

MAINE STATE LEGISLATURE

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MEMORANDUM

TO: Senator Richard W. Rosen, Chair
Representative Patrick S. A. Flood, Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: H. Sawin Millet, Jr., Commissioner
Department of Administrative and Financial Services

DATE: January 26, 2012

SUBJ: Bargaining Unit Clarification Decisions

The State Employees Labor Relations Act excludes from bargaining units those employees who substantially participate in the formulation and effectuation of policy, and those who have a major role in the administration of a collective bargaining agreement other than as a supervisor enforcing the terms of an agreement. In order to comply with the law, both the State and the unions that represent State employees periodically submit petitions to the Maine Labor Relations Board seeking either to exclude, or include, positions in bargaining units.

Public Law 1995, chapter 395, Part F, section G-12, requires the Commissioner of Administrative and Financial Services to report annually on the number of cases that have been settled or expected to be settled and the cost of any settlement, segregated by funding source.

In 2011, no positions previously included in bargaining units were determined to be excluded from bargaining units by decision of the Maine Labor Relations Board, nor were there any agreements between the State and the state employee unions to exclude from collective bargaining positions that were formerly in bargaining units.

Although there are long-standing petitions filed with the Labor Board by the State and the Maine State Employees Association to review all State departments and agencies, the Department of Corrections being the next agency up for review, there is no current activity presently before the Board. There are no other pending petitions filed by the State or the other unions that represent State employees.

If you require further information, please let me know.

cc: Grant Pennoyer, Director, Office of Fiscal and Program Review
Maureen Dawson, Principal Analyst, Office of Fiscal and Program Review
Dawna Lopatosky, State Budget Officer
Joyce Oreskovich, Director of Human Resources