disabilities to Maximize Employment, Economic Self Sufficiency, Independence, and Inclusion and Integration into Society.”

To that end, persons with disabilities are served through the Bureau’s four divisions, comprised of three client service divisions organized according to state and federal program funding protocols, and one administrative division. These divisions are:

- Division for the Blind and Visually Impaired (DBVI)
- Division of Vocational Rehabilitation (DVR)
- Division for the Deaf, Hard of Hearing, and Late-Deafened (DHHLD)
- Division of Quality Assurance (DQA)

Vocational Rehabilitation Program (DVR; DHHL; DBVI): The Vocational Rehabilitation (VR) program provides a full array of services designed to assist people with disabilities to obtain and maintain employment. These services include vocational guidance and counseling, assistive technology, training, education, and job placement. Specialized services are available for people who are deaf or hard of hearing and for people who are blind or visually impaired. Services must be necessary for the achievement of a vocational goal established through the rehabilitation process. This program operates through a Federal/State partnership by which the state receives 80% of its funding from the federal government.

Eligible individuals must have a disability that results in a substantial barrier to employment, and it must be likely that the person will benefit from services to obtain, maintain or advance in employment.

Priority Goals and Objectives:

- Provide vocational rehabilitation services to approximately 8,500 individuals with significant disabilities during FY 2024 (to include Supported Employment Program described in the following paragraph).
- Provide career development services to approximately 3,000 youth with disabilities during FY 2024 that result in post-secondary education and competitive employment.

Supported Employment Program (DVR; DBVI): Supported Employment provides on-the-job support services to Vocational Rehabilitation (VR) clients who need long-term support services to be successfully employed. This support may be in the form of a job coach or on-site or off-site employment specialist. Services may include intervention with supervisors and peers, job development, social skills training, transportation, and support services to parents, spouse and children. To achieve the long-term support, the Bureau partners with the Department of Health and Human Services (Office of Behavioral Health and Office of Aging and Disability Services).

Priority Goals and Objectives:

- Provide competitive employment in integrated settings for individuals with significant disabilities for whom competitive employment has not traditionally occurred.
- Respond to increased demand for supported employment services in FY 2024 by approximately 320 individuals who are eligible for MaineCare waiver services.

Independent Living Program: With oversight by the US Department of Health and Human Services' Administration for Community Living, the Independent Living (IL) Services Program assists eligible individuals in overcoming the substantial barriers that prevent them from functioning independently within their homes and communities and to avoid institutionalization. The program is contracted to a private nonprofit agency, Alpha One, that provides direct services, such as adaptive equipment and skill training for homemaking, travel, communication, and employment. Eligibility requires a physical or mental disability that results in significant limitations for the individual to function independently within their home or in community settings.

Priority Goals and Objectives:

- Provide outreach and advocacy with private and public agencies to inform individuals with disabilities of the availability independent living services, including those that are consumer-directed.
- Annually assist at least 76 people with a wide range of disabilities of all ages to obtain information and appropriate services for improved independence, including provision of assistive technology, home modifications, peer support, mobility and other training.
- Coordinate with other agencies delivering comparable IL services, conferring closely with the DHHS Office of Aging and Disabilities Services regarding MaineCare waiver services to ensure that individual needs are met in the most timely and effective manner possible.

Independent Living - DBVI: Provides Independent Living services for persons aged 55 or older who are blind and visually impaired to preserve and enhance their independence at home and in the community while avoiding costly institutionalization.

Priority Goals and Objectives:

- Provide adaptive skill training, assistive devices and other support services to approximately 600 blind individuals each year to accomplish activities of daily living.
- Provide Orientation and Mobility instruction to assist individuals to travel safely around their home and community.
- Identify, develop and support Low Vision training and therapy resources in communities throughout the State.

Blind Student Education Program - DBVI: Supports local school units in providing free appropriate public education to children who are blind or visually impaired.

Priority Goals and Objectives:

- Provide direct instruction and/or consultation services from a certified teacher to at least 300 children who are blind each year. Ninety-five percent of these students will advance with their class or meet their Individualized Education Plans.

Telecommunications Equipment Program – DHHLD: The Telecommunications Equipment Program (TEP) provides a full range of telecommunications information, products and support services for people who are deaf, hard of hearing, or have speech impairments or other disabilities requiring specialized telecommunications equipment. This program offers equipment on a sliding scale cost sharing or loaner basis. The program not only provides equipment but also provides repair and maintenance when required. This service is provided via a contract with Disability Rights Maine.

Priority Goals and Objectives:

- Facilitate the purchase, lease, distribution, upgrading, installation, maintenance, and repair of specialized telecommunications equipment on both a loan and cost-sharing basis.
- Provide hearing aids for 80 – 90 individuals, Age 65 and older.

- Conduct statewide outreach to ensure that individuals are aware of the TEP program and telecommunication technology options.
- Provide information and equipment to a minimum of 150 consumers per year.

Community Services Program - DHHLD: Community Services helps people who are Deaf, hard of hearing and late deafened to access community services, such as health care, public safety, education, transportation and utilities. These services include information and referral, advocacy and training, a majority of which is provided through a contract with Disability Rights Maine. Of particular note are collaborative efforts to provide training to public safety personnel, such as sheriff departments, Maine State Police, Maine Criminal Justice Academy, dispatch centers, Emergency Medical Technicians, hospitals and nursing homes. This program also offers legal assistance to those who have experienced discrimination in housing, employment, or public services, as well as training for members of Maine's private bar on the legal responsibility under the ADA for lawyers to obtain interpreters to communicate with their Deaf clients.

Priority Goals and Objectives:

- Ensure statewide equitable access to programs, services and community life for individuals who are Deaf, hard of hearing, late deafened and deaf-blind.
- Conduct outreach events that reach approximately 3,000 individuals each year, including targeted training in self-advocacy and videos in American Sign Language for such topics as COVID-19.
- Provide individual advocacy, legal assistance, and/or information and referral, to at least 300 Deaf, hard-of hearing and late deafened people each year.
- Provide technical assistance and training to 20 public agencies or employers annually.

Constituencies Served

People with disabilities are the Bureau's primary constituency when that disability is a barrier to employment, education, or independent living. Employers are also customers and important partners in the Bureau's work.

Alternative Delivery Systems

The Workforce Innovation and Opportunity Act (WIOA) of 2014 reauthorized the federal Rehabilitation Act of 1973, as amended. The purposes of WIOA include aligning the workforce development system with education, businesses, labor market information and trends, and increasing collaboration among state and federal agencies. This Act regulates a major portion of the state's vocational rehabilitation services, including client-related services that are routinely purchased from community-based service providers. The Bureau is involved at all levels as the ongoing implementation of WIOA transforms existing systems into a more cohesive, effective, and collaborative entity through participation in the One-Stop CareerCenter processes, workforce boards, training, employment, and youth workforce activities.

The Ticket to Work and Work Incentives Improvement Act of 1999 added the Ticket to Work and Self-Sufficiency Program to the Social Security Act; as part of this program, the Bureau serves approximately two thousand individuals receiving SSI/SSDI at any given time. More broadly, the Ticket to Work Program provides Social Security beneficiaries with additional choices for receiving employment services and offers financial incentives to other providers to serve those beneficiaries in maximizing their economic self-sufficiency through work opportunities.

Coordination with State and Federal Agencies

As a bureau within the Department of Labor, the Bureau of Rehabilitation Services combines its administrative, management and direct service efforts with the Bureau of Employment Services in the Department's CareerCenters across the state. The Bureau also closely coordinates services and programs with the Department of Health and Human Services, Department of Education and Department of Corrections. Additionally, the Bureau has a Memorandum of Understanding with Veterans Affairs. The Bureau also contracts for some direct client services from local community service providers.

On the federal level, the Bureau receives its funding and mandates from the Rehabilitation Services Administration (RSA) within the U.S. Department of Education. The Bureau also coordinates services with the Social Security Administration. Key constituencies requiring coordination with other State agencies are: 1) youth in transition from school to the world of work; 2) individuals with cognitive and intellectual disabilities who need support to prepare for and maintain employment; 3) the education of children who are blind; 4) people over the age of 55 who are blind or visually impaired; and 6) individuals who are exiting the criminal justice system.

1. The Bureau actively works with the Maine Department of Education (DOE) and local school systems to identify and serve students with disabilities. Special education units and other adult service agencies are consulted in planning and service delivery for students. Bureau representatives plan and deliver professional development activities with DOE to share best practices with each other and schools. Additionally, the Bureau has a Memorandum of Understanding with DOE that is updated regularly. Bureau representatives sit on a number of oversight and planning committees within DOE. DOE is represented on both DVR and DBVI's State Rehabilitation Councils.
2. The Department of Health and Human Services, through its Office of Aging and Disability Services, Office of Behavioral Health, Office of Children and Family Services, Office of Family Independence, and Office of MaineCare Services, is a strong partner in the Bureau's work. This collaboration takes the form of blending and braiding of funding and resources to provide services to mutually served individuals. The Bureau regularly issues joint procedural guidance with DHHS and strives to align language and policies to the greatest extent possible, thus reducing duplication of services. Regular opportunities for shared professional development assist in ensuring that staff can ably serve individuals with the most significant needs.
3. In recognition of the employment needs of individuals with disabilities who have experienced

incarceration, the Bureau has established agency correctional liaisons in each of its offices. The liaisons meet quarterly with representatives of the Department of Corrections (DOC) to better coordinate services for individuals exiting incarceration. The Bureau has developed procedural guidance in consultation with DOC and provides joint staff development opportunities to improve services to this growing population.

On a federal level, the bureau has oversight by the Rehabilitation Services Administration (RSA) within the U.S. Department of Education and the Administration for Community Living within the US Department of Health and Human Services. The Bureau also coordinates services with the Social Security Administration.

Related Federal Laws and Regulations

Workforce Innovation and Opportunity Act of 2014 - Title IV, Amendments to the Rehabilitation Act of 1973; codified at 29 U.S.C. §720 *et seq.* (“Act”); Title 34 CFR 361.

Emerging Issues

As a result of the Workforce Innovation and Opportunity Act (WIOA) of 2014, the population that the Bureau serves has shifted significantly to individuals under age 22; the Bureau intends to continue to work closely with employers in developing a future workforce that consists of skilled young adults with disabilities. At the same time, the Bureau is cognizant of Maine’s demographics with the median of age 45 and is attuned to the needs of older residents with disabilities, including retaining employment and living independently. Technological advances and assistive devices are opening opportunities that have not existed before.

Other Information

Bureau of Rehabilitation Services Summary of Funding Sources and Eligibility Criteria

Division of Vocational Rehabilitation

Vocational Rehabilitation (Federal Funds/General Funds)

Individual must have a disability that results in a substantial barrier to employment and need for services to obtain or maintain or advance in employment.

Order of Selection

Priority Category 1: Individual with a most significant disability which limits four or more functional capacity areas, such as mobility and communication.

Priority Category 2: Individual with a significant disability which limits two or three functional capacity areas.

Priority Category 3: Individual with a significant disability which limits one or more functional capacity areas.

Priority Category 4: All eligible others with disability.

Supported Employment (Federal Funds/General Fund)

Individual with a most significant disability for whom competitive employment has not traditionally occurred and is in need of support services in order to perform such work.

Independent Living (Federal Funds)

Individual must have a disability that results in an inability to function independently in their home or community.

Order of Selection

Priority Category 1: Individuals who will lose their current level of independence and would be required to move to more restricted setting immediately and permanently unless they receive services.

Priority Category 2: Individuals who with services can immediately move to a less restrictive and more independent setting.

Priority Category 3: Individuals who with services can overcome a specific barrier or set of barriers to independent living.

Priority Category 4: All other eligible individuals.

Division for the Blind and Visually Impaired

Vocational Rehabilitation (Federal Funds/General Fund)

Individual must be blind or visually impaired and whose disability results in a substantial barrier to employment and need for services to obtain or maintain or advance in employment.

Independent Living-Blind (Federal Funds/General Fund)

Individual must be Age 55 or older and have a significant visual impairment that prevents them from functioning independently in their home and community.

Education Program (General Fund)

Students from birth to age 22 who have a significant visual impairment that prevents them from benefiting from education within a regular classroom.

Division of Deafness Hard of Hearing Late Deafened

Telecommunications Equipment Program (General Fund/Dedicated Revenue)

Individual who because of their disability is unable to communicate by telephone because of a hearing loss, vision loss, mobility, or other physical or mental impairment.

Community Services Program(General Fund)

Individual who is Deaf or hard of hearing and is in need of support services to access community services, such as health care, public safety, and education.

Enabling Legislation

State: 26 M.R.S. §2006

Federal: Workforce Innovation & Opportunity Act, Public Law 113-128, July 22, 2014

Program Description

The State Workforce Board (SWB) is an employer-led board whose purpose is to ensure that Maine's workforce development system helps Maine people and businesses compete successfully in the global economy. The SWB advises the Governor on workforce policy and convenes state, regional, and local workforce system partners to:

- perform "all of the duties and responsibilities of the state board as defined in the Workforce Innovation and Opportunity Act" (Title 26, §2006, subsection 1(A))
- enhance the capacity and performance of Maine's workforce development system,
- align and improve the outcomes and effectiveness of workforce programs and investments,
- promote economic growth, and
- engage businesses, workers, education providers, economic development, labor representatives, and other stakeholders to achieve Maine's strategic and operational workforce vision and goals.

The SWB is authorized and required through the Workforce Innovation and Opportunity Act (WIOA). The SWB membership is comprised of:

- Maine employers (at least 50% of the seats are required to be for Maine employers)
- Representatives of organized labor, community-based organizations, and providers of youth services
- Governor (or their designee)
- Chief local elected officials (County Commissioners) representing each of the three Local Workforce Boards
- State officials responsible for the five core programs identified in WIOA
 - *Adult Education* - Department of Education
 - *Adults, Youth, Dislocated Workers, Vocational Rehab* – Department of Labor
- Member from the State House of Representatives (appointed by the Speaker of the House)
- Member from the State Senate (appointed by the Senate President)
- Commissioner (or their designee) of the Department of Economic and Community Development

The SWB is also comprised of the following ex-officio members:

- Commissioner (or their designee) of the Department of Health and Human Services
- Commissioner (or their designee) of the Department of Corrections

- Commissioner (or their designee) of the Department of Transportation
- President (or their designee) of the University of Maine System
- President (or their designee) of the Maine Community College System

Additionally, The SWB maintains and staffs four committees whose role is to make recommendations to the full SWB:

- Worker Employment, Education, and Training Committee
- Industry Leadership Committee
- Workforce System Coordination Committee
- Commission on Disability Employment

Coordinated Efforts with Other Agencies

The SWB provides coordination and oversight for Maine's workforce development system. By its nature, the SWB coordinates with agencies that are represented on the board.

The primary vehicles for accomplishing the goals of the SWB, and addressing Maine's workforce challenges, is its [strategic vision and strategy for Maine's workforce system](#) and the [WIOA Unified State Plan](#). These plans, which are required by Maine statute and WIOA, address coordination and alignment of key workforce program activity, funding, and outcomes. The SWB worked with State agencies and workforce system partners in the development of these plans.

The SWB received funds from the Maine Jobs and Recovery Plan to support the work of the Board in providing coordination and oversight of workforce development programs in Maine. Agencies such as Labor, Education and Corrections all provide or administer workforce training programs, while others such as DHHS, DECD and DOT have specific interests in workforce programs as they relate to their customers.

Constituencies Served

The Board does not deliver workforce training directly. Policies, programs, and practices established by the Board are applicable statewide and impact all job seekers and employers in the State of Maine.

Emerging Issues

Maine employers are struggling to find skilled workers to fill their job openings. Maine will need to find creative and innovative ways to attract talent and grow Maine's workforce.

Examples of strategies to meet this challenge:

- Strengthening the skills of our current workforce
- Creating work and lifetime learning options for Maine's aging workers
- Expanding work opportunities for Mainers with disabilities
- Ensuring all high school graduates are ready for career and postsecondary success
- Increase degree and credential attainment
- Incentivize the use of Career Pathways and Industry Partnerships for skill development

Maine Department of Labor
Center for Workforce Research and Information
Mark McInerney, Director

Enabling Legislation

State:

- 26 M.R.S.A. §1042
- 26 M.R.S.A. §1401-A

Federal

- Wagner-Peyser Act of 1933, as amended
- Job Training Partnership Act, 1982 as amended
- Workforce Investment Act of 1998

Program Description

The Center for Workforce Research and Information (CWRI) produces and disseminates labor market information for the state and local areas to meet its core mission of informing the public about workforce conditions and trends to enhance decision making. These data are used by employers and job seekers, local and state officials, educators and training providers, students and parents of perspective students, and the public to make informed decisions that promote economic opportunity. CWRI supports the department and other state agencies with data and analysis to inform program planning and delivery. Program activities involve data collection, classifying data according to industry, occupation, or geography, reviewing data for quality, conducting research and analysis.

CWRI produces data in collaboration with the U.S. Department of Labor, Bureau of Labor Statistics in four core labor market information programs. These programs are:

Current Employment Statistics (CES), a survey of employers used to develop monthly estimates of nonfarm payroll jobs and wages by sector for the State and its metropolitan statistical areas.

Local Area Unemployment Statistics (LAUS), provides monthly civilian labor force and unemployment estimates based on a survey of households and other data inputs.

Quarterly Census of Employment and Wages (QCEW), uses jobs and wages reported through quarterly unemployment insurance tax filings to provide the most detailed information on jobs and wages by industry and location.


The following image is from the www.maine.gov/labor/cwri/qcew4 site, showing the number of firms and establishments in Maine with available information. The website provides information such as the number of establishments by industry, and for each industry, the number of establishments in each employee size class. For example, in the Professional and Technical industry, there are 4,465 establishments that employ 1-4 workers.



Occupational Employment and Wages Statistics (OEWS), a survey of employers collecting occupation and wage information to develop estimates for more than 600 occupations across the state and for substate areas.

Through the OEWS, CWRI produces long-term employment projections by occupation at the statewide and regional areas. These projections identify growing/declining jobs based on demographic, industrial, and technological trends, and predictions. The website (www.maine.gov/labor/cwri/student_portal) contains a discovery dashboard for students and jobseekers to explore the many career options available to them, what the future looks like for occupations in Maine, and the educational/training requirements that are often necessary to pursue a desired career path.

Upon opening the website, users can explore different areas and careers in the State of Maine. The image below shows the selection of the Central-Western workforce development area and careers in Health Sciences. The user is immediately presented with training programs for the region and career field.



Learn more about jobs in Maine!

Step 1

Select an Area

Select the area using the dropdown below. Projections are available at the Statewide and 3 sub-state regions (Central-Western, Coastal and Northeast).

Tip: Hover your mouse over the map to see which region your county is in

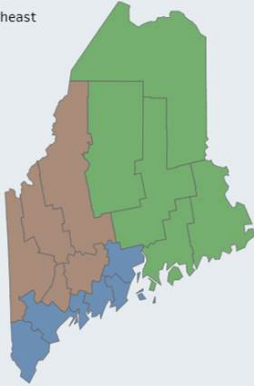
Central-Western

Region

Central-Western

Coastal

Northeast



Step 2

Select a Career Cluster

Select a Career Cluster using the dropdown below. There are 16 Career Clusters, each with multiple Career Pathways.

Tip: View all of the Career Clusters to see the various Career Pathways and CTE Programs available to you

Health Science

Career Cluster Description

Planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

Career Pathways in this Cluster

Tip: Click on a Career Pathway for a link to learn more

Biotechnology Research & Development

Diagnostic Services

Health Informatics

Support Services

Therapeutic Services

Step 3

Go!

Review the CTE Programs in the table below **before** going to the next page. Once you're ready, click the [GO] button to begin exploring jobs in Maine!

Tip: You'll be able to return to this page by using the red [BACK] button on the next display

GO

Career Technical Education Schools and Programs

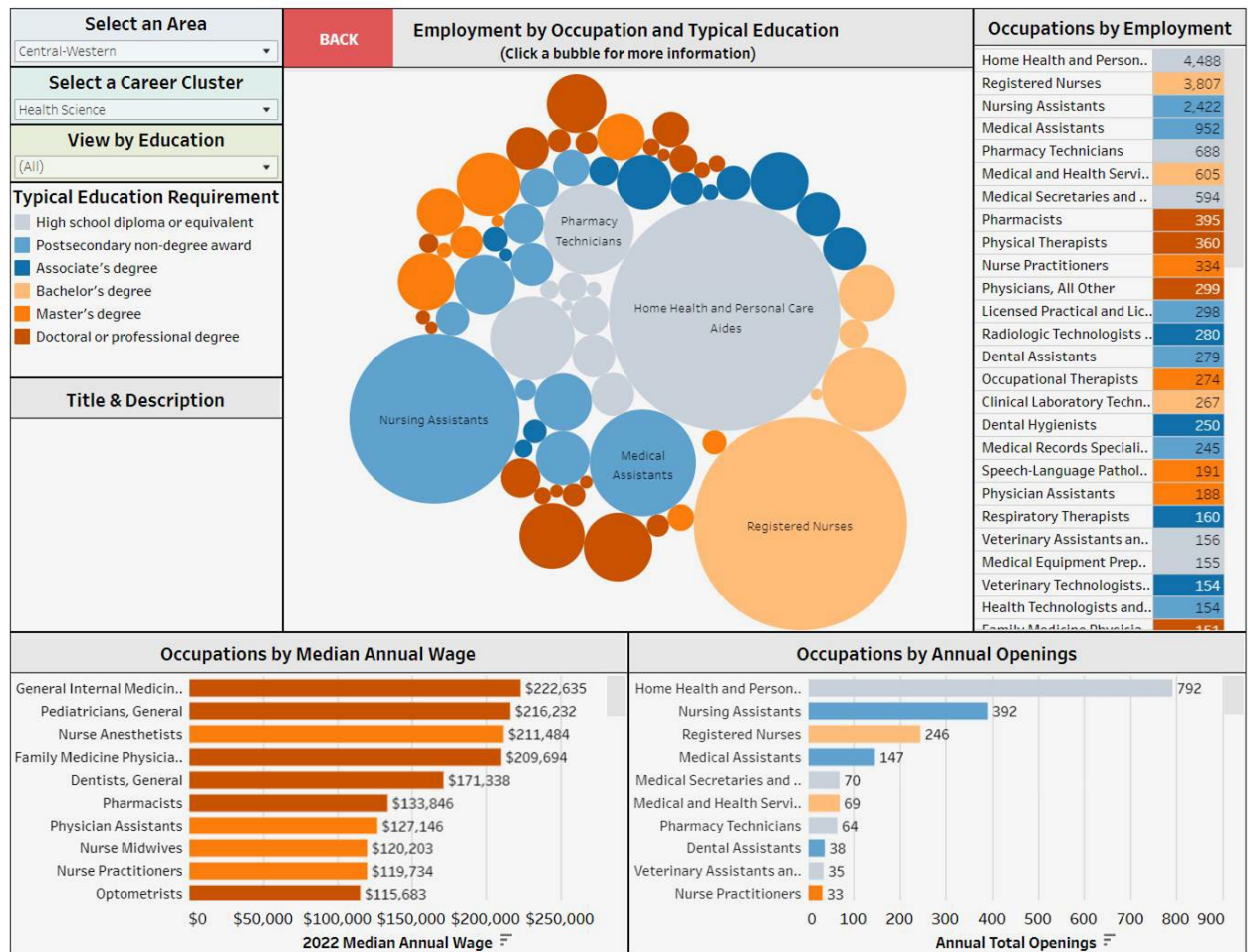
Tip: Click on a CTE Program for a link to learn more

School	Program
Capital Area Technical Center	Emergency Medical Technology/Techni..
	Medical/Clinical Assistant
	Nursing Assistant/Aide and Patient Car..
Foster Regional Applied Tech Center	Biology Technician/Biotechnology Labo..
	Emergency Medical Technology/Techni..
	Health Services/Allied Health/Health Sc..
Lake Region Vocational Center	Medical/Clinical Assistant
	Nursing Assistant/Aide and Patient Car..
Lewiston Regional Te..	Health Services/Allied Health/Health Sc..
Mid-Maine Technical ..	Health Services/Allied Health/Health Sc..

note: additional CTE programs may be available to you, speak with a teacher or career advisor for more information

Source: Maine Department of Labor, Center for Workforce Research and Information, 2020-2030 Statewide & 2021-2031 Sub-state Occupational Employment Projections with 2022 Occupational Employment and Wage Estimates for Maine. Use the following link to visit the Maine Department of Education's CTE page: <https://www.maine.gov/doe/learning/cte>

After clicking the “Go” button, the user is presented with information on occupations for the region and career cluster. Information includes the number of people employed in the field, the number of openings in a year, the level of education required, and the median annual wage.



