

MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1865

S. P. 785

In Senate, January 9, 1968

Referred to Committee on Labor. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Katz of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

**AN ACT Providing for Dealings Between Local Education Boards
and Associations Representing Teachers.**

Be it enacted by the People of the State of Maine, as follows :

R. S., T. 26, c. 9-A, additional. Title 26 of the Revised Statutes is amended by adding a new chapter 9-A, to read as follows :

CHAPTER 9-A

TEACHERS LABOR RELATIONS LAW

§ 961. Statement of public policy

Because teachers, by the nature of their work, participate in the public education process and are, therefore, directly concerned with its improvement, it is declared to be the public policy of the State of Maine that certified personnel in the teaching profession shall have the right freely to associate and form and join organizations of their own choosing and to be represented by an appropriately designated exclusive representative; and that closed cooperation and communication between local school boards and teachers whom they employ be fostered by providing for teacher participation, through an authorized exclusive representative, in discussions, consultations and dealings aimed at the formulating and implementing, through agreements sought to be reached between local boards of education and the authorized representatives of the teachers whom they employ, of matters relating to compensation and other conditions of teacher employment, the practice of the teaching profession or

other matters of public education which are deemed to be of mutual concern to local education boards and the teachers employed by them.

§ 962. Right of teachers to form and join associations or organizations

Certificated school employees shall have the right, without suffering discrimination or recrimination, to form and join employee associations or organizations, in which may be included supervisory and administrative personnel, and which are authorized to make arrangements with local education boards for such procedures as might be deemed appropriate for the payroll deduction of dues. Such right shall include the right not to join said associations or organizations.

§ 963. Certification and recognition of teacher associations or organizations

An association or organization, in which teachers are members, shall have the right to become the exclusive representative of the teachers employed by a local board of education when properly certified as provided in this chapter.

The certification of any such association or organization, as the exclusive representative of the teachers employed by a local board of education, shall be on the basis of reliable evidence. If 2 or more said associations or organizations claim to represent a majority of the teachers employed by a local board of education, a secret ballot election shall be conducted by the State Board of Education to determine said representative. The association or organization receiving a majority of the votes cast shall be certified as the exclusive representative to meet, discuss, consult and deal with said local board of education, provided that any teacher employed by said local board shall have the right to appear before it as an individual.

The State Board of Education shall establish procedures, and shall make such rules and regulations as it deems appropriate, for the certification of a teacher association or organization, as the exclusive representative of all the teachers employed by a local board of education and, in accordance with said procedures, rules and regulations, shall certify any such association or organization as said exclusive representative for discussions, consultations and dealings with such local board of education.

Whenever any such association or organization shall be certified by the State Board of Education as representing the majority of the teachers employed by a local board of education, said board shall recognize said association or organization as the exclusive representative of all of the teachers employed by said local board and shall thereafter meet, discuss, consult and deal with said association or organization as the exclusive representative of all said teachers, in an effort to arrive at an agreement concerning compensation and other conditions of employment, the practice of the teaching profession and any other matters of mutual concern.

Whenever the school committee or 30% of the teachers employed by a local school board petition for decertification of the exclusive representative, the procedures for conducting an election on the question shall be the same as for certification as exclusive representative hereinbefore set forth.

No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid written agreement in effect, no question of representation may be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement, and not more than 90 nor less than 60 days prior to the expiration of the first year of an agreement whose term exceeds one year.

§ 964. Relationships and dealings between certified teacher representatives and local boards of education.

When the association or organization, which has been certified as the exclusive representative of all the teachers employed by a local school board, or said local school board, shall have received a written notice, either from the other, requesting a meeting to discuss, consult and deal with matters concerning compensation or other conditions of employment, the practice of the teaching profession or any other matters of mutual concern, said parties, within 10 days after the receipt of said notice, shall agree to a time and place for said meeting, and said meeting shall be held not later than 25 days after the receipt of such notice.

At any such meeting and between meetings, if advisable, facts, opinions and proposals or counterproposals shall be exchanged freely in an effort to reach an agreement. The parties shall have full right to utilize the services of such consultants as they deem appropriate during the meetings or between meetings.

If an agreement is reached between the parties, it shall be embodied in a formal, written master agreement appropriately executed by the parties. Said agreement shall cover, and apply to, all of the certified teaching personnel employed by said local school board. The agreement may include delineation of procedures to govern future deliberations relating to the formulation and implementation of conditions affecting the professional services of the teachers, their educational and professional relationships with their respective local education boards, grievance procedures and any and all other matters deemed to be of mutual concern to local boards of education and the teachers whom they employ. The agreement may include a provision for resort to a third party tribunal in the event of an impasse in deliberations and dealings as a method of resolving, or assisting in the resolution of, the impasse. If the parties have so agreed, the agreement may provide that the findings and conclusions of said third party tribunal shall be final and binding on the parties to the agreement or shall be only advisory.

Nothing contained in this chapter is intended, nor shall it be construed, to impair or affect the power of any local school board to superintend its school system or to decide or establish policies for said system as such power now exists under the laws of the State of Maine.

§ 965. Strikes prohibited

No teacher shall engage in any strike or work stoppage or slowdown.

§ 966. Existing agreements

Nothing in this chapter shall be construed to affect the validity, or alter the terms, of any agreement which had been executed prior to the effective date

of this Act, except insofar as said agreement, or any part thereof, is inconsistent with the provisions of this chapter. Associations or organizations of teachers which now have agreements with local boards of education may continue to serve as the exclusive representative of the teachers covered by said agreements during the terms of said agreements without said associations or organizations complying with such procedures or rules and regulations as may be established by the State Board of Education, pursuant to this chapter, for the certification of exclusive teacher representatives.