

MAINE STATE LEGISLATURE

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DMC
R 005

Date: 3/13/20 Majority

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1345, L.D. 1879, Bill, "An Act Regarding the Adoption of Education Policies by School Boards"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Negotiations by Public Employers of Teachers'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §965, sub-§1, ¶C, as amended by PL 2009, c. 107, §5, is further amended to read:

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall in accordance with subsection 1-A meet and consult but not negotiate with respect to educational policies, except that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation; for the purpose of this paragraph, educational policies may not include wages, hours, working conditions or contract grievance arbitration;

Sec. 2. 26 MRSA §965, sub-§1-A is enacted to read:

1-A. Meet and consult. The obligation of public employers of teachers and the bargaining agent to meet and consult under subsection 1, paragraph C is governed by this subsection.

A. A public employer of teachers shall give written notice to the bargaining agent when a change in educational policy is planned by the public employer of teachers. Upon receipt of the written notice, the bargaining agent may initiate the meet and consult process by notifying the public employer of teachers, including the superintendent. The public employer of teachers may also initiate the meet and consult process by notifying the bargaining agent.

COMMITTEE AMENDMENT

R.O.S

COMMITTEE AMENDMENT "A" to H.P. 1345, L.D. 1879

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B. The public employer of teachers shall, upon receipt of a request from the bargaining agent, provide to the bargaining agent information necessary for the bargaining agent and the employees to understand the planned change and make suggestions or express concerns about the planned change.

C. When notice to initiate the meet and consult process is given under paragraph A, authorized representatives of the public employer of teachers and the bargaining agent shall meet and consult at reasonable times and places about the planned change. The parties shall meet and consult openly, honestly and in good faith, and the public employer of teachers shall consider the employees' suggestions and concerns.

D. The authorized representatives of the public employer of teachers shall give full and fair consideration to the employees' suggestions and concerns before the change in educational policy is implemented, and the public employer of teachers shall decide in good faith whether employees' suggestions or concerns can be accommodated.

E. The bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer is changed by practice or if the written notice required under paragraph A is inadvertently omitted.'

SUMMARY

Current law provides that public employers of teachers must meet and consult but not negotiate with respect to educational policies. This amendment provides that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation if both parties agree.

This amendment also specifies the obligation of public employers of teachers regarding the meet and consult process. It is the intent of the amendment to put in statute the meet and consult process as outlined in *Southern Aroostook Teachers Association v. Southern Aroostook Community School Committee*, MLRB No. 80-35, 80-40 (April 14, 1982). In addition, the amendment provides that the bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer of teachers is changed by practice or if the written notice required from the public employer of teachers is inadvertently omitted.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1879

LR 2861(02)

An Act Regarding the Adoption of Education Policies by School Boards

Fiscal Note for Bill as Amended by Committee Amendment *A(H-760)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Certain education policy negotiations optional

Fiscal Detail and Notes

This legislation provides that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation if both a public employer of teachers and the bargaining agent agree. Because the bill allows but does not require local school administrative units (SAU's) to negotiate these educational policies, this legislation is not an unfunded state mandate. Additional costs to those SAU's that choose to include these education policies as part of its collective bargaining negotiations will be funded through the SAU's budgeted resources.