Other programs CWRI operates, in conjunction with the U.S. DOL Employment and Training Administration:

Workforce and Labor Market Information (LMI) Grants to States Develops industry and occupational employment projections statewide and for each of the state’s three Workforce Investment Areas: Coastal Counties (Cumberland, Knox, Lincoln, Sagadahoc, Waldo, York), Central-Western (Androscoggin, Franklin, Kennebec, Oxford, Somerset) and Northeastern (Hancock, Penobscot, Piscataquis, Washington, Aroostook); populates the Workforce Information Database, which provides states with a common structure for storing information in a single database that offers flexibility to best achieve local, state, and regional needs and serves as the cornerstone for LMI delivery; provides accessible, electronic access to all state labor market information data products through the agency website via interactive data visualizations, downloadable spreadsheets, tables, charts and other formats; develops an annual economic report assessing demographic, economic and labor market data for the state and substate regions; provides data, delivers presentations to the State and local area

Workforce Boards, employers, industry trade organizations and local chambers of commerce, policy makers and public officials. CWRI leverages this funding to develop new research, data products and websites to deliver information to the public such as the LMI for students website: www.maine.gov/labor/cwri/student_portal/index.html

Agricultural Wage Surveys Conducts an annual woods survey to determine prevailing wages and practices for selected occupations in the logging industry. Survey results are one of several data sources used in support of H2A immigrant wage certifications in logging. Performance criteria and timetables are established by annual federal grant agreements.

Coordinated Efforts with Other Agencies

Maine Education and Attainment Navigation System (MaineEARNs)

MaineEARNs is a unique data series designed to shed light on the effect of education program completions and other economic events on earnings over time. MaineEARNs refers to the data series and its governing organization comprised of data contributing organizations. MaineEARNs partners include the Maine Community College System (MCCS), the University of Maine System (UMS), the Maine Department of Education, Maine Department of Labor Bureaus of Unemployment Compensation, Rehabilitation Services and Employment Services.

The Maine Post-Secondary Outcomes (MPSO) Report is a MaineEARNs product featuring aggregate wage and employment outcomes of graduates from UMS and MCCS.

The website is: <https://www.maine.gov/labor/cwri/mpso/>.

Metrics displayed include number of graduates, percentage who are employed in Maine, median wages (among all graduates and those working full-time), industry of employment and average age at graduation. These outcomes are available by school, credential, area of study, outcome year and industry. The information is intended to help a wide range of stakeholders, including students, educators, administrators, parents and policy makers, better understand the relationship between educational credentials and labor market outcomes.

Additional research includes studies of the employment outcomes of those displaced from a job during the COVID-19 pandemic, reports on emerging trends in the labor market, the job outlook and the employment and earnings outcomes of those receiving employment services or participating in an educational program, occupational training or apprenticeship program through the Bureau of Employment Services and Rehabilitation Services.

Consensus Economic and Revenue Forecasting

In support of Maine's Consensus Economic Forecasting Commission (CEFC), CWRI regularly provides analysis of labor market and economic data and employment projections. A CWRI staff economist provides an update on labor market conditions at each meeting of the CEFC and joint meetings with the Revenue Forecasting Committee (RFC). The combination of presentations and written analysis serves as an important input for updates that the CEFC and RFC make to each forecast.

Staff are available to discuss these data sources, to share their expertise and regularly respond to questions from the public with pertinent data, analysis and context.

Constituencies Served

CWRI serves any individual or organization interested in labor market information.

Alternative Delivery Systems

CWRI has established its agency website as the primary delivery vehicle for data and analysis about Maine's labor market. CWRI leverages interactive data visualizations that enable site users to see, search and customize a data report based on the timeframe, geography, industry or occupation of interest. CWRI website contains downloadable Microsoft Excel spreadsheets alongside the interactive data visualizations for each data program. Charts and tables can be downloaded as an image file or in other formats easily sharable with policy makers, job seekers, employers, to support grant applications, research and other purposes. Each program has its own dedicated website with data, descriptions of the program, important definitions, methodology and answers to frequently asked questions. CWRI's website is: www.maine.gov/labor/cwri/

Maine Department of Labor
Bureau of Unemployment Compensation
Laura Boyett, Director

Enabling Legislation

- 26 M.R.S.A. Chapter 13 Section 1042 et seq.
- Rules Governing the Administration of the Employment Security Law
- Section 303(a) of the Social Security Act
- Federal Unemployment Tax Act (FUTA)
- Social Security Act, 42 U.S.C. 503(a)
- Trade Act of 1974 (TAA/TRA) as amended including the North America Free Trade Agreement (NAFTA)
- Disaster Relief and Emergency Assistance Act of 1974 (DUA)
- Federal-State Extended Compensation Act of 1970 (Extended Benefits or EB)

Program Description

The Unemployment Compensation program was created in the 1930s in response to the hardships experienced during the Depression due to widespread unemployment. Its purpose is to provide an economic safety net for individuals who are out of work through no fault of their own to help with basic needs and serve as a temporary financial bridge from one job to another. Additionally, the program functions as an “economic stabilizer” during periods of high unemployment by funneling money back into communities to help keep businesses viable and stave off additional layoffs and business closures.

Unemployment is an insurance program. There is a set of laws that determine whether an individual is eligible to receive benefits. Unlike welfare programs, there is no assessment of an individual’s financial needs in determining basic benefit eligibility. However, individuals must meet certain monetary earnings thresholds which demonstrate an established connection to the workforce.

The national unemployment insurance system is a Federal-State partnership that has federal and state laws that interact. The Federal Social Security and the Federal Unemployment Tax Act provide the overarching parameters in which state unemployment programs may operate. States may enact their own individual programs so long as State law “conforms” to federal laws. There are areas in which states have wide latitude in enacting their own programs and areas where federal law is more restrictive.

The major priorities of the unemployment compensation program are the payment of benefits to eligible individuals, facilitating rapid reemployment, and the collection of employer-paid unemployment contributions to cover the cost of benefits paid out from the state’s Unemployment Insurance Trust Fund. Additionally, the program provides dispute resolution through its Division of Administrative Hearings for benefit eligibility issues. All functional areas are measured with respect to timeliness and accuracy in accordance with performance measures and standards established by the

U.S. Secretary of Labor. The bureau's state quality service plan reflects these performance measurements and incorporates goals aligned with the federal emphasis goals set under the Government Performance and Reevaluation Act (GPRA). During the recent COVID-19 Pandemic Emergency, timeliness suffered significantly under the extraordinary and dramatic increases in recession claim volumes. The bureau has been working diligently to regain its pre-recessionary standing in timeliness performance.

Constituencies Served

The Bureau of Unemployment Compensation has two primary constituency groups:

- people who have lost jobs through no fault of their own and are applying for and/or relying on unemployment benefits for a partial income support while seeking new employment and,
- Employers who pay contributions on a portion of the annual wages of their employees to fund the cost of unemployment benefits paid out.

The number of people receiving benefits varies with the state of the economy. Claim numbers increase during periods of economic downturn and decrease as the economy recovers. Claim numbers were at an all-time high during the early part of the recent COVID-19 Pandemic Emergency but have now returned to historic lows. The demographics of people receiving benefits may also change as certain industries or occupations are affected by economic changes. For example, an industry may be very stable for years and then undergo significant changes brought about by offshore activity, mergers, or deregulation.

Alternative Delivery Systems

The BUC delivers statewide unemployment claim services by telephone through integrated claim centers physically based in Augusta, Bangor, and Presque Isle. Initial and Weekly benefit Claims are filed primarily online but can also be filed via telephone with the assistance of an Unemployment Compensation Eligibility Agent. Initial and weekly claims can be filed online through a secure network 24 hours a day, 7 days a week. Weekly claims can also be filed by phone 24 hours a day, 7 days a week through an automated interactive voice response system. Individuals receiving benefits have access to their claim status, payment detail and correspondence through their own online portal account. Benefit recipients can elect to receive their benefits through direct deposit to their own bank accounts or by debit card.

Employers, Third-Party Administrators (TPAs) and Payroll Providers primarily file their quarterly wage reports and contributions online, although a small number still file by paper. Paper reports and contributions are filed with Maine Revenue Services who then transfers the wage and contribution reports, and payment checks to the Unemployment Compensation Bureau. Contribution payments are made by Electronic Bank Transfer (EBT) or check. Employers also have access to secure, individual online account portals where they can access account information and correspondence copies 24 hours a day, 7 days a week.

Coordination with State and Federal Agencies

Federal Agencies:

As mentioned earlier the Unemployment Insurance Program is a Federal & State Partnership. The Federal Social Security and the Federal Unemployment Tax Act provide the overarching parameters in which state unemployment programs may operate. States may enact their own individual programs so long as State law “conforms” to federal laws. States report program activity to the U.S. Department of Labor on a monthly and quarterly basis. The U.S. Department of Labor sets performance metrics that state performance is measured against and performs regular onsite reviews of various areas of program performance. States submit quarterly quality reviews of benefit and appeal decisions to the U.S. Department of Labor. Additionally, States are monitored for their improper payment rate that consists of under or overpaid benefits that could be the fault of claimants, employers or agency error, or some combination of these. There is a lag in federal reporting of the Improper Payment rate, but the most recent report is for the one-year period ending on 4/1/2023. The national improper rate target is 10% and Maine’s improper payment rate is 8.05%. The national average improper payment rate for that period is 15.2%.

The primary Acceptable Levels of Performance (ALP) measurements for the Unemployment Insurance Program set by the U.S. Department of Labor include:

First Payment Time Lapse: Target – 87% of All First Payments paid within 14/21 days. Maine performance for 1 year period ending 6/30/2023 is 81.3%. *Note: The national average for this metric for the same period is 69.3%.* The unprecedented volume of claims experienced during the recent COVID Pandemic Emergency adversely impacted all states’ timeliness performance. Additionally, all states were attacked by sophisticated ID theft fraud rings, which has required states to implement additional measures to combat these attacks and take further actions to validate the identity of individuals applying for benefits. This has increased the time required for processing initial claims and created challenges in continuing to meet the timeliness standard that had been in place prior to the Pandemic. Maine is recovering 1st payment timeliness, and if claims that flagged as suspicious are backed out, Maine’s first payment timeliness measures in the high 90 percentile.

Nonmonetary Determination Timeliness: Target - 80% of eligibility decisions are issued within 21 days from the date a potential issue was detected. The 21-day period includes the five-day notification period required under Maine law as well as the fact-finding interviews held with the interested parties to the claim (worker and employer). Maine’s current performance is 95.7% of determinations are issued timely and is ranked #1 in the country in this metric.

Nonmonetary Separation & Non-Separation Quality: Target – 75% score at least 80 to meet the quality measurement criteria. This metric measures the accuracy of adjudication decisions. Separation decisions pertain to disputes around the reason for job separation and involve both the employer and the employee. Non-separation decisions involve just the individual filing for benefits not satisfying one of the required weekly eligibility requirements for receiving benefits. While the measure requires a score of 80 or above, the scoring criteria only allows a score of 100, 95 or ‘Fail’. For the year ending 6/30/2023, Maine passed the Separation quality standard with 77.3% of decisions receiving 95 or 100.

Maine did not pass the Non-Separation quality standard with 61.2% receiving a score of 100 or 95. Adjudicators, the majority of whom were hired during the Pandemic with no unemployment experience, have been undergoing intensive training as workloads have returned to more normal levels, and performance is steadily improving to pre-pandemic levels. Maine met the quality target for the 4th quarter of the rating period and is expected to continue meeting it moving forward.

Average Age of Pending Lower Appeal Authority: Target – decisions issued within 30 days of the appeal date. The Pandemic created a massive backlog of appeal cases that included new federal unemployment programs created during the Pandemic. The Appeal division has done an outstanding job in clearing pandemic appeals and the current average timeframe for hearing and issuing appeal decisions is 17.1 days, well within the 30-day target period. This is especially noteworthy as the national average age of the lower appeal authority decision is 196.9 days.

Quality of Lower Appeal Authority Appeals: Target – 80% score at least 80 in the quarterly review. For the 1-year period ending 6/30/2023, Maine met the target with a score of 83.5% which ranks the second highest nationally. 50% of the hearing examiners were hired during the Pandemic with little to no experience with the unemployment program. They were brought in during the height of the appeal backlog and had to get up to speed very quickly. The new hearing examiners are expanding their knowledge of hearing procedures and unemployment laws and their application and continually improving. Further improvement in the quality score to that of fully experienced hearing examiners is expected.

New Employer Status Determinations in 90 Days: Target – 70% of new employer registrations are researched and set up within the Unemployment Insurance program within 90 days of application. For the 1-year period ending 6/30/2023, 82.6% of new employer status determinations were completed within 90 days.

In addition to the federal-state partnership between states and the U.S. Department of Labor, Maine also coordinates with the Social Security Administration, U.S. Citizenship and Immigration Services, and the Internal Revenue Service. Through secure data exchanges, the bureau validates the social security numbers of all individuals filing for unemployment benefits, checks to ensure proper U.S. work authorization is in place for foreign workers who may have been laid off and seeking benefits, and recovers unemployment debt resulting from fraud or unreported earnings from federal tax refunds. Additionally, through a memorandum of understanding with the IRS, Maine and the IRS share employer audit information that has picked up employees that have been misclassified as independent contractors.

State Agencies:

The bureau has strongly developed, collaborative working relationships with the other Department bureaus including Employment Services (BES) and Rehabilitation Services (BRS) to connect unemployed workers with good paying, sustainable jobs, Labor Standards (BLS) in the joint investigation of worker misclassification, and the Center for Workforce Research and Information (CWRI) in the provision of UI claim and wage data to analyze the economic health of the workforce and economy. Under the

Workforce Innovation Opportunity Act (WIOA) more comprehensive working relationships are evolving with the core and required state WIOA partners - especially around using unemployment wage data to help assess workforce training and assistance program effects on long-term employment.

Some of the formal cross-agency agreements in place include the following:

- Department of Health and Human Service (DHHS) cross matches client data with unemployment benefit information and the bureau's wage database, to check the accuracy of their client eligibility and benefit awards and to locate parents who owe child support. Existing data sharing agreements also allow DHHS to access wage records of former TANF, SNAP and ASPIRE participants as a method of measuring the potential impact of these services on an individual's long-term employment.
- DHHS has been collecting new hire data from employers since the late 1990s, which is then uploaded to a national new hire database. BUC uses both state and new hire data bases weekly as part of our system to audit benefit payments and to identify potential unemployment insurance fraud (individuals continuing to file for and collect benefits after returning to work).
- CWRI and the UC bureau also have standing memorandums of agreement with the Maine University System to assess the employment and wage performance of former students' post-graduation employment opportunities.
- BUC cross matches our active claimant database against the national wage database (WRIS) that collects wage data from Maine and all states, to identify wages individuals might be earning in other states while filing for benefits in Maine.
- A crossmatch with the Maine Vital Statistics bureau allows the bureau to match benefit claim data against death records to identify potential claim scams using deceased individual's names.
- An additional crossmatch with the Department of Corrections state correctional institutions provides the bureau with the means to identify potentially fraudulent claims filed by incarcerated inmates.
- Maine Revenue Services performs an offset of state income tax refunds for BUC allowing us to recover unpaid contributions and benefit overpayments.
- An agreement in place with the Maine State lottery also allows the bureau to recovery benefit debt from lottery winnings.
- BUC also has a long-standing cooperative agreement with the Maine Workers' Compensation Board (WCB) to cross match individuals receiving worker's compensation payments as well as unemployment benefits. WCB offsets workers compensation payments by the amount of unemployment benefits received.

Emerging Issues

Improving diversity, equity, inclusion, and accessibility both in our agency and bureau culture, and in our program services and outreach to the public, are major initiatives and goals at the state level and in our federal partnership with the U.S. Department of Labor. Equitable access to unemployment compensation services for all constituent communities is a primary focus and the bureau has received

equity focused grants to assist us in this effort. Maine is one of 13 states that received a 3-year federal grant to fund an Unemployment Insurance Peer Navigator program in which we are partnering with community-based organizations (CBOs) that hired navigators to perform outreach to historically underserved communities that may have encountered challenges or barriers when trying to access unemployment benefits in the past. The goal of this grant is to raise awareness of the availability of unemployment benefit services when individuals unexpectedly lose their jobs, explain what the program is, the responsibilities they are expected to perform to receive benefits and help them apply and navigate the application process. By partnering with CBOs who have already developed trusted relationships with underserved communities, the bureau can form a bridge to individuals that might not otherwise seek services from a government agency. Additionally, the navigator shares with us what they encounter as possible challenges to accessing benefits or navigating our applications and educational materials so that we can make changes to simplify them and make them more readily accessible by all our constituents. During the first year, the navigators in partnership with the bureau and Employment Services staff worked extensively with immigrant communities where limited English proficiency can be a major roadblock to navigating the unemployment system. Federal equity grants will provide us the means to translate much of our outreach materials and other online information into multiple languages (10 languages) have been identified. This is a start, but our long-term goal is to translate our online applications into other languages, and increase the diversity of our workforce to more closely align with and relate to the communities we serve.

We are also engaged with Data Analysts at the U.S. Department of Labor to review 5 years of our claims data to identify any potential barriers that may adversely impact some groups in receiving benefits more than others so that we can work to eliminate them.

Another new challenge that emerged during the COVID-19 Pandemic Emergency is massive fraud attacks by sophisticated criminal rings – often located outside of the country. It started as high volume ID theft claim attacks, much of which were computer-initiated, and has evolved to other types of fraud such as claim account takeovers, extensive fictitious employers, invented claimants (that incorporate pieces of real information from multiple, actual people into a ‘fake’ claimant). The bureau has significantly increased its focus on combatting fraud, incorporating complex and effective screening tools and alert features in our system to detect and prevent fraudulent benefits from being paid out; and partnering with the Office of Inspector General, the U.S. Attorney’s Office, and Homeland Security, in the investigation of fraudsters and recovering fraudulently paid benefits that may get paid before a new scheme is detected and shut down. This is an ever-evolving problem that the bureau must work to stay ahead of.

Maine Department of Labor
Maine Unemployment Insurance Commission
Ralph Tucker, Chair

Enabling Legislation

- 26 M.R.S.A. Chapter 13 Section 1042 et seq.
- Rules Governing the Administration of the Employment Security Law
- Section 303(a) of the Social Security Act
- Social Security Act, 42 U.S.C. 503(a)

Program Description

The Maine Unemployment Insurance Commission (Commission) is the higher authority appeal entity for addressing benefit eligibility and unemployment tax disputes in Maine. The Commission consists of three primary positions to review and render decisions. The Commission is led by a Chair and includes a labor representative and an employer representative.

The Commission, while housed administratively within the Department, is separate from the Maine Department of Labor and affords parties to unemployment cases an additional appeal opportunity independent from the agency that conducted the initial evidentiary hearing and issued the original unemployment benefit determination. Benefit appeals can only be filed with the Commission after they have been heard at the lower authority appeal level, which is the Division of Administrative Hearings (DAH) within the Department's Bureau of Unemployment Compensation (BUC). Federal law does not require states to have a higher authority appeal level (as it does the lower authority appeal level), but most states have some form or recourse for parties to have a second level of appeal review prior to moving into the state's court system. Decisions which issue from the Commission constitute final agency action; further appeal may be made to the Superior Court.

The 2015 update referenced that the Commission was the only appeal authority in Maine that heard tax disputes before moving into the court system. A comment was added that this requirement in Maine statute was out of conformity with federal requirements. A statutory change in 2017 (26 M.R.S.A Chapter 13 §1082(14) and §1226(1)(B) corrected this issue, and tax appeals are now properly first heard at the lower-level appeal authority first. Furthermore, the 2015 GEA update stated that the Commission was responsible for the review and decision making around benefit overpayment waivers requested by claimants. A statutory change in 2021 (26 M.R.S.A Chapter 13 §1051(5) shifted this authority from the Commission to the Commissioner of the Department of Labor or her designee. Currently all benefit overpayment waiver requests are made to the Benefits Division within the BUC and follow the normal appeal process through the lower- and higher-level appeal authorities (DAH and the Commission respectively).

Priorities: The Commission's priority regarding unemployment appeals and all other case types is to process cases in an efficient, timely, cost-effective manner, to ensure that all parties have been fully and fairly heard, and that decisions are legally defensible, i.e., based upon facts contained in evidence and on appropriate application of rules and laws.

Goals: The Commission has the following goals:

1. Maintain an Average Age of Pending Higher Authority Appeals of 40 days or less:

Timeliness is an important measure in the administration of unemployment benefits. The U.S. Secretary of Labor develops timeliness standards by which the Commission's performance is measured. The primary performance measurement established for the Higher Authority Appeals is *Average Age of Pending Appeals*. The federal requirement is that the average age of pending higher authority appeals not exceed 40 days. The Commission's goal is to consistently meet and sustain performance levels at or below the federal standard. As of June 30, 2023, when the Regional Office most recently evaluated program performance, the Commission's Average Age of Pending Higher Authority Appeals was 272.2 days. The COVID-19 pandemic resulted in an unprecedented number of unemployment claims filed, and large volumes of decisions and appeals. Due to the nature of how cases move through the system, such volumes and resulting backlog land with the Commission last. As the Commission works through its backlog, the anticipated age of pending cases for the September 2023 quarter is expected to be around 170 days, which is a significant reduction from the June number. We anticipate that the Commission will be able to reach and consistently maintain and exceed the goal of an average age of pending cases below 40 days in by summer of 2024.

2. Lower Maine's Minutes-Per-Unit (MPU) to achieve increased federal funding:

MPU is an important measure of performance which the federal government uses to calculate funding allocations for states. Unemployment appeals in Maine are entirely funded by federal dollars. The U.S. Department of Labor (USDOL) awards the full funding allocation to the 10 states with the lowest staff-cost per appeal decision that year for each state's entire reported appeal workload. If a state's cost-per-decision is higher than the costs reported by these 10 states, the funding for that state's workload is reduced. The higher a state's cost is compared to the lowest 10, the greater the reduction. The federal government calculates MPU by using a formula, which includes total numbers of cases, time it takes to close them, and dollars expended (including total cost of staff wages / salary). MPU is calculated using combined metrics from the state's higher and lower authority appeals units. Compared to FY 15, when Maine had the 6th *highest* MPU, which translated to a 26% reduction in funding, FY 24 allocations has Maine as the 11th *lowest*, with a reduction of just under 1%. Despite this significant improvement, the federal funding Maine does receive to cover staff, salary and benefits for both DAH and the Commission only covers these costs for nine months; the remaining three months of the year must be covered by underfunding other areas within the program. This is in large part due to Maine's expensive Commission model. Maine's total federal funding planning target for both higher and lower appeals for FY 23 is \$1,659,227. The projected salary and benefit cost for the staff of the Commission this year is \$711,766. Approximately \$407,790 of this represents the salary of and benefits for just the three Commission positions. It is important to note that the MPU reduction was in part due to COVID-19 pandemic workloads and backlog, which required us to compress schedules to clear more cases. Though this practice allowed us to handle more cases with fewer resources, we have seen a clear impact on the quality of the work completed. Furthermore, the nature of the work performed and federal guidelines around staffing do not allow for quick on- and off-boarding of

staff based on demand. This leads to both understaffing and overstaffing, and associated costs / impact on the MPU, especially when the latter occurs.

Objectives: The Commission is pursuing the following objectives to ensure consistent compliance with federal Avera Age (timeliness) requirements and to lower Maine's MPU even further to avoid funding being reduced at all.

A. Ongoing review of current processes to find further efficiencies by following lean practices.

The Maine Department of Labor is part of the three-state Consortium effort with the states of Mississippi and Connecticut. A benefit of being in a Consortium is that it allows us to leverage changes to the system made by other states. That said, most of our efficiencies for appeals will likely occur at the DAH level, in part because the higher-level appeal authority between the states has fewer things in common. Even so, we continually look at system enhancements to increase automation and decrease reliance on human intervention.

B. Possible reform of the Commission model. MDOL may continue to pursue statutory reform of the Commission model, which currently consists of three full-time commissioners. In our 2015 update we referenced a model with one, full-time chairperson and two per-diem commissioners, an employer representative, and a labor representative. Such a change would preserve the three-commissioner structure and result in enormous cost savings.

Constituencies Served

The primary constituents served by the Unemployment Insurance Commission are unemployed Maine workers and Maine employers.

Alternative Delivery Systems

The Commission accepts appeals in writing, either via mail or online through the ReEmployME case management system. Most of the decisions rendered by the Commission are the result of a comprehensive paper case review by its members. The Commission does, however, also have the option to schedule a new hearing with all parties. Hearings are generally telephonic, and the Commission considers evidentiary, due process, and substantive issues associated with appeals.

Coordination with State and Federal Agencies

The Unemployment Insurance Commission works closely with the Maine Department of Labor, Bureau of Unemployment Compensation and the Division of Administrative Hearings as indicated, as well with the Office of the Attorney General.

