FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document No. 440

H. P. 341 House of Representatives, February 8, 1979

On motion of Mr. Wyman of Pittsfield, referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-NINE

AN ACT to Revise the State Employee Labor Relations Act.

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

Sec. 1. 26 MRSA § 979-A, sub-§ 6, ¶ E, as enacted by PL 1973, c. 774, is amended to read:

E. Who has been employed less than ~~6 months~~ **30 days**; or

Sec. 2. 26 MRSA § 979-D, sub-§ 1, ¶ E, sub-¶ (1), first ¶, as enacted by PL 1973, c. 774, is repealed and the following enacted in its place:

To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by that obligation neither party shall be compelled to agree to a proposal or be required to make a concession. All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining, but matters prescribed or controlled by statute may not be implemented until ratified by the Legislature pursuant to subparagraph (3). Matters appropriate for collective bargaining include but are not limited to:

Sec. 3. 26 MRSA § 979-D, sub-§ 1, ¶ E, sub-¶ (3) as enacted by PL 1973, c. 774, is amended to read:

(3) Cost items **and items pertaining to matters prescribed or controlled by statute** shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining.

Sec. 4. 26 MRSA § 979-D, sub-§ 3, as amended by PL 1975, c. 564, § 33, is repealed.

Sec. 5. 26 MRSA § 979-D, sub-§ 4, ¶ A, as enacted by PL 1973, c. 774, is repealed.

Sec. 6. 26 MRSA § 979-D, sub-§ 4, ¶ B, first sentence, as enacted by PL 1973, c. 774, is repealed and the following enacted in its place:

If the parties are unable to resolve disputes between them, either party may petition the board to initiate compulsory final and binding arbitration of the negotiations impasse.

Sec. 7. 26 MRSA § 979-D, sub-§ 5, as enacted by PL 1973, c. 774, is amended to read:

5. Costs. The costs for the services of the mediator ~~the members of the fact finding board~~ and of the neutral arbitrator or arbitrators including, if any, per diem expenses, and actual and necessary travel and subsistence expenses and the costs of hiring the premises where any mediation ~~fact finding~~ or arbitration proceedings are conducted, will be shared equally by the parties to the proceedings. All other costs will be assumed by the party incurring them. The services of the members of the State's Panel of Mediators and of the Maine Board of Arbitration and Conciliation are available to the parties without cost.

STATEMENT OF FACT

The purpose of this bill is to bring state employees within coverage of the State Employees Labor Relations Act after they have been employed for 30 days, to clarify the negotiability of state employees' working conditions covered by statute subject to legislative approval and to eliminate fact-finding.

There is no purpose served by excluding new employees from coverage of the bargaining law for 6 months, as is presently the case. Bringing them under the law after 30 days will not affect their probationary status for 6 months, but it will ensure them contractural protection for their wages, fringe benefits and other working conditions.

The present reference in the State Employees Labor Relations Act to "matters which are prescribed or controlled by public law" has led to confusion and unnecessary disputes. In some instances, matters mentioned in the bargaining law as negotiable are also covered in state statutes. This bill would follow general practice of allowing all working conditions to be negotiated, but still require legislative action for statutory changes.

Presently, the fact-finding and arbitration procedures in the State Employees Labor Relations Act are duplicative. They are both generally time consuming and expensive. Recent experience has shown they can be excessively so, and thus practically prohibit the use of arbitration following fact-finding. The necessity of following the 2 procedures also prevents the expeditious resolution of bargaining disputes.