Related Federal Laws and Regulations

- Section 303(a) of the Social Security Act
- Social Security Act, 42 U.S.C. 503(a)

Maine Department of Labor
Bureau of Labor Standards
Jason Moyer-Lee, Director

Enabling Legislation

- 26 M.R.S.A., Chapter 1. General Provisions
- 26 M.R.S.A., Chapter 3. Bureau of Labor Standards
- 26 M.R.S.A., Chapter 4. Occupational Health and Safety
- 26 M.R.S.A., Chapter 5. Health and Safety Regulations
- 26 M.R.S.A., Chapter 6. Occupational Safety Rules and Regulations Board
- 26 M.R.S.A., Chapter 7. Employment Practices
- 26 M.R.S.A., Chapter 15. Preference to Maine Workmen and Contractors
- 26 M.R.S.A., Chapter 19. Department of Labor
- 26 M.R.S.A., Chapter 28. Minimum Safety Standards for Firefighters
- 26 M.R.S.A., Chapter 43. Apprenticeship in Energy Facility Construction

Chapters 1 and 3 primarily define the overall function of the Bureau. References to specific authority may be found in the remaining chapters, except Chapter 19, which contains occasional references to Bureau authority and to departmental authority that is delegated to the Bureau.

Program Descriptions

The Bureau of Labor Standards (BLS) supports the safety and health of Maine workplaces and the compliance with Maine labor laws. Through compliance assistance and enforcement investigations, BLS ensures that all Maine workers receive the wages they are owed and secure the protections and benefits they are entitled to under the law. Further, through consistent application of labor laws, BLS provides a level playing field for all employers and protects those who comply with the law.

BLS is divided into four units:

- Wage and Hour Division;
- Safety and Health Division;
- Research and Statistics Division; and,
- Outreach and Education Office

Programs operated through each unit are described on the following pages.

Wage and Hour Division

Wage and Hour Enforcement program in Maine is overseen by the Wage and Hour Division which enforces state employment practice laws and investigates complaints from customers pertaining to minimum wage, overtime, record keeping, rest breaks, final payment of wages upon cessation of employment, severance pay, equal pay, rights to certain leave benefits, unfair agreements, social media protections, insolvent employers and youth labor.

The division determines compliance for logging contractors under the equipment ownership regulations and compliance for prevailing wages on state-funded construction projects. The program is managed by the Division Director. The division has eight inspectors, one field investigator, one chief inspector, and an office specialist whose collective primary duties are to conduct enforcement actions protecting the rights of almost 600,000 Maine workers while enforcing a level playing field for almost 60,000 businesses. Each year, the division completes approximately 650 inspections and investigations of employers. The staff responds to over 5,600 enforcement inquiries a year. Through this program, the division has recovered more than \$2,557,647 in back wages for more than 3,340 workers since 2016.

In addition, as a deterrent for underage labor and child labor exposure violations, the division evaluates youth employment work permit applications for 14 and 15-year-old students and provides approvals for extended weekly hours of employment for 16 and 17-year-old students who participate in cooperative education or school-to-work programs. The youth permitting process focuses on education and training for all customers and helps ensure Maine's next generation of workers are protected while providing them the much-needed skills to help advance them into employment after graduation. In 2022 the Division processed 7,441 minor work permit applications, initially denied 927 and ultimately approved 6,999 minor work permits, a record number since around 1999.

Effective January 1, 2021, the Earned Paid Leave law went into effect and rules were developed for the new requirement as Chapter 18 of the Bureau's rules. Cooperation among employers has been good and likely the result of efforts to present the requirements and rules in several meetings across the state prior to implementation. In 2022 a new law and rules went into effect governing apprenticeship in energy facility construction. Rules were adopted as Chapter 19 to address implementation and enforcement of that law.

Wage and Hour Compliance Assistance Program relies on compliance data and is used to focus compliance assistance and education and outreach for the coming year. A strategic system of focus on industry and assignment ensures maximum compliance assistance and enforcement coverage statewide. Strategic enforcement efforts are as follows: First, priority is focused on employers that had violations in the past 12 months; second, is prioritizing industries that had the most violations. Selections change annually, depending on changes in laws, rules, or processes. As staffing permits, compliance assistance and enforcement are coordinated jointly with other agencies such as the Maine DOL Unemployment Insurance Tax Division, the Maine Workers' Compensation Board, and the US Department of Labor.

The program also provides training seminars throughout the year and upon request from the public. The program provides a labor law class that is offered to all customers. In the past three years, the division has increased compliance assistance with customers, more than doubling their efforts from past years.

Youth Worker Program provides two distinct educational services to young workers. The first focus is on employment practices and hours worked in general. The second is on workplace safety and health in order to reduce in injuries among working teens and prepare young adults to work safely throughout their adult lives. This program represents a long-term objective: to change the culture of the workplace so that employers and employees truly value safety and health.

The program developed a partnership with educational institutes who place youth workers into work experience programs. This partnership's goal is to increase public awareness and knowledge about the laws governing youth in the workplace. Current efforts focus on working with teachers to integrate employment practices and the safety and health curriculum into non-vocational classrooms. Future efforts will involve the industries that employ large numbers of teens. The need for this type of public education is evident from the hundreds of calls BLS receives weekly for information on wage, hour and youth employment laws.

Safety and Health Division

The SafetyWorks! Program is the collection of non-enforcement services of the Workplace Safety and Health Division of the bureau. This program provides up to 1,000 on-site consultations at places of business each year training workers. The program also provides additional training to hundreds of individuals a year through the SafetyWorks! Training Institute's regularly scheduled classes. Services are offered to the public statewide at no cost. Training and consultation have been provided by the Bureau since the 1970's; however in 1998, these services were consolidated and expanded under the banner "SafetyWorks!" to distinguish them from the bureau's enforcement activities. Training and educational programs are presented in a comfortable classroom in Augusta, using advanced audio-visual technologies which proved their worth during the Covid crisis when remote training became predominant. Programs are also offered in locations throughout the state including the DOL CareerCenters and are offered at the customer's location.

As technological advances increase, the program's service delivery systems have been upgraded to provide customer's the best training environment possible. The emphasis is on communication with customers and high-quality service. Feedback from program users is consistently positive and is monitored by a survey sent out to each customer at the conclusion of the services provided.

The SafetyWorks! Training Institute classroom holds up to 48 students, has a Smart Board, three LCD projectors and adjacent hands-on lab area with demonstration stations. In addition, the rooms are equipped with three video cameras which are capable of streaming remotely. The room also serves as an alternate space for Maine Emergency Management Agency (MEMA) if needed during a disaster situation. The hands-on lab area includes various training props, such as a fall protection prop, VDT, confined space, forklift, fire extinguisher, electrical, scaffolding, machine guarding, work zone and several more workplace training aides. Much of the training center was made available by OSHA one-time grant funds. Through this one-time grant funds, OSHA helped pay for most of the build out costs for the training center, purchased the forklift simulator, ergonomic props and machine guarding props which includes a two-hand trip device, light curtains, and pressure sensing mat. In addition, new one-time grant funds helped purchase "Clickers" which will provide customers with an interactive device

giving the instructors the means to poll the audience and gauge their competency during the training environment, and new tables and chairs which store easily for room configuration.

SafetyWorks! in cooperation with the federal Occupational Safety and Health Administration (OSHA) has established the Safety and Health Award Recognition Program (SHARP) for private sector employers. SafetyWorks! has also initiated a Safety and Health Award for Public Sector Employers (SHAPE). Both awards are for employers who have been evaluated for their safety and health programs, injury and illness records and deemed by SafetyWorks! staff to be the “best of the best.” As of October 2023, there are 28 SHARP companies and 88 SHAPE awardees in the state. These numbers only further validate the program’s success to its customers.

The program directors and senior bureau management have also established a volunteer Emergency Response Team to assist the Maine Emergency Management Agency (MEMA) and local emergency management efforts with safety and health issues during a time of a declared emergency. Due to a wave of retirements, we currently only have staff available to cover the MEMA Emergency Operation Center (EOC). However, the goal for this year is to reestablish a “boots on the ground” team to assist with these types of emergencies. The program constantly seeks to partner with other state agencies to help educate and prevent workplace injuries.

Internally within the bureau, the SafetyWorks! program partners with the Research and Statistics Division to identify high-risk places of employment and provide personalized outreach to encourage employers within the identified high-risk industries to take advantage of SafetyWorks! services – again, a no-cost, non-enforcement program.

Public Sector Safety and Health Enforcement program investigates complaints and enforces occupational health and safety laws and standards for municipal, county and state government entities. The program protects almost 80,000 public sector employees at almost 2,400 public worksites, including state, county and municipal offices, schools, and quasi-governmental organizations such as water districts. By law, the program must provide protection at least equal to that provided to private sector workers by the federal OSHA. Effective August 5, 2015 Maine became an OSHA approved Developmental State Plan State for the Public Sector only. As of March 21, 2023, the program was Certified by OSHA. This 91-month gap between initial development and final approval is the shortest time any New England state has taken to have their State Plan program Certified by OSHA. As a result of this cooperative agreement OSHA will match costs up to 50% for public sector consultation and enforcement services. This funding change has allowed the bureau to increase the enforcement program from two to four inspectors. The bureau currently has a Chief Inspector, two Safety Enforcement Officers and one Health Enforcement Officer.

The Public Sector Enforcement (PSE) program uses injury and illness data by the Bureau’s Research and Statistics Division to focus enforcement inspections. They also respond to employee complaints and to reports of serious injury or fatalities. The PSE has formalized and standardized its inspection process, citation procedures and penalty structures. The program has also engaged in successful cooperative enforcement efforts with universities, fire departments, and municipalities.

The Maine Board of Occupational Safety and Health (BOSH) conducts appeals hearings, adopts rules for public sector enforcement and takes the lead on any PSE issues. An ad hoc committee on operator driver training was assembled and training packet disseminated to the fire service. In addition, PSE has updated several compliance documents and created a four-subject training DVD (designed for the fire/EMS service) to assist public employers with BLS/OSHA regulations. The Board has also directed the Bureau to conduct “town meetings” to update the employers/employees on PSE activities and to listen to the attendees. The unit has completed meetings covering the entire state. Many of these meetings are held remotely now.

Research and Statistics

The Research, and Statistics Division and program collects, analyzes and publishes data and research on worker safety and health and labor issues. Surveys and data collection are designed as needed by the Division and there are 7 data series maintained regularly from which analyses and reports are available:

- Census of Case Characteristics (CCC) based on Maine Workers’ Compensation Board First Reports.
- The Survey of Occupational Injuries and Illnesses (SOII) in Maine based on the rates of injury from the OSHA recordkeeping process.
- The Census of Fatal Occupational Injuries and Illnesses (CFOI) based on news and official documents on work-related deaths.
- Occupational Fatality Reports (OFR).
- The annual Construction Wage Survey which yearly collects data and sets the wages for state-funded public works projects.
- Employer Substance Use Testing Survey (E-SUT) submitted to the bureau as part of conducting State approved applicant or employee drug testing.
- Data from complaints and routine inspections from the Bureau’s administrative case tracking system, known as AMANDA.

Data is maintained from these series, DOL, the Maine Workers Compensation Board and other sources in a data warehouse making reports easier to generate using standard desktop products that access it.

BLS uses occupational safety and health data collected by this program from the Maine Worker’s Compensation system and the surveys to target assistance to employers. The Wage and Hour Enforcement program uses the construction wage rates as the basis for prevailing wage inspections on state-funded construction projects. Public Sector Enforcement uses the data to target safety inspections at public sector worksites. Research findings are used to design interventions in occupational safety and health training, consultation, outreach, and primary, secondary, and tertiary disability prevention.

Recognizing the value of making statistical information available to the broadest possible audience, the Division offers customized company injury and illness profiles, holds meetings to solicit feedback from publication users, and has updated and standardized the format of the data.

In addition, the Bureau has an internal group called SERI (Safety Enforcement Research Initiative) that researches emerging issues and develops strategies for prevention and enforcement of Maine Workplace Safety and Health activities and programs.

Lastly, staff provides regular training to employers under the SafetyWorks! brand on employer OSHA record keeping and impairment detection in the workplace and has been asked by the USDOL to provide technical assistance to other state record keeping training programs.

Outreach and Education (O&E) program is performed collaboratively with the bureau's three divisions and focuses their efforts on:

- Identifying public and special-population training and education needs relating to labor standards.
- Developing educational programs which meet the needs of all customers, both businesses and individuals whether employed or unemployed.
- Promoting the bureau's products and services throughout the state.
- Coordinating the bureau's outreach activities with other agency bureaus, state agencies and partners.
- Promoting focus groups, brochures, annual training calendars, social media newsletters and blogs, news releases, exhibits at industry conferences and improved internet information on the agency's website.

While outreach services have been available through the bureau for many years, the public is sometimes not aware of the products and services the bureau could provide. Increased focus in social media has led the bureau to exceed outreach and educational goals. As one example, the SafetyWorks! program has been highly successful in making the safety and health services known statewide, resulting in heightened awareness of the issues and significant increase in requests for services. Other states wishing to promote safety and health services are using SafetyWorks! as a model.

While still using a collaborative approach throughout the divisions, Outreach and Education has extended its mission to provide more individualized outreach opportunities to both marginalized workers and the groups that support them.

Many workers from marginalized communities lack knowledge of their rights or may fear to advocate on their own behalf. Many also come from countries which either lacked programming to protect workers or in which government was an entity to avoid. Our outreach to these communities, then, is multi-faceted. O&E works with groups to determine what they need, and then works with them to facilitate specialized training (for example, worker's rights presentations in different languages, or training for new, small business owners) with a subject matter expert. By working with smaller

communities, in settings that are also familiar and safe to them, BLS becomes a resource, or a specific person they can contact, rather than a faceless and unknown agency to be avoided.

O&E also works with the agencies that provide support to small or marginalized communities. These organizations are key to supporting our workforce, and BLS seeks to ensure that they have the resources they need to effectively assist workers. O&E has provided a variety of trainings, such as a Wage Theft session for the Southern Maine Workers Center, a BLS-overview training for the Immigrant Welcome Center employees to educate them about the Bureau, and a comprehensive Wage and Hour training for the Maine State Librarians.

The focus in this work is to network with communities and organizations that may not attend our well-established classes, and to provide in-person specialized outreach to those who are unaccustomed to government programs which exist to support them in their workplace. This collaboration is beneficial to the workers of Maine, and it empowers them to advocate for what they are entitled to under Maine State Law, and it allows for referrals to other programs and agencies that can support workers in advancing in their professional goals.

Coordinated Efforts with Other Agencies

The bureau strives to coordinate with other agencies to promote efficiency and production. Through many partnerships and agreements, the bureau has formed relationships with

- Workers' Compensation Board, on the characteristics and outcomes of workplace injuries and illnesses and the injured
- Department of Health and Human Services
 - Center for Disease Control and Prevention, on occupational disease data and issues, young worker safety, farm safety, Rakers' Center, employer drug-testing laboratory rules
 - Office of Minority Affairs, on migrant and immigrant worker issues
 - Office of Substance Abuse, on employer drug testing and workplace drug abuse prevention and intervention
- Department of Professional and Financial Regulation, Bureau of Insurance, regarding workers' compensation insurance
- Department of Transportation, on highway safety
- Department of Public Safety, on highway safety and incident investigations
- Department of Defense, Veterans, and Emergency Management, Maine Emergency Management Agency, on emergency response safety and health issues
- Department of Agriculture, Food and Rural Resources, on farm worker issues and pesticide use
- Department of Economic and Community Development, on employer services
- Human Rights Commission, on employment discrimination and Whistleblower Law issues
- Department of Conservation, on logging industry issues
- Department of Environmental Protection, on pollution prevention in industrial settings
- U. S. Department of Labor
 - Wage and Hour Division for Wage, on labor practices and migrant worker issues
 - Employment and Training Administration, on migrant worker issues
 - Occupational Safety and Health Administration, on workplace safety and health issues
 - Mine Safety and Health Administration, on workplace safety and health for service mines
 - Bureau of Labor Statistics, on identifying and coding workplace injuries and illnesses in the state

Constituencies Served

The Bureau's primary constituents are workers, future workers, and employers. Customers also include educators, government officials, policy makers, insurance companies, and employee and industry organizations. The bureau has increased their public presence by providing additional compliance assistance, training seminars and compliance aides in all areas under the bureau's jurisdiction. Through the assistance of the agency's constituent liaison staff, the bureau responds to constituent inquiries. The bureau also provides formal responses to constituents that request an official opinion. The opinions are based exclusively on the facts and circumstances described in their requests and is given on the basis of the representation, express or implied, that is provided.

Alternative Delivery Systems

The bureau is working on self-service systems where plausible and possible. Programs administered by BLS are complex, and some, such as safety and health consultations, must be done on-site. However, training and educational services can be accomplished virtually, and additional online have been added in this area.

Emerging Issues

- Temporary and permanent foreign workers and their impact on labor markets and practices.
- Occupational diseases, particularly under-reporting and cost shifting to private insurance.
- Delivering and providing services to employers and workers with limited English proficiency.
- “Legalization” of marijuana and employer concerns of its effects in the workplace as a result.
- Adding protections for workers traditionally excluded from worker protections in the areas of Forestry, Fishing and Agriculture as evidenced by recent attempts to apply the minimum wage to farm workers.
- Emerging work issues created by technology such as artificial intelligence and applications that result in “gig” work situations such as DoorDash, Uber, and InstaCart.
- The effects and enforcement issues from recent developments in remote work and virtual participation.

Maine Department of Labor

Paid Family and Medical Leave Program

Enabling Legislation

Maine's Paid Family and Medical Leave (PFML) Program was enacted through 2023 Public Law chapter 412 and became effective October 25, 2023.

Program Description

The PFML Program was established to provide eligible workers in the private and public sector with up to 12 weeks of paid time off for family or medical reasons including illness, to care for a relative, or for the birth of a child.

Constituencies Served

The PFML program has two primary constituency groups:

- people who have a serious health condition or a family situation that requires time away from work, and
- employers and workers who pay contributions on the employees' wages to fund program administration and benefit payments.

Alternative Delivery Systems

Delivery methods have not yet been established for this program.

Coordination with State and Federal Agencies

The PFML legislation includes coordination with the Department of Administrative and Financial Services, the Department of Professional and Financial Regulation, the Department of Health and Human Services, and the Office of the State Treasurer. Other agencies may be included as program implementation unfolds.

Related Federal Laws and Regulations

- Maine Earned Paid Leave, 26 M.R.S. §637
- Federal Family and Medical Leave Act, 29 CFR Part 825

Legislative Reviews

None noted at this time.

Emerging Issues

None noted at this time.

Appendix A: Positions and Financial Summary

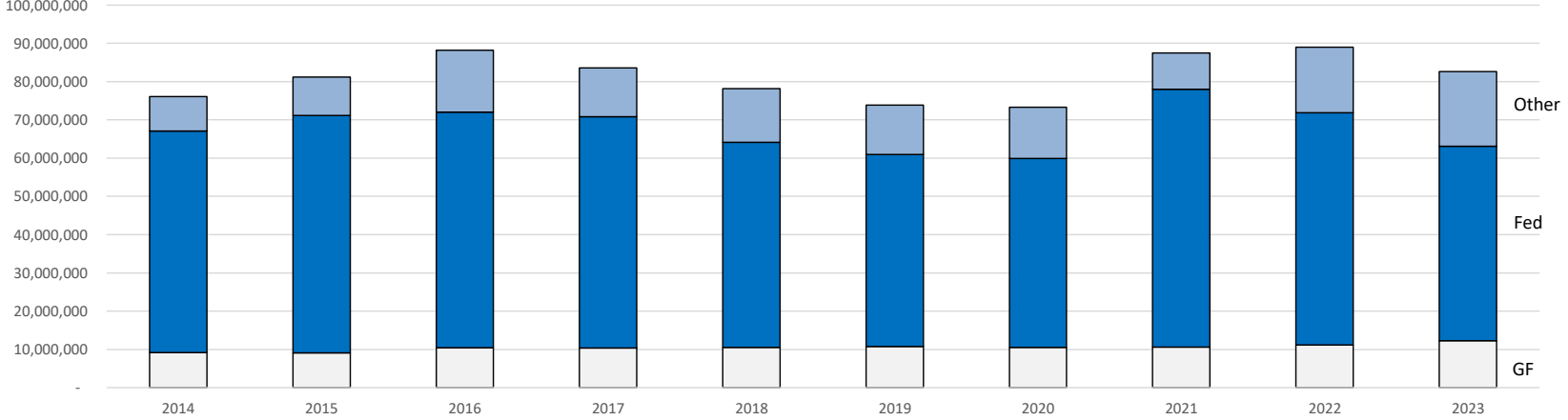
MAINE DEPARTMENT OF LABOR FULL TIME EQUIVALENT POSITION COUNT, AS OF OCTOBER 2023										
POSITION TITLE	ADMIN	BES	BLS	BRS	BUC	CWR	FML	SWB	UIC	Grand Total
ACCOUNTING ASSOCIATE II					4.0					4.0
ACCOUNTING SPECIALIST					7.0					7.0
ACCOUNTING TECHNICIAN					1.0					1.0
ASSISTANT DIRECTOR				1.0						1.0
ASSISTANT UC TEAM LEADER					1.0					1.0
ASST DIR BUR EMPLOY SECURITY						1.0				1.0
ASST DIR DIV VOCATIONAL REHAB				1.0						1.0
AUDITOR II					8.0					8.0
BLINDNESS REHABILITATION SPECIALIST				3.0						3.0
BUSINESS ENTERPRISE PROG ASST				1.0						1.0
BUSINESS MANAGER I					1.0					1.0
BUSINESS SYSTEMS MANAGER					2.0					2.0
BUSINESS SYSTEMS Q/A ANALYST					5.0					5.0
CAREERCENTER CONSULTANT		67.6								67.6
CAREERCENTER MANAGER		4.0								4.0
CAREERCENTER SERVICES MANAGER		1.0								1.0
CASEWORK SUPERVISOR				8.0						8.0
CHAIR ME UNEMPLOY INSUR COMM									1.0	1.0
CHIEF LABOR/SAFETY INSPECTOR			1.0							1.0
CLAIMS ADJUDICATOR					26.0					26.0
CLERK IV		1.0	1.0	1.0						3.0
COMM DEPT OF LABOR	1.0									1.0
CONTRACT/GRANT SPEC				1.0	1.0					2.0
CUSTOMER REP ASSOC I EMPLOY		3.0								3.0
CUSTOMER REP ASSOC II		2.9			3.0					5.9
CYBERSECURITY MANAGER	1.0									1.0
DEP DIR BUR LABOR STANDARDS			1.0							1.0
DEP DIR PAID FAMILY & MEDICAL LEAVE							1.0			1.0
DEPUTY BUREAU DIRECTOR					1.0					1.0
DIR APPRENTICE & STRATEGIC PARTNER		1.0								1.0
DIR BLIND & VISUALLY IMPAIRED				1.0						1.0
DIR BUR LABOR STANDARDS			1.0							1.0
DIR BUR UNEMPLOYMENT COMP					1.0					1.0
DIR DIV QA REHAB SERVICES				1.0						1.0
DIR GENERAL REHAB SVCS				1.0						1.0
DIR INDUSTRIAL SAFETY			1.0							1.0
DIR LABOR OUTREACH & EDUCATION			1.0							1.0
DIR PAID FAMILY & MEDICAL LEAVE							1.0			1.0
DIR RESEARCH STATISTICS			1.0							1.0
DIR SUPPORT SERVICES	1.0									1.0
DIR WAGE & HOUR DIVISION			1.0							1.0
DIR,DIV OF ADMINISTRATIVE HEARINGS					1.0					1.0
DIV DIR BENEFIT CLAIM SERVICES					1.0					1.0
DIV DIR BUR OF EMPLOY SVCS		3.0								3.0
DIV DIR BUR UNEMP COMPENSATION					2.0					2.0
DIV DIR BUREAU EMPLOY SECURITY						1.0				1.0
EMPLOYMENT & TRAINING SPEC III		9.0								9.0
EMPLOYMENT & TRAINING SPEC IV		5.0								5.0
FIELD ADVISOR EXAMINER					11.8					11.8
FIELD INVESTIGATOR			1.0							1.0
FINANCIAL ANALYST		1.0			1.0					2.0
FRAUD INVESTIGATOR					6.0					6.0
HEARINGS EXAMINER					8.0					8.0
LABOR & SAFETY INSPECTOR			8.0							8.0
LABOR PROGRAM SPECIALIST		2.0			3.0			1.0		6.0
LAW CLERK					1.0					1.0
MANAGEMENT ANALYST I					4.0					4.0
MANAGEMENT ANALYST II		1.0		1.0	4.0		2.0			8.0
ME UNEMPLOY INSUR COMM MBR									2.0	2.0
OCC HLTH & SAFETY COMP ASST SPEC			2.0							2.0
OCC HLTH & SAFETY PROG SUPV			1.0							1.0
OCCUPATIONAL HEALTH SPEC			4.0							4.0

POSITION TITLE	ADMIN	BES	BLS	BRS	BUC	CWR	FML	SWB	UIC	Grand Total
OCCUPATIONAL SAFETY SPECIALIST			7.0							7.0
OFFICE ASSISTANT II				2.0						2.0
OFFICE ASSOCIATE II	3.0	2.0	1.0	6.0	7.0		3.0			22.0
OFFICE ASSOCIATE II SUPV				1.0	1.0					2.0
OFFICE SPECIALIST I		1.0	1.0							2.0
ORIENT & MOBIL INSTR - BLIND				10.8						10.8
PFML PROGRAM DIRECTOR							1.0			1.0
POLICY DEVELOPMENT SPECIALIST		1.0								1.0
PRINCIPAL ECON RESEARCH ANALYST					1.0	1.0				2.0
PROGRAM DATA ANALYST					1.0					1.0
PROGRAM MGR EMPLOYMENT & TRG		7.0								7.0
PUBLIC SERVICE COORDINATOR III	1.0									1.0
PUBLIC SERVICE EXECUTIVE II	2.0	1.0		1.0						4.0
PUBLIC SERVICE MANAGER I	1.0									1.0
PUBLICATIONS COORDINATOR	1.0									1.0
REGIONAL DIR EMPLOYMENT SERVICES		1.0								1.0
REGIONAL DIRECTOR EMP SVCS		1.0								1.0
REGIONAL DIRECTOR REHAB SVCS				5.0						5.0
REHAB CONSULTANT				5.0						5.0
REHAB COUNSELOR I				18.0						18.0
REHAB COUNSELOR II				75.2						75.2
REHAB SERVICES MANAGER				2.0						2.0
SECRETARY ASSOCIATE			1.0	3.0						4.0
SECRETARY ASSOCIATE LEGAL					2.0					2.0
SECRETARY ASSOCIATE SUPV	1.0									1.0
SECRETARY LEGAL									2.0	2.0
SECRETARY SPECIALIST SUPV	1.0									1.0
SENIOR ECON RESEARCH ANALYST						5.5				5.5
SENIOR HEARINGS EXAMINER					1.0					1.0
SENIOR PLANNER	1.0									1.0
STAFF DEVELOPMENT COORDINATOR			1.0							1.0
STATE ACCESSIBILITY COORDINATOR				1.0						1.0
STATISTICAL PROGRAM SUPERVISOR			1.0			1.0				2.0
STATISTICIAN I						2.0				2.0
STATISTICIAN II			2.0			1.0				3.0
STATISTICIAN III			1.0			4.0				5.0
SUBSTANCE ABUSE PROGRAM SPECIALIST			1.0							1.0
SWIB DIRECTOR								1.0		1.0
TAX SECTION MANAGER					3.0					3.0
UC ELIGIBILITY AGENT					24.0					24.0
UC QUALITY ASSURANCE AUDITOR					5.0					5.0
UI POLICY & BUSINESS LEAD					1.0					1.0
UNEMPLOYMENT COMP REGIONAL MGR					1.0					1.0
UNEMPLOYMENT COMP TEAM LEADER					6.0					6.0
WORKFORCE DEVELOPMENT PROG COORD								1.0		1.0
WORKPLACE SAFETY & HEALTH MANAGER			2.0							2.0
Grand Total	14.0	115.4	42.0	150.0	156.8	16.5	8.0	3.0	5.0	510.6

Maine Department of Labor

Expenditures for State Fiscal Years 2014-2023

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
MDOL Core Programs										
General Fund	9,187,458	9,059,743	10,413,881	10,389,062	10,567,871	10,784,497	10,528,057	10,642,428	11,206,557	12,247,591
Federal Funds	57,907,927	62,084,880	61,590,021	60,401,242	53,537,003	50,168,874	49,389,364	67,356,036	60,645,581	50,834,270
Other Funds	8,949,165	10,001,985	16,168,830	12,769,224	14,008,565	12,851,023	13,386,416	9,424,273	17,140,264	19,494,848
Total, Core Programs	76,044,550	81,146,608	88,172,732	83,559,528	78,113,439	73,804,393	73,303,837	87,422,738	88,992,401	82,576,709



Year	GF	Fed	Other	Total
2014	9,187,458	57,907,927	8,949,165	76,044,550
2015	9,059,743	62,084,880	10,001,985	81,146,608
2016	10,413,881	61,590,021	16,168,830	88,172,732
2017	10,389,062	60,401,242	12,769,224	83,559,528
2018	10,567,871	53,537,003	14,008,565	78,113,439
2019	10,784,497	50,168,874	12,851,023	73,804,393
2020	10,528,057	49,389,364	13,386,416	73,303,837
2021	10,642,428	67,356,036	9,424,273	87,422,738
2022	11,206,557	60,645,581	17,140,264	88,992,401
2023	12,247,591	50,834,270	19,494,848	82,576,709

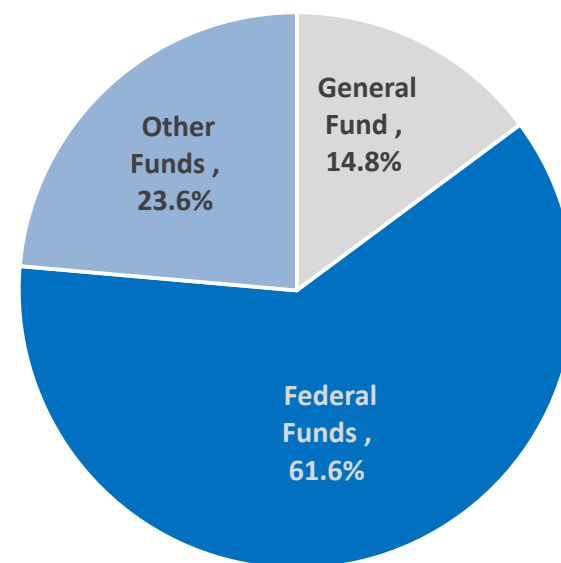
Federal Emergency Administrative Funds										
American Reinvest. & Recovery Act	375,690	-	-	-	-	-	-	-	-	-
COVID Response Fund	-	-	-	-	-	-	2,634,590	7,123,632	565,658	-
American Recovery Plan Act	-	-	-	-	-	-	-	-	561,056	6,050,652
Total, Federal Emergency Admin.	375,690	-	-	-	-	-	2,634,590	7,123,632	1,126,714	6,050,652

Unemployment Benefit Programs										
Unempl. Ben. - State	157,846,356	129,701,204	109,399,997	96,058,488	83,266,071	82,772,268	70,866,368	273,117,051	53,516,329	96,809,401
Unempl. Ben. - Federal	4,549,667	5,698,704	5,953,700	6,108,657	3,218,987	1,417,081	1,240,905	1,476,613	754,610	893,865
Unempl. Ben. - ARRA	23,891,729	(829,819)	-	-	-	-	-	-	-	-
Unempl. Ben. - CRF	-	-	-	-	-	-	269,022,250	49,619,758	8,000,000	-
Unempl. Ben. - CARES	-	-	-	-	-	-	792,832,712	1,155,268,348	163,001,812	365,764
Unempl. Ben. - ARPA	-	-	-	-	-	-	-	-	37,000,000	-
Total, Unemployment Benefit Prog.	186,287,752	134,570,090	115,353,697	102,167,145	86,485,058	84,189,350	1,133,962,235	1,479,481,770	262,272,751	98,069,029

Total, All Categories	262,707,992	215,716,697	203,526,429	185,726,673	164,598,496	157,993,743	1,209,900,662	1,574,028,139	352,391,866	186,696,390
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MDOL 2023 Expenditures by Program - Core Programs

	General Fund	Federal Funds	Other Funds	Grand Total
Employment Services	1,278,095	16,086,899	2,727,947	20,092,941
Labor Standards	1,480,179	1,407,853	2,151,629	5,039,660
Rehabilitation Services	4,827,621	12,558,394	347,161	17,733,176
Blind & Visually Impaired	3,884,345	2,959,801	232,790	7,076,935
Unemployment Comp. Adm.	-	15,827,634	10,135,933	25,963,567
Workforce Research & Info.	308,250	1,575,683	-	1,883,933
State Workforce Board	-	418,007	28,728	446,735
Administration - Labor	469,102	-	3,870,660	4,339,762
Total, All Programs	12,247,591	50,834,270	19,494,848	82,576,709
Percentage by Fund	14.8%	61.6%	23.6%	100.0%



Appendix B: Policies

The following policies are included in accordance with Title 3 §956 sub-§2(M).

Information Technology

- State of Maine Information Privacy Policy
- State of Maine Information Security Policy
- State of Maine System and Information Integrity Policy and Procedures
- Department of Labor Employee Information Security Policy
- Department of Labor Confidentiality Policy

Accessibility of Information and Services

- State of Maine Digital Accessibility Policy
- State of Maine Reasonable Accommodation Policy
- State of Maine Non-Discrimination in Employment Policy



Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)

Information Privacy Policy

1.0 Purpose

Within the operations of the State of Maine all implementations of information and telecommunication technologies will protect the confidentiality of all non-public records that are collected from respondents through State of Maine information collection activities or from other sources and that is maintained on State systems. For the purposes of this policy the information termed “non-public records” is limited to those records excepted from definition as “Public Records” in [Title 1 MSRA §402](#)¹.

The purpose of this policy is to define the responsibilities of State personnel and the implementation requirements of State information and telecommunications systems to prevent the unauthorized disclosure of information.

2.0 Applicability

The scope of this policy is limited to the activities of personnel within the Office of Information Technology as well as anyone handling any data processed or maintained on any infrastructure and systems operated by the Office of Information Technology. Additionally, this policy seeks to appropriately set the privacy expectations of those electronically interacting with State government.

3.0 Responsibilities

- 3.1 This policy is enforced by Associate CIO Applications, OIT.
- 3.2 Pursuant to [Title 5 MSRA §1973](#)² the Chief Information Officer of the State of Maine is charged with the responsibility of setting the applicable privacy policies for the implementation and use of information and telecommunications technologies.
- 3.3 The Office of Information Technology and its staff are charged with protecting the confidentiality of all agency information maintained on its systems, regardless of its nature, unless it is specifically authorized by the data custodial agency for disclosure.
- 3.4 The “Data Custodian” as defined in [Title 1 MSRA §532](#)³ will authorize the collection and maintenance of the minimum information needed to achieve its statutorily defined purposes. Further, the Data Custodian is solely authorized to disclose maintained data whether that

Information Privacy Policy

release serves its statutorily defined purposes or under the provisions of the Freedom of Access Act - [Title 1 MSRA Chapter 13](#)⁴.

4.0 Directives

- 4.1 All applications and systems exposed to the Internet will provide access to a Privacy Statement via a prominent link that appropriately sets the privacy expectations of those interacting with State government. This *Privacy Statement*⁵ may take any form but must:
 - 4.1.1 Address the public nature of most data shared with State government
 - 4.1.2 Inform the user that sharing that information via the application is voluntary;
 - 4.1.3 Identify any information automatically collected through the users interaction with the application and;
 - 4.1.4 Provide contact information for parties interested in finding additional information on how their data will be used and potentially disclosed.

5.0 References

- 5.1 Electronic Access to Public Information: [Title 1 MSRA Chapter 14](#)⁶.

6.0 Document Information

Initial Issue Date: May 1, 2012
Latest Revision Date: September 26, 2017 – To update Document Information.

Point of Contact: Architecture-Policy Administrator, OIT, Enterprise.Architect@Maine.Gov
Approved By: Chief Information Officer, OIT

Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)⁷.
Waiver Process: See the [Waiver Policy](#)⁸.

¹ <http://www.mainelegislature.org/legis/statutes/1/title1sec402.html>

² <http://www.mainelegislature.org/legis/statutes/5/title5sec1973.html>

³ <http://www.mainelegislature.org/legis/statutes/1/title1sec532.html>

⁴ <http://www.mainelegislature.org/legis/statutes/1/title1ch13sec0.html>

⁵ For an example see the Maine.gov privacy policy at <http://www.maine.gov/portal/policies/privacy.html>

⁶ <http://www.mainelegislature.org/legis/statutes/1/title1ch14sec0.html>

⁷ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

⁸ <http://www.maine.gov/oit/policies/waiver.pdf>



Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)

Information Security Policy

1.0 Purpose

The Information Security Policy establishes the *minimum* benchmark to protect the security of State *Information Assets* through a layered structure of overlapping controls and continuous monitoring.

State information assets are valuable and must be secure, both at rest and in flight, and protected from unauthorized use, disclosure, modification, and destruction. Appropriate controls and procedures must be instituted to ensure that its confidentiality, integrity, and availability are not compromised.

2.0 Definitions

- 2.1 **Agency Data Custodian:** Agency official, who, based on their position, is fiduciary owner of specific Agency Information Assets. For instance, the Labor Bureau of Unemployment Compensation Director (or designee) is the Agency Data Custodian for Unemployment Compensation Information Assets, and the Health & Human Services Office of Family Independence Director (or designee) is the Agency Data Custodian for Benefits Information Assets.
- 2.2 **Authorized User:** An individual who has approved access to an Information Asset to perform job responsibilities.
- 2.3 **Information Assets:** Business applications, system software, development tools, utilities, hardware, infrastructure, storage media, paper records, etc.
- 2.4 **Personally Identifiable Information (PII):** information which can be used to distinguish or trace the identity of an individual (e.g., name, social security number, biometric records, etc.) alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual (e.g., date and place of birth, mother's maiden name, etc.). Source: [NIST CSRC Glossary](https://csrc.nist.gov/glossary)¹. Maine State law also has a more specific definition in [10 M.R.S. §1347](http://legislature.maine.gov/legis/statutes/10/title10sec1347.html)².
- 2.5 **Principle of Least Privilege:** A security principle where users are assigned the minimal access necessary to perform their job responsibilities. Access is granted for the shortest duration possible.

¹ <https://csrc.nist.gov/glossary>

² <http://legislature.maine.gov/legis/statutes/10/title10sec1347.html>

Information Security Policy

- 2.6 **Privileged User:** The user granted the rights that go beyond that of a typical business user to manage and maintain IT systems. Usually, such rights include administrative access to networks and/or devices. This does not include users with administrative access to their own workstation.
- 2.7 **Rules of Behavior:** Behavioral standards to facilitate information security, especially relevant to Privileged Users.
- 2.8 **Sensitive Information:** Information that has the potential to cause great harm to an individual, government agency, or program if abused, misused, or breached. Sensitive information may include PII and is protected against unwarranted disclosure and typically carries specific criminal and civil penalties for an individual convicted of unauthorized access, disclosure, or misuse (e.g., Federal Tax, Protected Health, Criminal Justice, or Social Security information). Protection of sensitive information usually involves specific classification or legal precedents that provide special protection for legal and ethical reasons.

3.0 Applicability

This Policy applies to all Information Assets under the purview of the Chief Information Officer (CIO), irrespective of where the Information Assets are hosted.

4.0 Responsibilities

- 4.1 The Chief Information Officer (or designee) executes this Policy for all Information Assets.
- 4.2 The Chief Information Security Officer (CISO) (or designee) owns, interprets, and enforces this Policy.
- 4.3 The *Agency Data Custodian* (or designee) executes this Policy for all Information Assets under their purview.

5.0 Directives

- 5.1 **Access Authorization:** Access to any State Information Asset must be authorized by the Agency Data Custodian.
- 5.2 **Access Control:** Access to any State Information Assets must be based upon each user's access privileges. This access may be restricted by day, date, and time, as appropriate. Access privileges shall be granted based on the *Principle of Least Privilege*.
- 5.3 **Access – Non-State Entities:** OIT is responsible for analyzing the security risks whenever non-State entities access State information, and ensuring that such access is in full compliance with ALL relevant OIT policies, practices, and procedures.
 - 5.3.1 Any contract with a non-State entity involving access to State Information Assets must include an explicit provision binding the non-State entity to full compliance with ALL relevant OIT policies, practices, and procedures.

- 5.3.2 Non-State access privilege must be based on Least Privilege Access, commencing as late as practically possible and terminating as soon as the underlying business requirement ceases to exist.
- 5.3.3 The burden of justification rests entirely on the Agency Data Custodian, who is responsible for applying to the CISO for said access. Access is contingent upon explicit approval from the CISO, and is subject to revocation by the CISO at any time. It remains the burden of the Agency Data Custodian to apprise the CISO re: any change in business requirement and/or the status of the non-State entity.
- 5.4 **Access Rights Review:** Periodic log reviews of user access and privileges must be performed by the Agency Data Custodian in order to monitor access to State Information Assets, as well as deviations from authorized usage.
- 5.5 **Background Checks:** OIT will comply with any Federal/State background check requirements for its employees and contractors.
- 5.6 **Backups:** Backups of all State Information Assets must be routinely created and properly stored to ensure prompt restoration, when necessary. Backups must be handled with exactly identical care and precaution as the original Information Asset itself. Recovery Time Objective (RTO) and Recovery Point Objective (RPO) must meet customer expectations on a per Information Asset basis, consistent with any applicable Federal or State regulatory requirements.
- 5.7 **Data Classification:** Agency Data Custodians must collaborate with the Chief Information Security Officer in adopting and adhering to an information classification system, the purpose of which is to ensure that all Information Assets are operated in a manner compliant with any and all applicable State and Federal regulations.
 - 5.7.1 *High-Risk Data:* Information Assets for which there exist legal regulations and/or penalties for disclosure (e.g. *Sensitive Information*). Data covered by Federal and State legislation, such as CJIS, FERPA, HIPAA, IRS 1075, or the Data Protection Act, are in this class. In general, criminal justice, health, payroll, personnel, and financial data belong in this class. Other data included in this class include information that, if compromised, would cause severe damage to the State. The Agency Data Custodian makes this determination.
 - 5.7.2 *Restricted-Data:* Data that may not cause severe damage to the State if it were to be compromised, but the Agency Data Custodian still desires to protect against unauthorized disclosure and/or modification. Again, the Agency Data Custodian makes this determination.
 - 5.7.3 *Public-Data:* Information that may be freely disseminated.
 - 5.7.3.1 Agency Data Custodians must determine the data classification and must ensure that data is protected in a manner commensurate with its classification, consistent with any applicable federal or state requirements.
 - 5.7.3.2 No Information Asset may be exposed to the Internet without the means to protect it in a manner commensurate with its classification.
- 5.8 **Discipline:** State and Agency-specific discipline will be executed against users who violate this Policy.

- 5.9 **Documentation:** All Information Assets must include sufficient documentation to meet any applicable Federal or State regulatory requirements, and satisfy any applicable audit and security policy requirements.
- 5.10 **Education & Training:** Information security education and training directives are identified in the [Security and Awareness Training Policy and Procedures \(AT-1\)](#)³. Agency Data Custodians will ensure that their Agency employees and contractors comply with any other applicable Federal/State requirements for security awareness, education, and training.
- 5.11 **Incident Reporting:** Any OIT employee or contractor that becomes aware of a *potential* security incident should immediately notify their management. Non-OIT State employees or contractors who suspect an information security incident should immediately notify OIT Customer Support (624-7700) and follow any applicable Agency-specific procedures.
- 5.12 **Information Asset Maintenance:**
 - 5.12.1 All products must be fully supported by the original product vendor (or an accountable other-party). This includes "Extended Support", not just "Service Pack" or "Mainstream Support".
 - 5.12.2 Any systems hosting State information must be current with all security patches.
 - 5.12.3 All connections to the Internet must go through a properly secured access point provided by OIT to ensure that the State network is protected.
- 5.13 **Interconnection Security Agreements:** Specific agreements enforcing appropriate information security controls must be instituted for any information exchange among Agencies, as well as other external entities. These agreements outline the roles, responsibilities, and data ownership between the parties. At a minimum, the sender of the information must impose upon the receiver the very same stipulations that the sender is subject to vis-à-vis the information.
- 5.14 **Malwares:**
 - 5.14.1 Awareness, prevention, detection, and neutralization controls must be utilized to protect State Information Assets against malwares (rogue applications that disrupt the normal functioning of computers).
 - 5.14.2 Willful introduction of malwares into the State network is prohibited.
 - 5.14.3 Any device that connect to the State network must be protected with an approved, licensed anti-malware that it is kept updated according to the anti-malware vendor's recommendations.
 - 5.14.4 All State infrastructure Information Assets must be hardened, and logs monitored, to protect against malwares.
- 5.15 **Passwords:** Access to any State Information Asset must be through individual and unique logins, and must require authentication. By default, shared accounts must not be used. Authentication includes the use of passwords, smart cards, biometrics, challenge-response questions, or such other industry-accepted best practices. Any device used for

³ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/security-awareness-training-policy.pdf>

authentication (SecurID token, etc.) is to be used by the assigned individual only, and must not be shared. Users must select, employ, and manage passwords to protect against unauthorized discovery or usage. All users of high-risk or restricted data must have a strong password, the definition of which is established and documented by OIT, considering such features as length, complexity, unpredictability, expiration frequency, etc. Credentials for empowered accounts (such as administrator, root, or supervisor) must be changed frequently, consistent with guidelines established by OIT. Credentials for empowered accounts must be modified any time the underlying system is installed, rebuilt, or reconfigured. Service accounts that do not allow login are not considered empowered accounts. All default passwords must be modified immediately post-installation. Passwords must never be stored or transmitted without first having been hashed or encrypted.

5.16 Physical Protection: Where applicable, State infrastructure Information Assets must be protected from physical and environmental threats in access controlled environments.

5.16.1 Both OIT and Agencies must institute appropriate measures to prevent and detect unauthorized access or damage to facilities that contain State Information Assets. Facilities that house State infrastructure Information Assets must utilize physical access controls designed to permit access by *Authorized Users* only.

5.17 Remote, Mobile, and Wireless Access (Safeguarding Portable and Mobile

Devices): Agencies must comply with the Remote Access methods provided by OIT when remotely accessing the State network. Agencies must comply with the Wireless Access methods provided by OIT when wirelessly accessing the State network.

5.17.1 When Agencies approve teleworking for their personnel, they must ensure that the security of State Information Assets is not compromised.

5.17.2 Agency Data Custodians will safeguard high-risk and restricted data stored on portable devices (laptops, pocket personal computers, hand-held devices, USB thumb drives, smart phones, etc.) by:

- 5.17.2.1 Properly classifying any data stored on personal devices
- 5.17.2.2 Using encryption to safeguard data and prevent unauthorized access
- 5.17.2.3 Requiring written authority to copy data to portable devices
- 5.17.2.4 Ensuring that all Agency personnel (employees and contractors) who use portable devices are aware of, and comply with this policy and any other applicable Federal or State legislation regarding data on portable devices.

5.18 Risk Assessments: State Information Assets will be assessed for security risks and priority risks will be promptly addressed. The Chief Information Security Officer will:

- 5.18.1 Ensure that applicable security tests as defined in the [Application Deployment Certification Policy](#)⁴ are performed.
- 5.18.2 Ensure that applicable security tests as defined in the [Infrastructure Deployment Certification Policy](#)⁵ (if OIT-Hosted), or as defined in the [Remote Hosting Policy](#)⁶ (if Remote-Hosted) are performed.

⁴ https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/application-deployment-certification_0.pdf

⁵ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/infrastructure-deployment-certification.pdf>

⁶ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/remote-hosting-policy.pdf>

- 5.18.3 Authorize random and scheduled information security risk assessments to evaluate State computer devices, operating systems, and applications, including websites, for risk vulnerabilities pertaining to confidentiality, integrity, and availability.
- 5.18.4 Coordinate security risk assessments with the Account Manager of the agency who owns the system to minimize disruptions to operations. When the CISO identifies a potential high-risk situation, these assessments may be conducted without advance scheduling.
- 5.18.5 Alert the Account Manager and applicable OIT Leadership whenever a critical information security deficiency is discovered. The Account Manager serves as the communication liaison to key Agency personnel.
- 5.18.6 In the event of a significant security risk, at their discretion, remove the computer device or application from service until the risk is mitigated or until an approved waiver is in place.
- 5.18.7 Prepare and provide a report of the security risk findings to key OIT personnel, including the Account Manager. The Account Manager will handle any dissemination to the agency.

5.19 Rules of Behavior for All Users: All users must comply with the following standards:

- 5.19.1 Must not attempt to access any Information Asset for which they do not have express authorization.
- 5.19.2 Must not divulge remote connection methods and protocols.
- 5.19.3 Must not share their credentials.
- 5.19.4 Must not use non-standard software or equipment.
- 5.19.5 Must exercise caution when accessing emails, attachments, hypertext links, etc. from unknown sources.
- 5.19.6 Must not make unauthorized changes.
- 5.19.7 Must not insert any removable media into a State device without ensuring that it does not contain malware.
- 5.19.8 Must not allow others to use their account or access other users' accounts.
- 5.19.9 Must comply with agency-specific procedures and protocols while transferring files. They must also report any security weakness to the appropriate agency personnel. Security weakness includes unexpected system behavior, which may result in unintentional disclosure of information or exposure to security threats.
- 5.19.10 Must not engage in activity that may degrade the performance of Information Assets, deprive an Authorized User access to resources, obtain extra resources beyond those allocated, or circumvent other security measures.
- 5.19.11 Must not download, install, or execute utilities such as password crackers, packet sniffers, or port scanners that reveal or exploit security weaknesses.
- 5.19.12 Must sign and comply with agency-specific non-disclosure and confidentiality agreements.
- 5.19.13 Must adhere to additional requirements stipulated by OIT regarding personal devices.
- 5.19.14 Must not download/transfer sensitive information to any non-State device.
- 5.19.15 Must comply with supplemental rules, beyond the ones listed above, for specific systems, as needed.
- 5.19.16 System utilities will be made available only to those who have a legitimate business case for a specific utility.

5.20 **Rules of Behavior for Privileged Users:** Due to privileged access rights, these users must also comply with standards higher than ordinary users. Applies only to server-class devices.

5.20.1 System Administration account (i.e. 'root') access must be limited to as small a group as possible and based on the Principle of Least Privilege. For example, the 'root' account should not be used for tasks that can be completed via a non-privileged account.

5.20.2 Any administrators must first login as themselves (ordinary user) before escalating privileges to that of an administrator.

5.21 **Session Timeout:** The session activity timeout is 15 minutes. Any session that is inactive for more than 15 minutes must either log off the user or lock the session until fresh re-authentication.

5.22 **Static Storage (Data at Rest):** Static storage of state information outside the state firewall that contains *Personally Identifiable Information*, (or other high-risk data) must be encrypted to at least the current NIST-approved standard for encryption of static data.

5.23 **Storage Media Disposal:** When no longer required, ALL storage media (both fixed and removable) must be permanently scrubbed or destroyed or rendered unrecoverable in accordance with applicable State, Federal, or Agency regulations.

5.23.1 Media may be scrubbed by being degaussed.

5.23.2 Alternatively, media may be sanitized in accordance to [NIST Special Publication 800-88⁷](http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-88r1.pdf). A simple wiping method maybe implemented in the following way: Pass 1: Writes a zero and verifies the write; Pass 2: Writes a one and verifies the write; Pass 3: Writes a random character and verifies the write.

5.23.3 Physical destruction of media should be conducted by a qualified vendor.

5.24 **Transport Security (Data in Flight):** Any transmission (including E-Mail, file transfer, etc.) of Personally Identifiable Information (or other high-risk data) must be encrypted to at least the current standard for Transport Layer Security (such as NIST or FIPS or per the specific Agency's State/Federal requirements).

5.24.1 Any application that has end-users (portal-type application, etc.) requires a commercial-grade certificate. Self-signed certificates may be used for applications without end-users (device to device connectivity) if they have trusted endpoints.

5.24.2 Authentication must be conducted under an encrypted tunnel to at least the current NIST-approved standard for Transport Layer Security.

5.25 **Unknown Custody Device:**

5.25.1 All personnel must maintain safe custody of all State devices, including removable media (such as memory sticks).

5.25.2 When device custody cannot be verified, including a found device, it must be sent to Chief Information Security Officer (State House Station #145) for verification.

⁷ <http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-88r1.pdf>

5.25.3 If, and only if, the Chief Information Security Officer green-lights the subsequent use of that found device should it be put back into State use.

5.26 **Vulnerability Management:** Vulnerabilities in networks, devices, and applications present a risk to State Information Assets. Vulnerability Management is the formal procedure of identifying, classifying, remediating and/or mitigating vulnerabilities. The CISO is responsible for classifying vulnerabilities. They are classified as follows:

5.26.1.1 *High-Risk (Critical):* Allows a remote attacker to gain administrative control.

5.26.1.2 *Medium-Risk (Severe):* Allows a remote attacker to gain user-level control, or to cause shutdown/reboot/instability.

5.26.1.3 *Low-Risk:* Unlikely to directly compromise security but might still provide a remote attacker with a springboard for privilege-escalation.

5.26.2 When a patch or known workaround is discovered, by default vulnerabilities must be handled accordingly:

5.26.2.1 High-Risk (Critical) - Within 30 days

5.26.2.2 Medium-Risk (Severe) - Within 60 days

5.26.3 While no specific timeline is listed for Low-Risk vulnerabilities, these should not be ignored. The CISO will determine whether any vulnerability (*high, medium, or low*) represents an escalated risk and requires more immediate attention.

5.26.4 Typically, vulnerabilities are addressed by applying vendor supplied patches. However, compensating controls can alternatively be used to address identified vulnerabilities given potential flaws in patches, potential difficulties removing flawed patches from systems, and potential scheduling issues patching production systems.

5.26.5 If utilized, compensating controls must provide the same or greater level of defense as would be attained through patching. Compensating controls can be used as an interim solution (until the next maintenance/patching schedule) or as a longer-term solution.

6.0 Document Information

This policy replaces the *Policy to Safeguard Information on Portable Computing and Storage Devices*, the *Standard to Safeguard Information on Portable Computing and Storage Devices*, the *Security Awareness Training Policy* and the *Policy to Govern Information Security Risk Assessments of State Computer Systems and To Ensure the Prompt Remediation of Deficiencies*.

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Point of Contact: Enterprise.Architect@Maine.Gov

Approved By: Chief Information Officer, OIT.

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Waiver Process: See the [Waiver Policy](#)⁹.

⁸ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

⁹ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/waiver.pdf>



State of Maine

Department of Administrative and Financial Services

Office of Information Technology

System and Information Integrity Policy and Procedures (SI-1)

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System and Information Integrity Policy and Procedures

1.0 Document Purpose

The purpose of this document is to define the State of Maine policy and procedures that are in place to ensure system and information integrity for State of Maine information assets (see Definitions). This part of the security program is focused on protecting the confidentiality (see Definitions), integrity (see Definitions), and availability (see Definitions) of State information assets. This document corresponds to the System and Information Integrity Control Family of National Institute of Standards and Technology (NIST) Special Publication 800-53 (Rev. 4).

2.0 Scope

- 2.1 This policy applies to all State of Maine employees and contractors (collectively referred to as personnel in this document) with access to:
 - 2.1.1 Executive Branch Agency information assets, irrespective of location; and
 - 2.1.2 Information assets from other State government branches that use Executive Branch managed services.

3.0 Policy Conflict

If this policy conflicts with any law or union contract in effect, the terms of the existing law or contract prevail.

4.0 Roles and Responsibilities

- 4.1 Agencies
 - 4.1.1 Manage agency data in a secure manner.
 - 4.1.2 Ensure that any contracts for vendor-hosted or -managed agency information systems adhere to any pertinent Federal regulations, State regulations, and Office of Information Technology (OIT) policies, procedures, and standards.
 - 4.1.3 Ensure agency personnel are aware of penalties for noncompliance.
 - 4.1.4 Develop and implement agency-level policy and procedures to meet additional pertinent system and information integrity statutory requirements.
- 4.2 OIT
 - 4.2.1 Assigns an owner for each infrastructure information asset (for example, network, firewall) it supports (see the appendix).
- 4.3 OIT Information Asset Owners
 - 4.3.1 Ensure that systems and information integrity protections are in place for their assigned information asset(s).
 - 4.3.2 Implement security directives.
 - 4.3.3 Protect information system memory from unauthorized code execution.
 - 4.3.4 Utilize standard operating procedures to manage required changes.
 - 4.3.5 Utilize integrity verification tools to detect unauthorized changes to software and information.

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- 4.3.6 In collaboration with IT Procurement and agencies, hold contracted other parties that host State information assets accountable to this Policy and Procedures.
- 4.4 Information Security Office
 - 4.4.1 Identifies and reports information system flaws.
 - 4.4.2 Performs scheduled information system security scans.
 - 4.4.3 Protects information systems from malicious code.
 - 4.4.4 Monitors information systems.
- 4.5 IT Procurement
 - 4.5.1 In collaboration with Information Asset Owners and agencies, hold contracted other parties that that host State information assets accountable to this Policy and Procedures.
- 5.0 **Management Commitment**

The State of Maine is committed to following this policy and the procedures that support it.
- 6.0 **Coordination Among Agency Entities**

OIT provides system information and integrity at the enterprise level for infrastructure consumed by agency information systems. Agencies coordinate with OIT account managers, application development managers, and client technologies support staff to address agency-specific system and information integrity requirements. Application development managers serve as information asset owners for the agency information systems that their teams support.
- 7.0 **Compliance**
 - 7.1 For State of Maine employees, failure to comply with the procedures identified in this policy may result in progressive discipline up to and including dismissal.
 - 7.2 For State of Maine contractors and non-State of Maine personnel, failure to comply may result in removal of the individual's ability to access and use State of Maine data and systems. Employers of non-State of Maine personnel will be notified of violations.
 - 7.3 Personnel are also subject to penalties for violations of statutory compliance requirements. Depending on the requirement and the nature of the violation, penalties can include fines and criminal charges.
- 8.0 **Procedures**

The following standards apply to, and represent, the security controls established to meet an acceptable level of protection for, State of Maine information systems. They serve as the base set of procedural requirements that are implemented to provide system and information integrity.

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8.1 Flaw Remediation (SI-2, SI-2(1), SI-2(2))

- 8.1.1 Agencies, in consultation with OIT, ensure that appropriate mechanisms are in place to identify, report, and correct flaws in agency information systems.
- 8.1.2 The Information Security Office employs the following mechanisms, in accordance with the above:
 - 8.1.2.1 Subscribes to Multi-State Information Sharing and Analysis Center (MS-ISAC) alerts and MITRE Common Vulnerabilities and Exposures (CVE) updates and notifications.
 - 8.1.2.2 Distributes alerts, updates, and notifications to information asset owners.
 - 8.1.2.3 Scans information systems weekly and monthly at set intervals.
 - 8.1.2.4 Reviews all security-related reports.
- 8.1.3 OIT information asset owners take the following actions to correct information system flaws:
 - 8.1.3.1 Conduct security testing in accordance with deployment certification procedures (see the [Application Deployment Certification Policy](#)¹ and the [Infrastructure Deployment Policy](#)²).
 - 8.1.3.2 Install operating system patches and hot fixes (see Definitions).
 - 8.1.3.3 Install security patches.
 - 8.1.3.4 In collaboration with agencies and IT Procurement, utilize support and maintenance contracts to engage vendors in correcting identified flaws in off-the-shelf software or firmware.
- 8.1.4 OIT information asset owners utilize standard operating procedures to manage change. They:
 - 8.1.4.1 Use the centrally managed OIT Change Advisory Board for change management.
 - 8.1.4.1.1 Production changes must follow the OIT [Change Management Policy](#)³.
 - 8.1.4.2 Install security-relevant software and firmware at defined intervals:
 - 8.1.4.2.1 The Information Security Office ensures that antivirus definition files are updated daily.
 - 8.1.4.2.2 Information asset owners install patches at predefined intervals for the information assets they manage (such as security patches for hosting environments).
 - 8.1.4.2.3 Information asset owners install patches, hot fixes, and service packs, as necessary, to address specific issues, such as identified critical vulnerabilities, that cannot wait for the next scheduled cycle.

¹ <https://www.maine.gov/oit/sites/main.gov.oit/files/inline-files/ApplicationDeploymentCertification.pdf>

² <https://www.maine.gov/oit/sites/main.gov.oit/files/inline-files/Infrastructure-Deployment-Certification.pdf>

³ <https://www.maine.gov/oit/policies/ChangeManagementPolicy.pdf>

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- 8.1.4.2.3.1 This determination is made in collaboration with the Information Security Office.
 - 8.1.4.2.3.2 Alternatively, interim compensating controls, approved by the Information Security Office, may be used to address identified vulnerabilities.
- 8.1.5 The Information Security Office employs automated mechanisms (monthly scans), independent of patching schedule, to determine the flaw remediation status of information system components.
- 8.2 Malicious Code Protection (SI-3, SI-3(1), SI-3(2))
 - 8.2.1 Agencies, in consultation with OIT, ensure that malicious code (see Definitions) protections are in place to detect and eradicate malicious code at agency information system entry and exit points.
 - 8.2.2 OIT information asset owners implement malicious code protections at entry and exit points for the information asset they are responsible for. For example, Network Services utilizes firewalls to perform real-time scans at network entry and exit points to detect and eradicate malicious code.
 - 8.2.3 OIT information asset owners keep malicious code protection mechanisms current by implementing new product releases when they become available. OIT information asset owners determine whether to update malicious code protections automatically or manually.
 - 8.2.4 The Information Security Office employs products at information system entry and exit points to detect and eradicate malicious code.
 - 8.2.4.1 The Information Security Office ensures antivirus definition files are updated daily. In addition, the Information Security Office configures products to perform weekly scans of information systems and to perform real-time scans of files from external sources.
 - 8.2.4.2 The Information Security Office configures products to block and quarantine malicious code, and to alert the Information Security Office, in response to malicious code detection.
 - 8.2.4.3 The Information Security Office reviews quarantined code for potential information system impact, and, if appropriate, sends it to the vendor for further analysis.
 - 8.2.4.4 Quarantines are adjusted, based on the risk level of the finding (for example, considering false positives identified during analysis).
 - 8.2.5 OIT manages malicious code protection centrally, at the enterprise level, as follows:

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- 8.2.5.1 The Information Security Office and OIT information asset owners plan, implement, assess, authorize, and monitor malicious code protection products.
- 8.2.5.2 The Information Security Office consumes the MS-ISAC as a resource to plan, implement, assess, authorize, and monitor [Albert](#).⁴

8.3 Information System Monitoring (SI-4, SI-4(1), SI-4(2), SI-4(4), SI-4(5), SI-4(7), SI-4(14))

- 8.3.1 Agencies, in consultation with OIT, ensure their agency information systems are monitored to detect attacks and indicators of potential attacks, as well as unauthorized local, network, and remote connections.
- 8.3.2 In accordance with the above, OIT performs the following information system monitoring:
 - 8.3.2.1 The Information Security Office employs products to detect attacks and indicators of potential attacks, as well as unauthorized local, network, and remote connections.
 - 8.3.2.2 The Information Security Office receives notifications for improper logins, as well as unexpected behaviors, to identify unauthorized use of information systems.
 - 8.3.2.3 The Information Security Office deploys products strategically within information systems to collect essential information and at ad hoc locations within information systems to track specific types of transactions (such as hypertext transfer protocol (HTTP) traffic that bypasses HTTP proxies).
 - 8.3.2.4 OIT information asset owners perform information system monitoring for the information asset they are responsible for. For example, Network Services employs firewalls to detect attacks and indicators of potential attacks, as well as unauthorized local, network, and remote connections.
 - 8.3.2.5 The Information Security Office and information asset owners protect information obtained from intrusion-monitoring tools from unauthorized access, modification, and deletion by requiring team administrator credentials.
 - 8.3.2.5.1 Access to this information must be granted based on the principle of least privilege (see Definitions).
- 8.3.3 The Information Security Office heightens the level of information system monitoring activity whenever there is an indication of increased risk to organizational operations assets, individuals, other organizations, or the Nation, based on law enforcement information, intelligence information, or other credible sources of information. Heightened activity may include any of the following actions, based on the Information Security Office assessment of the situation:

⁴ <https://www.cisecurity.org/services/albert-network-monitoring/>

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- 8.3.3.1 The Information Security Office increases the involvement of external security analysts.
- 8.3.3.2 The Information Security Office and information asset owners leverage additional external incident response resources.
- 8.3.3.3 The Information Security Office consults with the Attorney General's Office and security legal analysts to obtain legal opinion regarding information system monitoring activities in accordance with applicable Federal or State laws, executive orders, directives, policies, or regulations.
- 8.3.4 The Information Security Office employs products to provide intrusion detection.
- 8.3.5 Network Services employs intrusion detection and intrusion prevention systems on network entry to detect attempted intrusions into the enterprise.
 - 8.3.5.1 Logs are automatically imported into a central security information and event management (SIEM) repository for anomaly alerting and processing.
- 8.3.6 Network Services employs firewall intrusion detection and intrusion prevention systems.
- 8.3.7 Network Services employs products to monitor inbound and outbound communications traffic for unusual or unauthorized activities or conditions.
- 8.3.8 Network Services employs access points and wireless local area network controllers for over-the-air detection and reporting.
- 8.3.9 The Information Security Office and OIT information asset owners employ systems that alert teams when indications of compromise or potential compromise occur.
 - 8.3.9.1 Automated mechanisms are employed, where available, to alert security personnel of unusual or inappropriate activities that have security implications. Manual mechanisms are used in instances where automatic mechanisms are not implemented.
 - 8.3.9.2 When suspicious events are detected, designated agency personnel are notified, and necessary actions are taken to address the suspicious events.

8.4 Security Alerts, Advisories, and Directives (SI-5)

- 8.4.1 Agencies, in consultation with OIT, ensure that mechanisms are in place to receive security alerts, advisories, and directives on an ongoing basis, that are pertinent to their agency information systems.

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- 8.4.2 The Information Security Office team receives and disseminates system security alerts, advisories, and directives on an ongoing basis from multiple sources, including:
 - 8.4.2.1 MS-ISAC emails;
 - 8.4.2.2 Albert suspicious internet traffic report; and
 - 8.4.2.3 The Department of Homeland Security.
- 8.4.3 The Information Security Office generates internal security alerts, advisories, and directives as deemed necessary (for example, in response to a known issue or threat or to strengthen the State's security posture).
 - 8.4.3.1 The audience for the communication is determined based on the nature of the alert, advisory, or directive (technical, agency end user, agency leadership).
 - 8.4.3.2 Agency communication is coordinated through the OIT account managers, communications manager, or application development managers.
 - 8.4.3.3 OIT technical communication is handled directly by the Information Security Office.
 - 8.4.3.4 The Information Security Office establishes security directive implementation time frames and notifies OIT information asset owners as part of the communication.
- 8.5 **Security Function Verification (SI-6)**
 - 8.5.1 Agencies, in consultation with OIT, ensure that mechanisms are in place to verify the correct operations of organizationally defined security functions (see Definitions) that are pertinent to their agency information systems.
 - 8.5.2 The Information Security Office identifies defined security functions at an enterprise level.
 - 8.5.3 Agencies must identify any supplemental security functions necessary to meet regulatory requirements.
 - 8.5.4 Agencies collaborate with their application development managers and/or account managers to implement supplemental security functions for OIT-supported agency information systems.
 - 8.5.5 The Information Security Office works with information asset owners (typically system administrators) to review and verify configuration settings and deployment certifications to ensure security functions are implemented.
 - 8.5.6 On a scheduled basis (at a frequency determined by the information asset owner in collaboration with the Information Security Office), information asset owners conduct patching and verification.

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- 8.5.7 If there is a failed security test, the Information Security Office notifies and works with information asset owners to address identified issues.
- 8.5.8 The information asset owner takes necessary action to address any identified issues (e.g., shut down or restart the information asset, etc.).
- 8.6 **Software, Firmware, and Information Integrity (SI-7, SI-7(7))**
 - 8.6.1 Agencies, in consultation with OIT, ensure that integrity verification tools are employed to detect unauthorized changes to software and information.
 - 8.6.2 OIT information asset owners utilize integrity verification tools to detect unauthorized changes to software and information (such as network and security infrastructure tools).
 - 8.6.3 The Information Security Office conducts integrity scans of information systems on an as-needed basis to assess the integrity of software and information.
 - 8.6.4 The Information Security Office classifies unauthorized security-relevant changes that are detected and reported and determines whether they are subject to formal incident-response procedures.
- 8.7 **Spam Protection (SI-8, SI-8(1), SI-8(2))**
 - 8.7.1 Agencies, in consultation with OIT, ensure that spam (see Definitions) protection mechanisms are employed at agency information system entry and exit points to detect and act on unsolicited messages.
 - 8.7.2 OIT information asset owners employ spam protections, in accordance with the above, for the information asset that they manage.
 - 8.7.2.1 In Microsoft 365, email messages are automatically protected against spam and malware by Exchange Online Protection (EOP).
 - 8.7.2.2 EOP has built-in inbound and outbound malware filtering to help protect the State of Maine from malicious software, and built-in spam filtering to help protect the State of Maine from both receiving and sending spam (for example, in case of compromised accounts).
 - 8.7.2.3 Admins don't need to set up or maintain the filtering technologies because they're enabled by default.
 - 8.7.2.4 For SharePoint Online, anti-malware protection is automatically provided for files that are uploaded and saved to document libraries. This protection is provided by the Microsoft anti-malware engine also integrated into Exchange. This anti-malware service runs on all SharePoint Online Content Front Ends.
- 8.8 **Information Input Validation (SI-10)**
 - 8.8.1 This section applies to any information asset where OIT has ownership of the code.

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- 8.8.2 Agencies, in consultation with OIT, ensure that their agency information systems check the validity of defined information inputs for accuracy, completeness, validity, and authenticity as close to the point of origin as possible.
 - 8.8.2.1 Agencies define the information inputs subject to this validation and the method through which validation takes place, in consultation with OIT.
 - 8.8.2.2 OIT application development managers ensure their teams implement input validation mechanisms for their assigned agency systems, in accordance with the above.
 - 8.8.2.3 The Information Security Office validates the implementation through regular application vulnerability scanning.
- 8.9 **Error Handling (SI-11)**
 - 8.9.1 Agencies, in consultation with OIT, ensure that their agency information systems generate error messages that provide information necessary for corrective action, without revealing information that could be exploited by adversaries. In addition, agencies must ensure that their information systems reveal error messages only to defined personnel and roles.
 - 8.9.1.1 Agencies review error message content, prior to implementation, to ensure that no information is revealed that could be exploited by adversaries.
 - 8.9.1.2 Agencies define the personnel and roles who error messages are revealed to.
 - 8.9.1.3 OIT application development managers ensure that their teams implement error messages, in accordance with the above, for their assigned agency systems.
 - 8.9.1.4 The Information Security Office team validates the implementation through regular application vulnerability scanning.
- 8.10 **Information Handling and Retention (SI-12)**
 - 8.10.1 Agencies, in consultation with OIT, ensure that agency information system information output is handled and retained in accordance with data classification handling requirements, applicable State and Federal laws, directives, policies, regulations, standards, and operational requirements.
 - 8.10.1.1 Agencies define information handling and retention standards in accordance with the above.
 - 8.10.1.2 The OIT information asset owners implement agency-defined information handling and retention standards for the information asset they manage (for example, backup and recovery).
 - 8.10.1.3 Archiving data according to specific business requirements is part of the application development process.

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- 8.11 **Memory Protection (SI-16)**
 - 8.11.1 Agencies, in consultation with OIT, ensure that security safeguards are used to protect information system memory from unauthorized code execution.
 - 8.11.2 For information assets where OIT has control of the code, the Information Security Office employs malicious code protection products to protect information system memory from unauthorized code execution.
- 9.0 **Document Details**
 - 9.1 Initial Issue Date: July 19, 2019
 - 9.2 Latest Revision Date: June 15, 2022
 - 9.3 Point of Contact: Enterprise.Architect@Maine.Gov
 - 9.4 Approved By: Chief Information Officer, OIT
 - 9.5 Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)⁵
 - 9.6 Waiver Process: [Waiver Policy](#)⁶
 - 9.7 Distribution: [Internet](#)⁷
- 10.0 **Review**

This document is reviewed annually and whenever substantive changes are made to policies, procedures, or other authoritative regulations that affect it.
- 11.0 **Records Management**

OIT security policies, plans, and procedures fall under the *Routine Administrative Policies and Procedures* and *Internal Control Policies and Directives* records management categories. They will be retained for 3 years and then destroyed in accordance with guidance provided by Maine State Archives. Retention of these documents will be subject to future State Archives General Schedule revisions that cover these categories.
- 12.0 **Public Records Exceptions**

Under the [Maine Freedom of Access Act \(FOAA\)](#),⁸ certain public records exceptions may limit disclosure of agency records related to information technology infrastructure and systems, as well as security plans, procedures, or risk assessments. Information contained in these records may be disclosed to the State Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. Any aggrieved person seeking relief for an alleged violation of the FOAA may bring suit in any Superior Court in the State.

⁵ <https://legislature.maine.gov/statutes/5/title5ch163sec0.html>

⁶ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/waiver.pdf>

⁷ <https://www.maine.gov/oit/policies-standards>

⁸ <https://legislature.maine.gov/statutes/1/title1sec402.html>

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13.0 Definitions

- 13.1 Availability: Timely and reliable access to and use of information.⁹
- 13.2 Confidentiality: Preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information
- 13.3 Hot fix: A patch applied to a live system.
- 13.4 Information Asset: Used interchangeably with information system. A discrete, identifiable piece of information technology, including hardware, software, and firmware. Information assets include, for example, mainframes, workstations, servers (including database, electronic mail, authentication, web, proxy, file, and domain name), input/output devices (such as scanners, copiers, and printers), network components (such as firewalls, routers, gateways, voice and data switches, process controllers, wireless access points, network appliances, and sensors), operating systems, virtual machines, middleware, business applications, system software, development tools, and miscellaneous related utilities.
- 13.5 Integrity: The accuracy and consistency (validity) of data over its lifecycle. Guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity.
- 13.6 Malicious code: Unwanted files or programs that can cause harm to a computer or compromise data stored on a computer. Classifications of malicious code include viruses, worms, and Trojan horses.
- 13.7 Principle of Least Privilege: A security principle whereby users are assigned the minimum access necessary to perform their job responsibilities. Access is granted for the shortest duration possible.
- 13.8 Security function: The hardware, software, and/or firmware of the information system responsible for enforcing the system security policy and supporting the isolation of code and data on which the protection is based.
- 13.9 Spam: Unsolicited usually commercial messages (such as emails, text messages, or internet postings) sent to a large number of recipients or posted in a large number of places.

14.0 Abbreviations

- 14.1 CVE: common vulnerabilities and exposures
- 14.2 EOP: Exchange Online Protection
- 14.3 HTTP: Hypertext Transfer Protocol
- 14.4 MS-ISAC: Multi-State Information Sharing and Analysis Center

⁹ <https://csrc.nist.gov/glossary>

System and Information Integrity Policy and Procedures (SI-1)

- 14.5 OIT: Office of Information Technology
- 14.6 SIEM: security information event management

System and Information Integrity Policy and Procedures (SI-1)

Appendix – Office of Information Technology Information Assets and Services

Information Asset/Service	Description	Owner
Business applications	OIT-developed applications to support specific business functions	Enterprise Shared Services
Network monitoring	Network activity monitoring	Security Operations Center (SOC)
Intrusion detection system	Malicious activity monitoring	SOC
Physical access (Badges)	Identification badges	SOC
Security infrastructure	Information systems security tools	SOC
Backups	Digital media backups and Enterprise-level backup, recovery, and storage services	Computing Infrastructure and Services
Directory services (Active Directory and supporting services)	Authentication and authorization	Computing Infrastructure and Services
Email (Office 365)	Email	Computing Infrastructure and Services
SQL servers: SQL databases	SQL infrastructure and services	Computing Infrastructure and Services
Storage	Data storage	Computing Infrastructure and Services
Virtual machine environment	Virtual machine infrastructure	Computing Infrastructure and Services
Windows Servers operating platform	Windows servers operating platform	Computing Infrastructure and Services
Oracle database	Oracle database	Enterprise Data Services
Oracle middleware	Oracle middleware	Enterprise Data Services
Unix	Variety of physical and virtual servers (HP, Sun, Oracle) and Operating Systems (Linux, Solaris)	Enterprise Data Services
Distributed Denial of Service (DDoS) protection	Distributed Denial of Service (DDoS) protection	Network and Voice Services
Network core	Redundant core	Network and Voice Services
Network services	Switches, routers, etc.	Network and Voice Services
Voice services	Analog telephony	Network and Voice Services
Voice over IP (VoIP)	Digital telephony	Network and Voice Services
Wireless	Wireless networking	Network and Voice Services
Domain Name Service (DNS)	Domain name – IP mapping	Network Security

System and Information Integrity Policy and Procedures (SI-1)

Information Asset/Service	Description	Owner
Remote access/Virtual Private Network (VPN)	Secure remote access	Network Security
Reverse Proxy	Reverse proxy	Network Security
Web Application Firewall (WAF)	Filter, monitor, and block HTTP traffic	Network Security

STATE OF MAINE
Department of Labor Policy No. 010

Policy Statement on Employee Information Security

Policy Statement:

The Maine Department of Labor's intention for publishing an Employee Information Security Policy is not to impose restrictions that are contrary to established culture of openness, trust and integrity. The Maine Department of Labor (MDOL) is committed to protecting the Public, our employees, partners and the MDOL itself from illegal or damaging actions by individuals, either knowingly or unknowingly. The 21st Century environment of connected technologies offers many opportunities to malicious or unknowing people from all over the world to anonymously attack, damage and corrupt vital public information; and to disrupt our ability to communicate effectively and accomplish the mission of our organization. Effective security is a civic responsibility, and a team effort involving the participation and support of every MDOL employee and affiliate who deals with information and/or information systems. It is the responsibility of every MDOL employee and affiliate to know, understand and adhere to these policies, procedures, standards and guidelines, and to conduct their activities accordingly. This policy statement has been adopted in order to provide guidance and protection to MDOL employees and to safeguard the information resources of the State entrusted to MDOL employees.

The Commissioner's Statement:

Commissioner Fortman has stated, "In conjunction with the State of Maine Office of the CIO, and based on the International Standards Organization's (ISO) 17799 Standards for Information Security; we have endeavored to create policies which are clear, concise and easy to understand. We have also taken into consideration the ease of use and accessibility of these documents. It is so very important that these policies do more than dictate another layer of rules and regulations that we all must follow. Our hope is that they are educational, and that they speak to the most important aspects of our existence, which are the public good, and our employees at the MDOL. I would like to thank you in advance for your support as we do our best to create a secure environment for public information, and fulfill our mission."

Additional Documents or Agreements:

Each Bureau within the Maine Department of Labor may have a need to create additional policy statements, procedures, guidelines or information specific to its operations. Any additional documents must neither contradict nor supersede this document and must be approved by the Director of Operations.

1. Acceptable use of Information Resources:

These rules are in place to protect the public, our employees and the MDOL. Inappropriate use of our Information Resources exposes the MDOL to risks including virus attacks, compromise of network systems and services, and legal issues. **State Information Resources are made available to employees to conduct official DOL business. MDOL information resources are not to be used to conduct personal business, business related to outside employment or for personal benefit. Employees are advised that there should be no expectation of privacy when using any State Information Resources. Each DOL employee is expected to comply with this policy. Violation of this policy may lead to progressive discipline, up to and including dismissal consistent with applicable collective bargaining agreement and/or Civil Service Rules. (D-3)**

In order to insure safety and security:

- Users must report any weaknesses in MDOL computer security, any incidents of possible misuse or violation of this agreement to the proper authorities by contacting the appropriate management. Weaknesses include:
 - Discovery of a virus,
 - Discovery of theft of equipment,
 - Discovery of attempted access to Information Resources by unknown parties.
- In the event that an employee is sent, delivered or inadvertently accesses inappropriate or prohibited material, or the material contains confidential information that the employee does not have need-to-know access to, or authority to receive; the employee is required to immediately secure the material from view and notify their supervisor. If an employee inadvertently accesses inappropriate or prohibited materials, or the material contains confidential information that the employee does not have need-to-know access to or authority to receive, his or her supervisor or management must be advised of the circumstances surrounding the inadvertent access and must file an Incident Report with their supervisor within 48 hours. This will ensure that the employee is held harmless for inadvertently accessing the inappropriate or prohibited materials. (D-1)
- Users must not attempt to access any data or programs contained on MDOL systems for which they do not have authorization or explicit consent.
- Users must not divulge Dialup or Dial-back modem phone numbers to anyone.
- Users must not share their MDOL account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e., Smartcard), or similar information or devices used for identification and authorization purposes.
- Users must not make unauthorized copies of copyrighted software.
 - Users must not install or use nonstandard software, shareware or freeware software.
- Screensavers may be changed to suit personal taste provided they do not add software or conflict with the Department's mission or other portions of this policy. (C-15)
- No streaming video or audio applications are allowed if not directly needed in the performance of assigned duties. These would include, but are not limited to, weather or satellite maps, stock market updates, news headlines, any service that continually updates your PC, TV channels on the Internet, music videos, movie or entertainment broadcasts, radio music or news broadcasts, live interview or noncritical audio/video seminars.(C-12)
- No third-party games may be loaded, downloaded or used on any DOL equipment. Those games that may come as part of standard software, i.e., operating systems, etc., must be removed by qualified technical employees prior to distribution to Department employees. (C-14)
- Users must not attempt to circumvent OIP approved anti-virus software or make any changes to accepted configuration of anti-virus software.
- If an employee uses a personal computer that is not provided by the Department, for State business purposes, the PC must have installed and operating the current version of the State-approved anti-virus product. The personal computer must not be used to access, download or store confidential information. (C-8)
- Users must not purposely engage in activity that may: harass, threaten or abuse others; degrade the performance of Information Resources; deprive an authorized MDOL user

access to a MDOL resource; obtain extra resources beyond those allocated; circumvent MDOL computer security measures.

- Users must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of a system.
- Users must not use MDOL Information Resources to conduct personal business of any kind, business related to outside employment, or for personal benefit. (C-4)
- Users must not intentionally access, create, record, store, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, sexual orientation, political beliefs, gender, and/or materials that are sexually explicit or pornographic in nature, whether or not the material was intended to demean, denigrate or harass any employee or group of employees. (C-1)
- If supervisory or management employees become aware that inappropriate or prohibited materials are being accessed, downloaded, or otherwise transmitted to or by an employee in his or her organization, he or she must act immediately to stop such activity. Supervisors and managers should contact the Office of Human Resources for guidance and consultation. (D-2)
- Access to the Internet from an MDOL owned, home based, computer must adhere to all the same policies that apply to use from within MDOL facilities. Employees must not allow family members or other nonemployees to access MDOL computer systems.
- Users must not otherwise engage in acts against the aims and purposes of MDOL as specified in its governing documents or in rules, regulations and procedures adopted from time to time.
- At no time shall any employee, other than a qualified OIP technician, open, insert, remove or alter any hardware or software comprising State Information Resources. All configuration changes to State Information Resources will be done only by qualified OIP technicians. (C-11)
- The use of State Information Resources to create, record, store, transmit, distribute, modify or download music is prohibited.
- DOL management and the Department of Administrative & Financial Services, Bureau of Information Services may monitor voice, e-mail, and Internet traffic to improve service levels, enforce this policy, and prevent unauthorized access to State systems. In the event that the monitor accesses voice, e-mails, and Internet traffic that contains confidential information, that monitor will need to maintain the strictest of confidentiality in accordance with the Department's Confidentiality Policy.

2. Internet Use:

In addition to being an excellent resource for information, and a revolutionary way to communicate with the world; the Internet is a rapidly changing and volatile place which can accurately be referred to as "The Wild." This policy is intended to provide guidance and protection, while still making available this useful business tool to MDOL employees.

The following rules apply when using the Internet:

- Software for browsing the Internet is provided to authorized users for business and research use only except where otherwise noted in the incidental use policy.
- All software used to access the Internet must be part of the MDOL standard software suite or approved by BIS. This software must incorporate all vendor- provided security patches.

- Users must not download or install any software from the Internet.
- All sites accessed must comply with MDOL acceptable use policy standards.
- All user activity on the Internet is subject to logging and review.
- Content on all MDOL Web sites must comply with MDOL Policies.
- No offensive or harassing material may be made available via MDOL Web sites.
- Nonbusiness related purchases or sales made over the internet are prohibited. Business related purchases are subject to MDOL procurement rules.
 - No personal commercial advertising may be made available via MDOL Web sites.
- DOL Internet access may not be used for personal gain or non-MDOL personal solicitations.
- No MDOL data will be made available via MDOL Web sites without ensuring that the material is available to only authorized individuals or groups.
 - All sensitive MDOL material transmitted over external network must be encrypted.

3. Email Use:

Email use has become the standard method of communication, used in 75% of all business communications. Email is inherently insecure, and messages can easily be intercepted and read or changed. Additionally, Email is the number one doorway to viruses and worms that infect and destroy valuable information. These policies are intended to offer rules of usage that will protect our information.

- *The following activities are prohibited by policy:*
 - Sending email that is intimidating or harassing.
 - Using email for conducting personal business.
 - Using email for purposes of political lobbying or campaigning.
 - Violating copyright laws by inappropriately distributing protected works.
 - Posing as anyone other than oneself when sending or receiving email, except when authorized to send messages for another when serving in an administrative support role. (C-7)
 - The use of unauthorized e-mail software.
- *The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems:*
 - Sending or forwarding chain letters.
 - Sending unsolicited messages to large groups except as required to conduct agency business.
 - Sending excessively large messages.
 - Sending or forwarding email that is likely to contain computer viruses.
 - The State's E-mail is not to be used to forward or otherwise broadcast virus warnings or other computer system related announcements. The Office of Information Processing is the only unit authorized to disseminate this information to Department employees. If you feel you have received information that should be broadcast to some or all of the Department employees, contact the Office of Information Processing. (C-9)
- All user activity on MDOL Information Resources assets is subject to logging and review.
- Electronic mail users must not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of MDOL or any unit of the MDOL unless appropriately authorized (explicitly or implicitly) to do so. Where appropriate, an

explicit disclaimer will be included unless it is clear from the context that the author is not representing the MDOL. An example of a simple disclaimer is: "the opinions expressed are my own, and not necessarily those of the Maine Department of Labor or the State of Maine."

- Individuals must not send, forward or receive confidential or sensitive MDOL information through non-MDOL email accounts. Examples of non-MDOL email accounts include, but are not limited to, Hotmail, Yahoo mail, AOL mail, and email provided by other Internet Service Providers (ISP).
- Individuals must not send, forward, receive or store confidential or sensitive MDOL information utilizing non-MDOL accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers and cellular telephones
- The State's E-mail is not to be used to forward or otherwise broadcast "chain letters," mass communications that are not work related, or solicitations for causes unrelated to the State's business, no matter how worthy the cause may be perceived. [NOTE: In the Capitol area, Capitol Security must give written permission for solicitations.] The Maine State Employees Combined Charitable Appeal is the only solicitation with on-going, or "blanket" approval. Other charitable solicitations may be allowed only on prior written approval of the Commissioner, and Capitol Security where applicable. (C-2)
- E-mail messages and Internet sites accessed are not private but are property of the Department. The Department may print and review e-mail messages and Internet sites accessed by an employee's system. (C-3)

4. Incidental Use of Information Resources:

As a convenience to the MDOL user community, incidental use of Information Resources is permitted. Occasional use of State Information Resources during an employee's 15-minute break would be considered incidental. Only brief and occasional use is considered to be incidental.

The following restrictions on incidental use apply:

- Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, and so on, is restricted to MDOL approved users; it does not extend to family members or other acquaintances.
- Incidental use must not result in direct costs to MDOL.
- Incidental use must not interfere with the normal performance of an employee's work duties.
- Incidental use of MDOL Information Resources must not involve solicitation in any form, must not be associated with any outside business or employment activity, and must not potentially embarrass or offend the State of Maine, its residents, its taxpayers, or its employees.
- Storage of personal email messages, voice messages, files and documents within MDOL's Information Resources must be nominal.
- All messages, files and documents – including personal messages, files and documents – located on MDOL Information Resources are owned by MDOL, may be subject to open records requests, and may be accessed in accordance with this policy.

5. Passwords:

All of the work we are doing at MDOL to secure the public's information will be ineffective if the most important aspect of information security, the daily users of our Information Resources, have weak passwords. Though we recognize that it is inconvenient at first, having strong passwords is the most

important part of your participation. We would like to think of passwords as a "shared secret" between you and MDOL Information Resources.

The following applies to password use:

- All passwords, including initial passwords, must be constructed and implemented according to MDOL accepted and approved standards. See Guidelines.
- User account passwords must not be divulged to anyone at any time or for any reason. MDOL OIP and any third party contractors will not ask for user account passwords.
- If passwords are forgotten, disclosed or if the security of a password is in doubt, the password must be changed immediately by contacting the OIP helpdesk.
- Administrators must not circumvent the Password Policy for the sake of ease of use.
- Whenever possible, Users must not circumvent password entry with auto logon, application remembering, embedded scripts or hard-coded passwords in client software. Exceptions may be made for specific applications (like automated backup) with the approval of the MDOL ISO. In order for an exception to be approved there must be a procedure to change the passwords.
- Computing devices must not be left unattended without enabling a password-protected screensaver, locking the workstation or completely logging off of the device.
- In the event passwords are found or discovered on documents of any kind, the following steps must be taken:
 - Take possession of the passwords and protect them,
 - Report the discovery to the OIP Help Desk,
 - Transfer the passwords to an authorized person as directed by the OIP Help Desk.

6. Portable computing:

Laptop computers, PDA's, and other portable computing devices are a great convenience and becoming more and more a part of doing business. They also come with many risks including ease of theft, operation in unsecured environments, and easily intercepted wireless communications.

In order to protect our valuable information; it is important that users of portable computing devices follow these rules of use:

- Only MDOL approved portable computing devices may be used to access MDOL Information Resources.
- Portable computing devices must be password protected.
- MDOL data should not be stored on portable computing devices. However, in the event that there is no alternative to local storage, all sensitive MDOL data must be encrypted using approved encryption techniques.
- MDOL data must not be transmitted via wireless to or from a portable computing device unless approved wireless transmission protocols along with approved encryption techniques are utilized.
- All computer systems accessing MDOL resources from any external location must conform to BIS Standards for configuration and connectivity.

Distribution:

Current employees shall, following the appropriate posting, receive a copy of this policy. New employees shall receive a copy of this policy upon hire.

Each employee shall sign a statement, confirming that his/her copy of this policy has been received and read. Said statement (Attachment A.) shall be filed in employee's personnel folder.

Standard Definitions:

Ownership of Information:

All documents generated as a result of any MDOL business activity stored anywhere on or off MDOL premises and Electronic files created, sent, received, or stored on Information Resources owned, leased administered, or otherwise under the custody and control of MDOL are the property of MDOL.

Privacy:

Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of MDOL are not private and may be accessed by MDOL OIP employees at any time without knowledge of the Information Resources user or owner.

Information Resources:

Any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, distributed processing systems, telecommunication resources including cell phones and voice mail systems, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Public Records:

Public records include e-mail messages and attachments, information obtained from the Internet, and other electronic transmittals that have been created, received, or stored on State of Maine automation equipment (Title 1, M.R.S.A., §401–410). NOTE: The law contains several statutory exceptions.

Public Disclosure:

All public records are subject to administrative review, inspection by the public, and discovery requests as part of legal proceedings in accordance with (Title 1, M.R.S.A. §402). Incidental personal use records may be subject to disclosure if stored on Department IT equipment.

Incidental Use:

The use of MDOL Information Resources for personal use must be infrequent and using only a small amounts of an employee's personal time either inside or outside the regular work day. Occasional use of MDOL Information Resources during an employee's 15- minute break would be considered incidental. Only brief and occasional use is considered to be incidental. Solicitations of any kind are not permitted.

Portable Computing Device:

Any easily portable device that is capable of receiving and/or transmitting data to and from IR. These include, but are not limited to, notebook computers, handheld computers, PDAs, pagers, and cell phones.

Electronic mail (email):

Any message, image, form, attachment, data, or other communication sent, received, or stored within an electronic mail system.

Internet:

A global system inter-connecting computers and computer networks. The computers and networks are owned separately by a host of organizations, government agencies, companies, and colleges. The Internet is the present "information super highway."

Intranet:

A private network for communications and sharing of information that, like the Internet, is based on TCP/IP, but is accessible only to authorized users within an organization. An organization's intranet is usually protected from external access by a firewall.

World Wide Web:

A system of Internet hosts that supports documents formatted in HTML (HyperText Markup Language) that contain links to other documents (hyperlinks) and to audio, video, and graphic images. Users can access the Web with special applications called browsers, such as Netscape, Navigator, and Microsoft Internet Explorer.

Information Security Officer:

Responsible to the Director of Operations for administering the information security functions within the agency. The ISO is the agency's internal and external point of contact for all information security matters.


Laura Fortman, Commissioner

Re-Issued 05/2020

Attachment A.

I certify that I have read and fully understand the Maine Department of Labor's Information Security Policy, Policy No. 010. I further understand that any violation of this policy is subject to disciplinary action up to and including termination for employees and temporaries; a termination of employment relations in the case of contractors or consultants; or dismissal for interns and volunteers. Additionally, individuals are subject to civil and criminal prosecution.

EMPLOYEES NAME: _____

Employee Signature Date

Supervisor's Signature Date

Frequently Asked Questions

Have the policies been reviewed by the Union and the Attorney General's office?

All of the policies have been sent to the Union for review and comment prior to being signed by the Commissioner. The policies are not reviewed by the Attorney General.

Will these policies be used in court if a state worker is sued?

The policies are not confidential information and could be obtained by the public.

Confidentiality Policy, No. 011

Just by saying "to any person within the Department, or outside the Department," means to me the universe.

Paragraph 1 states, "Except as necessary in the normal course of business..." If you normally would not divulge information to any person within or outside of the Department in your normal course of business, then that information needs to be kept confidential. If you normally do it in the course of business, your Department manager should be aware of it and have authorized the release.

Why would I obtain information on employers, claimants, or customers unless I was going to share that information with someone?

You share the information as necessary in the normal course of business. You do not obtain information for someone in another unit so that they can see the taxes paid or the unemployment benefits received by their ex-spouse, neighbor, friend, etc.

The use of the word co-worker in this policy eludes me. Are we not to share information with each other?

If it is necessary in the normal course of business to share information with a co-worker, than that is fine. You do not share information with a co-worker if it is not necessary in the normal course of business.

Why not reveal voice mail codes to co-workers when necessary?

Employees should change the message on their voice mail to indicate whenever they are out of the office and give an alternate number to contact. If a co-worker is out unexpectedly and did not change their voice mail message, than your manager has the authority to access the messages and change the outgoing message. Check with your manager if you think you have a business need to have access to another worker's voice mail messages.

Does Department Manager mean my immediate supervisor?

If your immediate supervisor has the authority to authorize release of information, it may be. However, if your immediate supervisor does not have the authority, than you would want to obtain permission from a higher level manager. If your immediate supervisor does not have authority, they should also seek authorization from a manager.

I don't understand number two at all.

Employees should not access any information regarding claimants, employers, customers, vendors or co-workers that is not necessary for them to perform the duties of their position. You do not look at information regarding your neighbor, how much money the Department pays to X Company for services, etc. just because you are curious, intend to use it against someone, or pass it along to someone not authorized to have the information.

If you do have authority to access information, you do not disclose it to anyone that you have not been authorized to do so by your Department manager in the normal course of business. You do not share a printout of information with someone that does not work with that information during the normal course of business.

I read #4 as I can't take part in any activity that the Department of Labor is putting on for my relatives. Is this correct?

No. Not that the Department of Labor is putting **on** for a relative, the policy states that you shall not take part in any activity **of** the Department that involves a relative. Activities of the Department would be, but are not limited to, the taking, processing and payment of unemployment benefits; the taking of applications for tax identification numbers; providing rehabilitation services; conducting an audit of a business owned by a relative, etc. Remember, this policy is talking about confidentiality of documents and information.

Employee Information Security, Policy No. 010

To what do the numbers and letters at the end of the paragraphs refer (i.e. D-1, C-15)?

Those are references to prior drafts which should have been removed. They have no meaning within the text of the policy. Should an updated policy be issued in the future, they will be removed.

1.2 "In the event that an employee is sent, delivered or inadvertently accesses inappropriate or prohibited material, or the material contains confidential information that the employee does not have need-to-know access to, or authority to receive...." People are included on unsolicited mailing lists that send inappropriate e-mail, usually we just delete it. Who hasn't done internet research or browsed message boards and come across bizarre and inappropriate messages, or accessed web sites that are intentionally mis-titled?

Employees occasionally get misdirected e-mails that contain confidential information. If you receive one of these, you should inform your manager in writing and let him/her know that it was received, when and what you did with it. Department employees have received inappropriate e-mails containing explicit sexually oriented messages. These should be reported so that efforts can be made to trace them and have them stopped. If you do access a web site that is inappropriate for business use, by reporting it to your manager there will be a record that it was inadvertent access.

1.6.1 "Users must not install or use nonstandard software, shareware or freeware software." (1) Where does one find out what stuff is standard? (2) I consider it part of my job to stay up with technological tools and improved methods of performing tasks.

(1) Generally what is installed on the PC by OIP is standard. Different users will get different configurations from the "cafeteria" of standard software according to their needs. Special requests for software, based on function rather than product, will be evaluated by OIP for approval. Users should not be installing their own software without approval from OIP, and in certain cases, the Agency Security Officer. To request authorization, contact the OIP Help Desk.

(2) We need to know what software is running on DOL computer systems. If you have a business need to install nonstandard software, you should get approval from OIP to do so.

1.9 "No third-party games may be loaded, downloaded or used on any DOL equipment. Those games that may come as part of standard software, i.e. operating systems, etc., must be removed by qualified technical employees prior to distribution to Department employees." (1) I am unclear about this. (2) I find it insulting that my employer feels a need to modify my standard PC setup to make sure I am not playing games. Does my employer really feel that I sit at my desk and play games all day?

(1) Games will be removed from systems as OIP has the time and manpower to do so. It will not happen all at once. Employees should not be downloading any games. The games that are presently on systems will eventually all be removed.

(2) State Information Resources are made available to employees to conduct official DOL business. As stated above, eventually all games will be removed. Games downloaded could disrupt DOL business systems. If your manager has an issue with you playing games on work time, they will speak with you privately. If you do not play games on work time, this section would not apply to you.

1.11 "If an employee uses a personal computer that is not provided by the Department, for State business purposes, the PC must have installed and operating the current version of the State-approved anti-virus product. The personal computer must not be used to access, download or store confidential information." (1) Do I have to get the specific product that is State approved or is

an equivalent okay? (2) McAfee is the currently approved virus protection tool. Part of the reason for the selection of this product was the reduced cost to the State. The product I selected for my home PC was based solely on quality and reliability, not cost.

(1) The anti-virus software is a fundamental part of our security foundation. We must guarantee to the department that a certain standard of virus protection is in place on systems which store or access department information. We cannot be versed in the operation of all available products. Any questions about anti-virus software that is not State-approved should be forwarded to the OIP Helpdesk.

(2) The problem we face is how to protect the state network from threats presented by external PCs which have full access but are not controlled by OIP. Having a set of products we know and trust is the only practical way we know of to provide assurance that basic protection is in place.

1.14 "Users must not use MDOL Information Resources to conduct personal business of any kind, business related to outside employment, or for personal benefit." What are definitions and is it an activity undertaking for a profit?

The information resources are the property of the State of Maine, not the employee. If an employee has an outside business and solicits business through the state's e-mail system, makes financial transactions, types and prints out their business cards, etc., that is not allowed. They are receiving a personal benefit from the activity.

1.17 "Access to the Internet from an MDOL owned, home based, computer must adhere to all the same policies that apply to use from within MDOL facilities. Employees must not allow family members or other non-employees to access MDOL computer systems." The second sentence would prohibit customers from using computers and/or touch screens in the CareerCenters' resource centers.

This relates to "home based" computers. If you work out of your home, you are bound by this policy to maintain the security of our systems. Your spouse, children, relatives or friends are not allowed to use the state's equipment that is based in your home or to access the state network or its data.

1.19 "At no time shall any employee, other than a qualified OIP technician, open, insert, remove or alter any hardware or software comprising State Information Resources. All configuration changes to State Information Resources will be done only by qualified OIP technicians." Further clarification of "OIP technician" is required here and "configuration changes" needs to be defined.

Installation of extra accessibility software, modifications of network settings and other system changes are configuration changes and must involve an OIP technician. "Qualified OIP technician" for the purposes of this clause means an employee of the Technical Services division. It is acceptable for the user to perform a configuration change under the direction of the OIP Help Desk.

1.21 "DOL management...may monitor voice, e-mail, and Internet traffic... In the event that the monitor accesses voice, e-mail...that contains confidential information, that monitor will need to maintain the strictest of confidentiality in accordance with the Department's Confidentiality Policy." What protections are in place that in effect "monitor" the individual doing the monitoring? I don't have faith that the individual monitoring my private conversations will maintain confidence unless there are some consequences in place that ensure it.

If you require a private space to talk with a doctor, lawyer, counselor, etc. during business hours, you should ask your manager for use of a private phone. Should you feel your personal, confidential information was inappropriately accessed and shared, you should contact the department's Office of Human Resources.

2.3 "Users must not download or install any software from the Internet." (1) Many employees must download software and software upgrades from websites of agencies with which we work such as the Bureau of Labor Statistics under the terms of contractual arrangements to which DOL is a party. Is this activity prohibited? (2) What about updates that we are prompted to do on a regular basis?

(1) If you have a business need to do this, you would receive permission from OIP and your Bureau Director to do so in order to perform the duties of your position. Nothing should change in that regard. If there is something new, you may contact the OIP Helpdesk if you have questions about downloading specific software and they will log in your question and pass it along to the appropriate manager.

You cannot download software that you do not have a business need to work with (i.e. encryption software for your own personal e-mail, the pop-ups that occur when accessing some internet sites that say it will make it faster, easier, clearer, etc.)

(2) If OIP Technical Services advises you to do an update or assists you with an update, it is acceptable.

2.8 "Nonbusiness related purchases or sales made over the internet are prohibited. Business related purchases are subject to MDOL procurement rules." (1) Does this mean in the course of their incidental use of equipment employees are not allowed to visit sites such as L.L. Bean to make purchases? (2) Can I buy a book online from Barnes and Noble on my break or can I not?

No personal transactions involving money should be made using the state's internet connection.

2.10 "No MDOL data will be made available via MDOL Web sites without ensuring that the material is available to only authorized individuals or groups." My customers are seeking to have an open application that does not require consumer login. This is in direct conflict with this security item.

This would not be a conflict. Such an open application would be public information, therefore by definition the public is an "authorized group" for such access.

2.10.1 "All sensitive MDOL material transmitted over external network must be encrypted." We have to exchange files which contain claimant and/or employer date with the Bureau of Labor Statistics and other state agencies which have no provision for encryption. Is this the type of data that must be encrypted, and if so, what training will be provided on the encryption process and how will other agencies be persuaded to participate in encryption?

When sending files to other offices electronically, we need lessons on how to encrypt them and how to open encrypted files.

Private connections that you've referenced should be secure.

We are not prepared to deal with data encryption at this time. Data being sent to the outside via the internet, including e-mail and attachments, should not contain confidential data because it is insecure. Because of the behavior of a recent virus, encrypted attachments are blocked by the e-mail system. This is statewide issue, not just MDOL, and there is a concentrated effort to develop a suitable method.

Employees needing to transmit confidential or sensitive information to parties outside the state network must contact OIP to determine an acceptable method that protects the information.

What is actually classified as an "external" network? Isn't the WAN considered external? Is the secu-remote considered an external network?

No, the WAN is not an external network. These definitions might be helpful: Intranet (internal network) A privately maintained computer network that can be accessed only by authorized persons, especially members or employees of the organization that owns it. Extranet (external network) An extension of an institution's intranet, especially over the World Wide Web, enabling communication between the institution and people it deals with, often by providing limited access to its intranet.

For this purpose, an external network is any network beyond a state-managed firewall. SecuRemote, the virtual private network tool that provides an encrypted tunnel over the Internet, is an acceptable way to traverse an external network, but it is not a network in itself.

3.1.2 "The following activities are prohibited by policy: Using e-mail for conducting personal business." It seems that the incidental use portion of this document is in conflict with this statement.

Incidental use is sending an e-mail to your daughter/son in college. Using e-mail for conducting personal business is referenced earlier in these questions. The employee is not to conduct personal business for personal gain on work time using State Information Resources.

3.2.3 "The following activities are prohibited because they impede the functioning of network communications and the efficient operations of electronic mail systems: Sending excessively large messages." Please define the term "excessively large" messages.

Screen shots, which in raw form are Windows bitmap (BMP) files, can be "excessively large" and should be compressed in ZIP files or rendered in a compressed format such as JPEG. For example, a screen shot as a BMP file may be 2.3 megabytes, but as a JPEG is 172 kilobytes. If this policy creates awareness of the impact of sending large files, which is a common practice among the state's 15,000 users, then the state can save considerable money in network bandwidth.

OIP can provide free tools and instructions for this. Large files eat up network bandwidth and clog the e-mail system. When an attachment exceeds 2 megabytes, the sender should be thinking about whether the size can reasonably be reduced.

3.6 "Individuals must not send, forward, receive or store confidential or sensitive MDOL information utilizing non-MDOL accredited mobile devices. Examples of mobile devices include, but are not limited to, Personal Data Assistants, two-way pagers and cellular telephones." (1) Does this mean that palm pilots are not to be used in the gathering of employer information when conducting an employer visit? (2) My desktop IS a mobile device since I work on a laptop rather than a desktop. Thus, the moment I sign a document such as this, I am in violation of it.

(1) The PDA (Palm, Pocket PC) is a productivity tool, but is really no different from a security standpoint than a briefcase full of papers. It can contain confidential information and it can be lost or stolen. If it contains confidential information, prudent measure are required to prevent loss or theft. PDAs can and do disappear easily. They do have an advantage over a briefcase. They can run programs which password-protect and even encrypt data. Users who plan to store confidential information in any portable or external source – PDAs, laptops, home PCs, etc., must first be familiar with policy, and then seek OIP assistance in finding the best way to ensure that security will not be compromised. The device should be MDOL accredited and OIP approved.

(2) If the laptop is state-issued and managed, then it is accredited. If you want to obtain accreditation for a non-state issued/managed mobile device, contact the OIP Technical Services manager.

5.1 "All passwords, including initial passwords, must be constructed and implemented according to MDOL accepted and approved standards. See Guidelines." What are the guidelines?

That appears to be another editing error that was not removed. We do not have printed guidelines.

Should I have individuals change their passwords now?

Employees should not worry about changing passwords at this time, but they should observe the policy regarding sharing of passwords.

5.6 "Computing devices must not be left unattended without enabling a password-protected screensaver, locking the workstation or completely logging off of the device." Please instruct as to the procedure to enable a password-protected screensaver, and we are required to frequently leave our computer devices unattended throughout the day.

Do we need to log off every night since we don't have password-protected screensavers?

It is difficult to password screensavers on Windows 95 and 98. For employees using those versions, and having to leave their computers unattended for long periods of time, or at the end of the day, we suggest logging off. For employees using Windows 2000 or Windows XP, you can lock and password the computer by pressing CONTROL-ALT-DELETE and choosing "Lock This Workstation."

5.7.1 "Take possession of the passwords and protect them." What does this mean?

If you find a document at the photocopier, on a table, etc. that contains passwords to specific systems or computers, you should not just leave it there. Pick it up and take it to your manager so that it can be kept out of public view until returned to the appropriate person.

6.3 "MDOL data should not be stored on portable computing devices. However, in the event that there is no alternative to local storage, all sensitive MDOL data must be encrypted using approved encryption techniques." My workstation is a laptop. I have no encryption tools at my disposal and no training in this endeavor.

While there is no state standard encryption practice, the department must protect confidential information that is carried in portable devices which are exposed to loss or theft. There are free tools available. Contact OIP Technical Services for means to protect sensitive data in portable devices.

What is the difference between personal business and incidental personal use?

Personal business is explained in 1.14 above. Incidental personal use is the occasional e-mail to your family member or friend, checking the weather forecast for your trip this weekend, etc.

I have my web browser set to a Yahoo homepage as opposed to the Maine.gov homepage. Is this prohibited?

No, you may have an alternate start page like Yahoo. Personal e-mail from established providers like Yahoo, Hotmail and Netscape Mail fit the definition of "incidental

personal use.” While some websites present a virus threat, our anti-virus software and operating system patches should prevent all or nearly all infection. You are usually safe visiting established commercial or government sites. We are looking to prevent installation of unauthorized software and services that “stream” data, such as stock tickers, active wallpapers and those little free things that dress up your e-mail while providing back doors for hackers.

Because of the lack of safeguards on attachments in web mail that the state system provides, web mail users must be prudent and follow the policy as regards viewing, running or otherwise using attachments. POP3 e-mail clients such as Outlook Express are not allowed. Questions should be directed to the OIP Help Desk.

Understanding is a matter of interpretation. How is one to know if we are interpreting the written word as intended?

The intent is that you comprehend that the systems which you use during the work day are intended for business use only.

What are the Civil Service Rules?

You may access a copy of those rules on the State of Maine’s web page by going to the Bureau of Human Resources page and clicking on the appropriate heading.

Define user.

Whoever is using the State of Maine’s information resources.

Is there, or is there to be, an incident report form?

There is no preprinted form. You may use any written format you wish when reporting the incident to your supervisor.

Please specify who/what is meant by proper authorities.

1.1 states that you will report any weaknesses by contacting the appropriate manager. That may be your immediate supervisor or your next level manager. They will deal with reporting it to higher levels.

Define inappropriate or prohibited materials.

To some degree common sense needs to be used. If you access materials that would not be appropriate for an office setting, then they are probably inappropriate. Ask yourself if anyone would be offended or hurt by the materials. If you have to ask, it probably isn’t appropriate.

Define need-to-know access, authority to receive and explicit consent.

Do you have a need to know the information that you received? If you don’t, then it may have been sent to you in error. You should notify the sender and get clarification as to whether you should actually have it. If you have just received a report that normally would go to the Bureau Director, you may not have the authority to have it. You should contact your manager and pass the information to them, maintaining the confidentiality of the information which you just read.

If you do not have authorization to look at unemployment compensation payment information, you should not attempt to access that information. You may be given consent to look at the information for business purposes, at which time you can access for business purposes while maintaining the confidentiality of the data.



Maine Department of Labor
Confidentiality Policy
Policy 11

As employees of the Maine Department of Labor, we are vested by the people of the State of Maine with a trust and responsibility that requires the highest ethical standards. Employees of this Department must continually maintain the respect and confidence of the public. The following standards must be always observed. **Failure to adhere to these standards may result in discipline up to and including discharge.**

1. Except as necessary in the normal course of business, employees shall not divulge employer, claimant, customer, or co-worker information obtained in the performance of their official duties to any person within the Department, or outside of the Department, unless authorized to do so by a Department manager. Nor shall employees divulge confidential information to an individual who otherwise would have confidential privilege (such as a physician, attorney, or a union representative/steward).
2. Employees shall not obtain information through department telephones, computer terminals, departmental documents, or other official means for any purpose other than official Department business. Any information obtained through authorized access to Federal, State, or Department documents cannot be duplicated, altered, used, or disclosed without proper authorization from a Department manager.
3. Except as necessary in the normal course of business, employees shall not remove documents, property, or equipment from the workplace under any circumstances, unless authorized to do so by a Department manager.
4. If an employee is initially involved in a claim, case or other departmental business that involves family members or friends, they are responsible for notifying their immediate supervisor of the conflict of interest and need to recuse themselves from the handling of that departmental business. Relatives would include spouse, domestic partner, child, parent, grandparent, sister, brother, aunt, uncle, niece, nephew, first cousin, in-law and step-relative related to the employee by blood, marriage, or adoption.
5. Employees shall not disclose computer security codes, voice mail codes, safe combinations, or entry combinations/passwords to the public, friends, relatives, or co-workers.
6. Employees shall not trace, attempt to duplicate, or otherwise forge a claimant's, employers, customers, vendors, or co-worker's signature on any document.
7. All data accessed, viewed, or provided by the Department is the property of the Department. Requests for copies, extracted data, etc., can only be authorized by the department that originally supplied it. All authorizations granting copy, extracting, or other permission must be in writing prior to release of the information.

8. Any employee who suspects that the integrity or confidentiality of any information entrusted to them or the Department has been compromised is responsible for immediately notifying the Department manager.

9. Employees are responsible for utilizing physical and technological safeguards to prevent unauthorized retrieval of confidential information, including using password protection, encryption, and moving such data into locked file cabinets when not performing official duties.

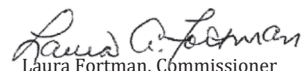
FOR EMPLOYEES OF THE BUREAU OF UNEMPLOYMENT COMPENSATION

10. National Directory of New Hire (NDNH) Data

Regarding NDNH data, this includes new hire, employer information, and unemployment insurance data. Employee agrees they will obtain, use, or disclose such data only in the connection with the performance of their official duties solely for authorized purposes, including but not limited to administration of the Maine Department of Labor, Bureau of Unemployment Compensation, Benefit Payment Control (BPC), Benefit Accuracy Measurement (BAM) programs as well as the Reemployment Assistance Program. Employee agrees to maintain the confidentiality of the NDNH information in accordance with the provisions of the Internal Revenue Code (26 USC s.6103).

11. Employee understand that failure to safeguard confidential data may result in the imposition of penalties, including fines, costs of prosecution, dismissal from office, discharge from employment, and imprisonment. (26 USC ss.7213, 7213A, 7431, 5 USC s.552a(i)).

Employee agrees that their obligation to safeguard the confidentiality of NDNH data shall survive the termination of their employment with the Maine Department of Labor, Bureau of Unemployment Compensation.


Laura Fortman, Commissioner

October 2023

Employee's Name:
Bureau:
Work Location:

I certify that I have read and fully understand the standards set forth in the Department of Labor Policy Statement on Confidentiality, Policy No. 11.

I further understand that violation of these standards may result in discipline up to and including discharge.

Employee Signature

Date



Maine State Government
Department of Administrative and Financial Services
Office of Information Technology

Digital Accessibility and Usability Policy

1.0 Purpose

- 1.1 Everyone should be afforded equal access (see Definitions) to the digital information and services (see Definitions), that are developed, procured, or provided by the State of Maine. Digital information and services designed to be functionally accessible (see Definitions) have the highest degree of usability for all people, including those who have visual, auditory, motor, cognitive, or other disabilities.
- 1.2 The [World Health Organization \(WHO\)](#)¹ states that there are over a billion people worldwide with disabilities and that the number of people with disabilities is dramatically increasing. Developing and delivering digital information and services that comply with digital accessibility standards removes barriers to equal access for these individuals.
- 1.3 The State of Maine's commitment to digital accessibility dates back more than two decades. The purpose of this policy is to provide guidance to State agencies for continually improving the accessibility of, usability of, and equal access to digital information and services for all State of Maine end-users (see Definitions).

2.0 Definitions

- 2.1 **Accessibility Conformance Report (ACR):** Reporting format used to document the degree of conformance of a product or service to global accessibility standards. The Voluntary Product Accessibility Template (VPAT), developed by the Information and Technology Industry Council is commonly used to create ACRs.
- 2.2 **Agency:** Executive branch or other organizational entity established to provide specific services and that falls within the Chief Information Officer's domain.
- 2.3 **Americans With Disabilities Act (ADA):** A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places open to the public.

¹ <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>

- 2.4 **ADA Coordinators:** Designated agency individual(s) who, pursuant to [Executive Order 07 FY 04/05](#),² help ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the State of Maine or be subjected to discrimination by the State.
- 2.5 **Archived:** Digital information and services that are no longer actively available to end-users but are still subject to records retention plans.
- 2.6 **Digital information and services:** Delivered to end-users via data, voice, or video technologies.
 - 2.6.1 **Digital content:** This includes, but is not limited to, websites and web-based materials (internet/intranet), Microsoft Office, and PDF documents, training materials (for example, online training materials, tests, online surveys), multimedia (video/audio), digital materials (for example, documents, templates, forms, reports, surveys), maps and infographics, electronic emergency notifications, and subscription services (for example, news feeds, alert services, professional journals).
 - 2.6.2 **Software:** This includes, but is not limited to, web, desktop, server, and mobile client applications, authoring tools, associated infrastructure, and service offerings (Software as a Service, Platform as a Service, Infrastructure as a Service).
 - 2.6.3 **Hardware:** This includes, but is not limited, to computers and laptops, servers, tablets, printers and copiers, scanners, peripheral equipment (for example, keyboards, mice), kiosks, and mobile phones.
 - 2.6.4 **Support documentation and services:** This includes, but is not limited to, training services, help desk or call center, automated self-service and technical support, and product materials.
- 2.7 **End-users:** The ultimate consumers of digital information or services. Depending on the intended audience, these people could be members of the public, internal personnel, and/or business partner personnel, etc.
- 2.8 **Equal access:** A person with a disability must be afforded the opportunity to obtain digital information and services in manner that is equally effective to that of a person without a disability, with substantially equivalent ease of use.
- 2.9 **Equal Employment Opportunity (EEO) Coordinators:** Designated agency individual who is responsible for the implementation, monitoring, and record-keeping of the agency Equal Employment Opportunity (EEO) program, as well as for providing technical assistance to applicants and employees.
- 2.10 **Functionally accessible:** Any person can use the resource effectively to perform an available task. It is not enough that the resource meets "technical accessibility"

² https://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=21345&v=Article

standards. It must be easy to use, and the content must be clear and unambiguous for all users, including those with disabilities.

- 2.11 **Legacy:** Digital information and services designed and implemented prior to the original issue date of this policy (located at the bottom of this document).
- 2.12 **Section 508 Standards (Revised):** A final rule, published in January of 2017, updating accessibility requirements for information and communication technology covered by [Section 508 of the Rehabilitation Act of 1973](#).³ This includes a requirement for digital content to conform with the Web Content Accessibility Guidelines ([WCAG Version 2.0](#)).⁴ Level A and Level AA success criteria.
- 2.13 **Substantially modified or enhanced:** Includes changes that, based on their scope and magnitude, could impact the accessibility and usability of existing digital information and services. These include, but are not limited to, changes to:
- 2.13.1 Software-interface elements: Delivered to the user via native operating system-based processes.
- 2.13.1.1 These elements also include software-interface objects embedded in a web page (for example, browser plug-ins).
- 2.13.2 Web-interface elements: Delivered to the user via a web browser.
- 2.13.2.1 These elements also include browser-based help pages embedded in software.
- 2.14 **Voluntary Product Accessibility Template (VPAT):** Globally recognized standard templates that document a product's conformance with accessibility standards and guidelines. These templates are used to create Accessibility Conformance Reports (ACRs).
- 2.15 **Web-based:** Digital information and services delivered through the web.
- 2.16 **Web Content Accessibility Guidelines (WCAG):** [Accessibility standards](#)⁵ for all web content, including text, images, audio materials, video materials, and code for structure, style, and interactions. The Guidelines include three conformance levels: A, AA, and AAA.

3.0 Applicability

- 3.1 This policy applies to digital information and services that fall under the purview of the Chief Information Officer that are made available to members of the public and/or employees, with the following exceptions:
- 3.1.1 Archived (see Definitions) digital information and services and

³ <https://www.access-board.gov/the-board/laws/rehabilitation-act-of-1973>

⁴ <https://www.w3.org/TR/WCAG20/>

⁵ <https://w3c.github.io/wai-website/standards-guidelines/wcag/>

- 3.1.2 **Legacy** (see Definitions) digital information and services that have not been substantially modified or enhanced (see Definitions) since the original issue date of this policy.
- 3.1.2.1 Legacy digital information and services that meet these criteria are subject to Office of Information Technology accessibility policies and standards that were in effect prior to the implementation of this policy.
- 3.2 All relevant Federal and State regulations, policies, and standards apply. These include, but are not limited to:
- 3.2.1 [Americans with Disabilities Act](#)⁶
- 3.2.2 [Maine Human Rights Act](#)⁷
- 3.2.3 [Maine State Archives Records Retention Schedule](#)⁸
- 3.2.4 If there are any inconsistencies between this policy and relevant Federal or State regulations, the regulations take precedence.
- 3.2.5 If a waiver is approved, against all or part of this policy, the waiver does not absolve the agency (see Definitions) from compliance with any relevant Federal regulations, State regulations, or legal obligations.

4.0 Responsibilities

- 4.1 **ADA Coordinators (see Definitions), specific to this policy, are responsible for:**
- 4.1.1 Advancing the use of best practices by providing technical assistance and disability-related resources for users under their purview, and recommending management actions.
- 4.1.2 Consulting, as necessary with the Office of Information Technology and Information Technology Accessibility Committee regarding sections of this policy that are under the ADA Coordinator purview.
- 4.1.3 Coordinating statewide implementation and review of components of this policy that are under the ADA Coordinator purview.
- 4.1.4 Working with agencies to determine a course of action for equally effective access for publicly available agency digital information and services that are not accessible to people with disabilities.
- 4.1.4.1 Approval of Equally Effective Alternative Access Plans (EEAAP) for publicly available agency digital information and services under their purview.
- 4.2 **Agencies are responsible for:**
- 4.2.1 Ensuring that internally developed/delivered agency digital information and services are accessible to individuals with disabilities, consistent with any pertinent Federal regulations, State regulations, and Office of Information Technology policies and standards.

⁶ https://www.ada.gov/2010_regs.htm

⁷ <http://www.mainelegislature.org/legis/statutes/5/title5ch337sec0.html>

⁸ <https://www.maine.gov/sos/arc/records/state/generalschedules.html>

- 4.2.2 Ensuring that contractual agreements for vendor-developed or vendor-delivered agency digital information and services adhere to any pertinent Federal regulations, State regulations, and Office of Information Technology policies and standards.
- 4.2.3 Understanding the potential risks (for example, risks of litigation, of reputational damage, and of exclusion of people with disabilities) of inaccessible agency digital information and services.
- 4.2.4 Establishing a mechanism for users to report digital accessibility issues or concerns, consulting with their ADA Coordinator, Equal Employment Opportunity Coordinator (see Definitions), and/or the OIT Accessibility Team as necessary to ensure the mechanism is accessible to individuals with disabilities.
- 4.2.5 Responding to requests from individuals with disabilities to make agency digital information and services available in an accessible alternative format or to provide an equally effective accommodation, within a reasonable time period that is consistent with any pertinent Federal or State regulations.
- 4.2.6 Ensuring that agency personnel involved in developing, procuring, modifying, or sharing digital information and services, or others with digital accessibility roles:
 - 4.2.6.1 Receive appropriate and regular accessibility training, consistent with their assigned roles; and
 - 4.2.6.2 Understand that digital accessibility compliance is part of procurement, development, maintenance, and support activities and as stated in this policy.
- 4.2.7 Conforming to all applicable aspects of the Americans with Disabilities Act (ADA) (see Definitions), including, but not limited to:
 - 4.2.7.1 Ensuring that communication with individuals with a disability is equally effective, integrated, with substantially equivalent ease of use as communications with others.
 - 4.2.7.2 Providing accessible phone service, including teletype and relay calls.
- 4.2.8 Collaborating with the Office of Information Technology to implement and ensure vendor adherence to digital accessibility requirements for all types of procurement instruments.
- 4.2.9 Ensuring appropriate EEAAPs are developed in coordination with agency EEO and/or agency ADA Coordinator(s) and the Office of Information Technology Accessibility Testing Team, as necessary, to provide equal access to agency digital information and services that are not accessible to individuals with disabilities.
- 4.3 **Division of Procurement Services, IT Procurement, is responsible for:**
 - 4.3.1 Collaborating with application development teams and agencies to identify and implement vendor digital accessibility requirements for various types of procurements (Requests for Proposals, contractual agreements, etc.).
 - 4.3.2 Collaborating with application development teams to review information technology requests for proposals, contracts, and other procurement

- mechanisms for vendor adherence to defined requirements and for compliance with this policy.
- 4.3.3 Ensuring that by default, all procurement instruments under their purview (service contracts, etc.) that include an information technology component require compliance with this policy.
- 4.4 **EEO Coordinators, specific to this policy, are responsible for:**
 - 4.4.1 Working with agencies to determine a course of action to provide equally effective access for internally available agency digital information and services that are not currently accessible to people with disabilities.
 - 4.4.2 Approving of EEAAPs for internally available agency digital information and for services under their purview.
 - 4.4.3 Consulting, as necessary, with the Office of Information Technology and Information Technology Accessibility Committee regarding sections of this policy that are under the EEO Coordinator purview.
- 4.5 **The Office of Information Technology is responsible for:**
 - 4.5.1 Ensuring that Office of Information Technology personnel receive appropriate and regular accessibility training, consistent with their assigned roles.
 - 4.5.2 Integrating accessibility throughout all stages of the software (see Definitions) development life cycle (for example, initiate, plan, implement, sustain) for Office of Information Technology-developed digital information and services.
 - 4.5.3 Consulting with the Information Technology Accessibility Committee regarding evolving digital technology pertinent to accessibility.
 - 4.5.4 Promoting education and awareness of digital accessibility.
 - 4.5.5 **The Chief Information Officer (CIO) is responsible for:**
 - 4.5.5.1 Enforcing this policy. [Title 5, Maine Revised Statutes, Chapter 163 §1973](http://legislature.maine.gov/statutes/5/title5sec1973.html)⁹, Section 1, Paragraph B authorizes the Chief Information Officer to “set policies and standards for the implementation and use of information and telecommunications technologies, including privacy and security standards and standards of the Federal Americans with Disabilities Act, for information technology.”
- 4.5.6 **The Office of Information Technology Accessibility Team is responsible for:**
 - 4.5.6.1 Evaluating State of Maine digital information and services for accessibility compliance with industry standard technical aspects.
 - 4.5.6.2 Providing accessibility guidance, information, and resources to the Office of Information Technology, and agency personnel.
 - 4.5.6.3 Establishing, maintaining, and adhering to digital accessibility testing guidelines and standards.
 - 4.5.6.4 Running applicable tests on digital information and services, to confirm compliance with this policy.

⁹ <http://legislature.maine.gov/statutes/5/title5sec1973.html>

- 4.5.6.5 Evaluating vendor-provided accessibility materials (test results, Accessibility Conformance Reports (ACRs) (see Definitions), and so on) for accessibility compliance with industry standard technical aspects. This includes, but is not limited to:
 - 4.5.6.5.1 Reviewing test results for accuracy and completeness; and
 - 4.5.6.5.2 Vetting submitted test results through applicable tests on the digital information or service.
- 4.5.6.6 Scanning State websites for accessibility issues, and providing scan results to designated agency personnel.
- 4.5.6.7 Providing guidance and serving as a subject matter expert to the CIO regarding digital accessibility.
- 4.5.6.8 Working with vendors to provide insight into testing results and any testing discrepancies.
- 4.5.6.9 While the bulk of the testing conducted is done upon request, there are instances where testing may be required. Examples include:
 - 4.5.6.9.1 In response to a complaint; and
 - 4.5.6.9.2 To assure compliance with this policy.
- 4.5.7 **The Office of Information Technology Application Development Teams are responsible for:**
 - 4.5.7.1 Providing information and direction to agencies and vendors regarding accessibility best practices in contracted digital information and services.
 - 4.5.7.2 Resolving disagreements and providing testing clarification as it pertains to contracts.
 - 4.5.7.3 Collaborating with agencies to ensure vendor adherence to defined requirements and compliance with this policy.

4.6 Vendors are responsible for:

- 4.6.1 Complying with the revised [Section 508 Standards](#)¹⁰ (see Definitions) for any provided products and services. This includes, but is not limited to conforming with the Web Content Accessibility Guidelines (WCAG) (see Definitions) Version 2.0 Level A and AA Success Criteria.
- 4.6.2 Conforming with the [WCAG Version 2.1](#)¹¹ Level A and AA Success Criteria - effective one year after the current revision date listed at the bottom of this policy.
- 4.6.3 Submitting an ACR, where required, for proposed/provided products and services; for example, when responding to Requests for Proposals, and/or as part of a contractual agreement.
 - 4.6.3.1 Vendors must use the newest version of the [Voluntary Product Accessibility Template](#)¹² (WCAG edition) (see Definitions), for their ACR to the extent possible.

¹⁰ <https://www.section508.gov/manage/laws-and-policies>

¹¹ <https://www.w3.org/TR/WCAG21/>

¹² <https://www.itic.org/policy/accessibility/vpat>

- 4.6.3.2 The ACR needs to be filled out in its entirety and must identify the testing methodology that was used for both automated and manual testing, and any testing tools that were utilized. Conformance level and remarks need to be specified for each entry in the report.
- 4.6.3.3 For any WCAG item that is required for policy compliance wherein a conformance level of “partially supports” or “does not support” is specified, the vendor should include the plan and expected time frame in which the item will be brought to a “supports” conformance level.
- 4.6.3.4 If ACRs are submitted using a pre-2.0 version of the template, vendors must also provide an explanation as to why a newer version is not being used.
- 4.6.3.5 The ACR needs to accurately and fully report the level of accessibility conformance. If the review of the ACR triggers questions and/or identifies missing content, additional information may be required.
- 4.6.4 Providing additional required and requested information (testing results, and so forth) to document the accessibility of proposed or provided products and services; for example, when responding to Requests for Proposals, as part of contractual agreements, and/or in association with [Application Deployment Certification](#)¹³ requirements.
- 4.6.5 Promptly fixing reported accessibility issues that involve a substantial barrier to use.

5.0 Directives:

- 5.1 This policy does not stipulate any specific technology or design approach. The aim is to maximize access to and usability of State of Maine digital information and services (public and internal) by people with disabilities.
 - 5.1.1 The expectations are that accessibility and usability for all current and potential users will be considered, and that accessibility will be addressed natively; without relying on third-party products to improve accessibility that could potentially interfere with an inclusive user experience.
- 5.2 All agency public-facing digital content (see Definitions) (including associated support documentation and services (see Definitions)) must comply with the revised Section 508 Standards.
 - 5.2.1 Public-facing content that is web-based (see Definitions), is also subject to the WCAG Version 2.1, Level A and AA, Success Criteria - effective one year after the current revision date listed at the bottom of this policy.
- 5.3 All agency nonpublic-facing digital content (internal content) that falls into any of the nine categories listed below must comply with the revised Section 508 Standards:
 - 5.3.1 Emergency notifications;
 - 5.3.2 Initial or final decision adjudicating an administrative claim or proceeding;

¹³ https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/application-deployment-certification_0.pdf

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- 5.3.3 Internal or external program or policy announcements;
- 5.3.4 Notices of benefits, program eligibility, employment opportunity, or personnel action;
- 5.3.5 Formal acknowledgements of receipt;
- 5.3.6 Survey questionnaires;
- 5.3.7 Templates or forms;
- 5.3.8 Educational or training materials; and
- 5.3.9 Intranet content designed on a web page.
 - 5.3.9.1 Non-public-facing content that is web-based and falls into any of these categories is also subject to WCAG Version 2.1, Level A and AA, Success Criteria - effective one year after the current revision date listed at the bottom of this policy.
- 5.4 All agency software (including associated support documentation and services) must conform to the revised Section 508 Standards.
 - 5.4.1 If the software is web-based, it is also subject to WCAG 2.1 Level A and AA Success Criteria - effective one year after the current revision date listed at the bottom of this policy.
- 5.5 All agency hardware (see Definitions) (including associated support documentation and services) must conform to the revised Section 508 Standards.

6.0 Resources:

- 6.1 For additional guidance, please see the following resources:
 - 6.1.1 [Accessibility Guide](#) – Information Technology Accessibility Committee.

7.0 Document Information:

- 7.1 This policy replaces the Web Accessibility and Usability Policy (initial issue date: May 1, 2012), the Computer Applications Program Accessibility Standard (initial issue date: January 13, 1998), and the Accessibility Policy on Effective Electronic Communications (initial issue date: November 6, 2007).
- 7.2 Initial Issue Date (Version 1.0): December 20, 2019.
- 7.3 Current Revision Date (Version 3.0): January 13, 2023.
- 7.4 Point of Contact: EnterpriseArchitect@Maine.Gov.
- 7.5 Approved By: Chief Information Officer, Office of Information Technology.
- 7.6 Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)¹⁴
- 7.7 Waiver Process: See the [Waiver Policy](#)¹⁵

¹⁴ <http://legislature.maine.gov/statutes/5/title5ch163sec0.html>

¹⁵ <https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/waiver.pdf>

STATE OF MAINE BUREAU OF HUMAN RESOURCES

POLICY AND PROCEDURE FOR PROCESSING REQUESTS FROM EMPLOYEES AND APPLICANTS FOR REASONABLE ACCOMMODATION INCLUDING REASSIGNMENT

POLICY

It is the policy of the State of Maine to provide reasonable accommodations in a timely manner for any qualified individual with a disability who is an employee or applicant for employment in accordance with provisions of the Maine Human Rights Act, the Americans with Disabilities Act and the Rehabilitation Act of 1973. All state agencies will adhere to all applicable state and federal laws, regulations and guidelines with respect to providing reasonable accommodations to afford equal employment opportunity to any qualified individual with a disability.

PROCEDURE

1. Requests for accommodation may be directed to the supervisor/manager of that employee, the agency EEO Officer, or, in the case of a job-related injury, the Workers' Compensation representative. This does not preclude a supervisor/manager from initiating the reasonable accommodation procedure in appropriate circumstances. All requests for accommodation must be documented and processed as expeditiously as possible and in all cases forwarded to the agency EEO Officer. **No request shall be approved or denied prior to review by the agency EEO Officer or the State EEO Coordinator and a determination that the decision is consistent with both state and federal law and state policy.**

2. The agency EEO Officer will work with the supervisor/manager to determine whether the request is reasonable within the framework of existing laws and regulations. The EEO officer may determine that it is necessary to request a statement from the applicant/employee's treatment provider verifying the limitations/restrictions and necessity for the requested accommodations. If additional information is required, the applicant/employee will be contacted for a release of medical information. Any request for additional medical opinions will be made in accordance with applicable contractual agreements currently in force. **No requests for medical information will be made without approval from the agency EEO Officer.**

3. If the request is approved by the agency, the accommodation will be provided as promptly as possible. If denied, the employee may request that the decision be reviewed by the State EEO Coordinator in the Bureau of Human Resources.

4. If at any time during the process it is determined that an employee is unable to perform the essential functions of his/her position even with reasonable accommodation, s/he may be eligible for reassignment.

REASSIGNMENT OF EMPLOYEE AS A REASONABLE ACCOMMODATION

If reasonable accommodations cannot be made within the employee's current position, state and federal laws require the employer to explore reassignment to a vacant position. Agencies **must** first explore equivalent positions and then demotion options for

disabled employees who can no longer successfully perform their current jobs with or without reasonable accommodation.

The transfer or demotion of a disabled employee that is necessary to provide a reasonable accommodation for continued employment must be given priority over other means to fill available vacant positions, unless the reassignment would cause an undue hardship on the agency.

A position is available if it is currently vacant, approved to be filled, and there are no individuals with a contractual right to the position.

Demotion to a position in a lower pay grade is appropriate only if there are no accommodations that would enable the employee to remain in a position that is equivalent in terms of pay, status or other relevant factors, or if both the agency and the employee agree that demotion is the most appropriate accommodation.

There is no obligation to promote an employee as a reasonable accommodation under the ADA. The transfer/demotion provisions of this policy do not apply to applicants for employment but are applicable only to employees currently holding or having rights to positions in State government.

Employees Who are Injured on the Job

Whether an employee who is injured on the job is covered by this policy will depend on whether the employee meets the definition of qualified individual with a disability under state or federal law.

Definitions

Disability – A condition that meets the definition of a physical or mental disability under the Maine Human Rights Act or that meets the definition of disability under the Americans with Disabilities Act or the Rehabilitation Act of 1973.

Qualified Individual with a Disability – Any disabled individual who can perform the essential functions of a position with or without reasonable accommodation.

Reasonable Accommodation – Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. It is unlawful not to make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the organization. Reasonable accommodations may take such forms as:

- Making a facility accessible to employees;
- Job restructuring, within job's classification and compensation and without unreasonable impact on other workers;
- Some changes or flex in work hours or days;
- Providing interpretive services or assistive devices;
- Reassignment to a vacant position

Essential Job Functions – The fundamental job duties of the position. A job function may be considered an essential function if employees in the position must perform the function and: 1) the position exists to perform that function, or 2) the function is essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or 3) the function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the function.

Undue Hardship – Significant difficulty or expense in, or resulting from, the provision of an accommodation. The determination of “undue hardship” takes into consideration anything that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of the operation of the business.

Qualification Standards – The personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements that an individual must meet in order to be eligible for the position held.

Reassignment Provisions

Each agency must first attempt to make reasonable accommodations that will enable the employee to successfully perform the essential job functions of the current position. If such reasonable accommodation is not possible, or if both the employee and the agency agree that reassignment to another position within the agency is a more appropriate accommodation that accommodation in the current job, then the following provisions apply.

1. The agency must attempt to place the employee in an equivalent vacant position that the employee can perform, with or without reasonable accommodations, provided one is available within the agency. An equivalent position is a position with similar pay, status, promotional opportunities, and other conditions of employment but not necessarily in the same job classification or pay grade to which the employee is currently assigned. The agency may nominate such employee without testing, provided that the employee meets the established minimum qualifications for the classification.
2. An agency may demote an employee to a lower graded available position if: 1) there are not accommodations that would enable the employee to remain in the current position and there are no equivalent positions available for which the individual is qualified with or without reasonable accommodation, or 2) both the agency and the employee agree that demotion is the most appropriate accommodation. In the event that an employee demotes to another position, standard salary policies regarding demotions will apply. The agency may nominate such employee without testing, provided that the employee meets the established minimum qualifications for the classification.
3. If demotion is being considered as a reasonable accommodation for a disability, or if no accommodation is available within the agency, the agency must inform the employee of his/her right to access existing vacancies in other agencies. If the employee selects this option, the agency must refer the employee to the Bureau of Human Resources where the employee will be assisted in identifying equivalent position vacancies in state government for which they qualify as defined in paragraph 1 above. If no equivalent positions exist, demotion opportunities will be considered in accordance with paragraph 2 above.

Agencies will be required to consider all such employees immediately after any individuals with contractual rights to the position. No candidates other than these may be hired by an agency until disabled employees seeking transfer or demotion from other agencies as a reasonable accommodation have been considered. A disabled employee is qualified and must be hired if the employee is qualified to perform the essential functions of the position with or without reasonable accommodation.

Transitional Status

The ADA requires the search of positions that are available at the time that it becomes evident that transfer must be explored as a reasonable accommodation. Recognizing that this search may take some time to complete, employees will be allowed to use accrued sick, vacation, and/or compensatory time to cover any time period that may elapse between the determination that the employee cannot continue to perform the duties of his/her present position and the time that the employee is reassigned or terminated in the event that reassignment cannot be made.

Procedures

The potential for reassignment as a reasonable accommodation begins when a request for accommodation is made in accordance with established procedures, but may be considered only when no reasonable accommodation can be made in the employee's current position.

1. Requests for consideration for reassignment can be initiated by the employee needing accommodation, the supervisor/manager, the EEO Officer or agency/State Workers Compensation staff. Requests can be made at any time. Agency EEO Officers **must** be notified of all requests for accommodation. The State EEO Coordinator is also available for technical assistance in the reasonable accommodation search/documentation process. All requests for accommodation and efforts to provide accommodation must be documented. It is recommended that medical documentation of the employee's limitations and need for accommodation be required. Accommodations must be explored in the following order:

- Accommodation within the existing job
- Reassignment to an equivalent position
- Demotion

Full documentation must be provided concerning efforts to make reasonable accommodation in accordance with this policy, including reasons for bypassing reassignment to an equivalent position

2. If the employee is transferred or demoted, the agency must submit a statement that the action is taken in accordance with this policy to the Bureau of Human Resources when the transaction is entered on MFASIS. This statement will serve as authorization for the reassignment and will serve as notice to the Bureau that such an accommodation has been made.
3. Whenever a reasonable accommodation cannot be made within the employing agency, or whenever the only accommodation available within the agency is demotion, the employee

must be informed of his/her right to access existing vacancies in other agencies and referred to the Bureau of Human Resources.

4. The Bureau will review all such referrals and the agency's accommodation documentation to ensure that more favorable accommodations cannot be made for the employee within the agency before considering placement to another agency.

Interpretive Guidance and Technical Assistance

A complete understanding of essential job function, reasonable accommodation and undue hardship is necessary to properly administer the provisions of this policy.

Additionally, agencies may need technical assistance when it is necessary to explore the need for reasonable accommodation that may or may not include reassignment. Technical assistance is available from the following:

State EEO Coordinator, Office of Employee Relations – 287-4651

Legal Counsel, Office of Employee Relations - 287-4447

~~Revised 5/09~~

~~Revised 7/12~~

Revised 8/21

STATE OF MAINE
POLICY ON NON-DISCRIMINATION IN EMPLOYMENT

I. Policy Statement

The State of Maine is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices. The State of Maine will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

II. Definitions

"Employment Actions" include, but are not limited to, recruitment, testing, selection, promotion, compensation, benefits, layoffs, job assignments, employee development opportunities, and discipline.

A protected class refers to a group of individuals protected by anti-discrimination laws based on certain characteristics. A protected class includes people who belong to the protected class, are perceived as belonging to the protected class, or have a known relationship or association with a member of a protected class. Protected classes include race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, age, ancestry, national origin, familial status, genetic information, and marital status. Likewise, traits that are associated with protected class status, such as natural hair textures, Afro styles, protective hair styles (such as braids, twists, and locks), head coverings, and protected class-related body modifications are also included as part of a person's protected class.

Protected activity is activity that an employee may engage in without fear of discrimination or retaliation from their employer or its agents. Protected activity includes whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, and receiving an order of protection from abuse under Title 19-A, Section 4007 of the Maine Revised Statutes.

III. Policy Against Discrimination

Employment actions will be based on the principles of equal employment opportunity. Discrimination based on a protected class or protected activity is illegal and will not be tolerated by the State of Maine.

IV. Reasonable Accommodations

Reasonable accommodations will be made for any qualified individual, applicant, or employee in accordance with the provisions of the Maine Human Rights Act, Title VII of the Civil Rights Act, and the Americans with Disabilities Act. Please see the State of Maine's Policy and Procedure for Processing Requests for Reasonable Accommodation from Employees and Applicants for more information.

V. Managers/Supervisors Obligations

Managers and supervisors must respond appropriately to discrimination and report it immediately to individuals who are authorized to take further action. Managers and supervisors are also required to actively prevent and correct retaliation or discrimination toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.

Departments, in partnership with HR, will address and attempt to resolve employee complaints regarding discrimination or retaliation as expeditiously as possible, consistent with Section VII of this Policy. Managers and supervisors are required to contact the agency Equal Employment Opportunity (EEO) Coordinator if they receive a complaint of this nature.

VI. Cooperation with Investigation

Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint. Employees will not be punished for reporting discrimination, participating in a discrimination investigation or lawsuit, or opposing discrimination. The State of Maine will protect the confidentiality of employees who report discrimination or participate in a discrimination investigation, to the greatest possible extent. An Employee may arrange for representation consistent with any applicable collective bargaining agreement or law.

VII. Complaint Procedure

All complaints made for alleged violations of this Policy shall be made in accordance with the State of Maine's Equal Employment Opportunity Complaint Policy.

V. Policy Against Harassment

The State of Maine also has a separate Policy Against Harassment. Any conduct not covered by this Policy on Non-Discrimination in Employment may be covered by the State's Policy Against Harassment.

VI. Assistance

Each State agency/service center has a designated EEO Coordinator who is responsible for the implementation, monitoring, and recordkeeping of the agency EEO program as well as providing technical assistance to employees and supervisors. The State EEO Coordinator in the Bureau of Human Resources, Office of Employee Relations, is also available as a resource to any state employee, manager, or supervisor.

VII. Interpretation of Policy

This policy shall not be construed to prohibit any employment action or policy which is required by federal or state law, rule or, executive order.

VIII. Effective Date

The effective date of this policy is August 1, 2023.

Appendix C: Statutory Reporting Requirements

Statutory Reporting Requirements

Title and Description	Due Date	From	To	Frequency	Citation
<u>Apprenticeship Program</u> : Annual report with the name and location of each sponsor, the number of apprentices registered into and completing the apprenticeship and the return on investment.	3/1	Maine Apprenticeship Council	LBHS, EDU and Governor	Annual	26 §3209, sub-§4, ¶J
<u>Competitive Skills Scholarship Program</u> : Report on the status of the program and on the evaluation data collected and analyzed. The report must also include the formula or limit established by the commissioner to limit the proportion of program funds expended on career counseling and administration and the amount of funds expended for these purposes.	2/1	Department of Labor	LBHS	Annual	26 §2033, sub-§10
<u>Earned Paid Leave</u> : Report on progress made in the state to comply with earned paid leave laws, pursuant to Title 26, section 637.	1/1 Beginning 2022	Department of Labor	LBHS	Annual	26 §637, sub-§12
<u>Employment practices/substance use testing</u> : Report includes a list of employers, persons tested for substance use, whether employers permit random or arbitrary testing, statistical data relating to the reports received from employers indicating the number of substance use tests administered during the previous year and a description of the general scope and practice of workplace substance use testing in the State.	3/1	Department of Labor	LBHS	Annual	26 §690
<u>Employment practices/wages</u> : Report on progress made in the State of Maine in relation to the equal pay law.	On Equal Pay Day (the first Tuesday in April)	Department of Labor	LBHS	Annual	26 §628
<u>Governor's Jobs Initiative Program</u> : For any year in which the program is funded, report on the businesses helped under the Governor's Jobs Initiative Program. Details to include the name and location of the business, number of individuals trained or retrained and the dollar amount expended and, when applicable, the number of new jobs created.	3/1	Commissioner of Labor, Commissioner of Economic and Community Development	LBHS, AFA	Annual	26 §2031, sub-§9
<u>Industry Clusters</u> : Report that includes information and statistics on the targeted industry clusters, including labor market information highlighting the targeted industry clusters. Report must include an occupational analysis to employment and wages within the targeted industry clusters.	Not Specified	Industry Partnership Assistance Collaborative	LBHS	Annual	26 §3303, sub-§4
<u>Rehabilitation Programs</u> : Report on state rehabilitation program outcomes as part of the reports authorized under Title 26, Section 2004-A, subsection 3 and required under section 3101-A.	Not Specified	Commissioner of Labor	LBHS	Annual	26 §1412-B
<u>Strategic Planning</u> : Report on strategic planning efforts related to the ability of persons with disabilities to live independently.	1/15	Statewide Independent Living Council	HHS, LBHS	Annual	26 §1412-I, sub-§1

Statutory Reporting Requirements

Title and Description	Due Date	From	To	Frequency	Citation
<u>Unemployment compensation:</u> Report on self-employment assistance program including data on the number of individuals participating in the program, business survival data, the number of businesses developed under the program, the cost of operating the program, compliance with the program requirements, data related to business income, the number of employees and wages paid, the incidence and duration of unemployment after business start-up and recommended changes to the program.	3/1	Commissioner of Labor	LBHS	Annual	26 §1197, sub-§10
<u>Wage and Hour Violations:</u> Report on complaints received by the department regarding each violation of the wage and hour laws for which the department has taken final action. The report must include the following specific information: industry, fines sought by the department, fines collected by the department and length of time between the filing of the complaint and final resolution. The report must also provide annual aggregate data on the number of complaints filed, number of resolutions of complaints and total amount of fines collected. The report does not need to include information already provided to the committee in another report required by law that is issued to the committee in the same calendar year.	2/15	Department of Labor	LBHS	Annual	26 §673, sub-§1
<u>Workforce Education Attainment:</u> Report on progress toward an attainment goal of increasing the percent of working-age adults holding a high-value certificate, college degree, vocational education or other industry-recognized credential to 60% by 2025.	Not Specified	State Workforce Board	LBHS, EDU	Annual	26 §2006, sub-§1, ¶K
<u>Workforce Innovation and Opportunity Act:</u> The same expenditures and outcomes report provided to the U.S. Department of Labor for the programs operated under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, and as required by that act.	Not Specified	Department of Labor	LBHS	Annual	26 §3101-A Amended by P.L. 2019, c. 343, sec. WWW-1
<u>Workforce investment:</u> Report on the amount of public funds spent on workforce development and training programs directly benefiting businesses in the State. The report must identify the amount of economic development incentives under the jurisdiction of the Department of Labor received by each business and the public benefit resulting from those economic development incentives.	10/1	Commissioner of Labor	Legislature	Annual	5 §13070-J, sub-§4, ¶B