

	FIRST REGULAR SESSION	
ONE HUNDRED AND ELEVENTH LEGISLATURE		
Legislative Document		No. 708
H.P. 557	House of Representative	es, February 10, 1983
	Representative Brannigan of Portland nor. Sent up for concurrence and ordered	
	EDW	VIN H. PERT, Clerk
Presented by Repre	sentative Baker of Portland.	
	STATE OF MAINE	
NIN	IN THE YEAR OF OUR LORD ETEEN HUNDRED AND EIGHTY-TH	HREE
	to Guarantee Teachers the ate Seniority Clauses in Co Bargaining Agreements.	
Be it enacted follows:	by the People of the State	e of Maine as
Sec. 1. PL 1981, c. 6	20-A MRSA §13201, 3rd ¶, 93, §§5 and 8, is amended	
and seniorit positions are with the pr	ocedure set forth in Tit. hers who have served beyond	elimination of in accordance le 26, chapter
	20-A MRSA §13201, 5th ¶, 93, §§5 and 8, is amended	

1 The right to terminate a contract, <u>subject to the</u> 2 <u>seniority provisions of any governing collective bar-</u> 3 <u>gaining agreement and</u> after due notice of 90 days, is 4 reserved to the school committee or school directors 5 when changes in local conditions warrant the elimina-6 tion of the teaching position for which the contract 7 was made.

STATEMENT OF FACT

9 This measure allows teachers to collectively bar-10 gain concerning seniority rights in staff cutbacks, 11 and assures that such a collective bargaining agree-12 ment governs the action of the school committee or 13 school directors.

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14 Presumably, the collective bargaining agreement 15 reflects the most mutually agreeable conditions of 16 employment. In the area of position cuts, a decision 17 whether or not to include a seniority clause may also reflect the importance to the parties of teacher experience and loyalty. Under current law, there is 18 19 20 some incentive for school management, operating on a 21 case by case basis, to discount these values in the After the fact, the teacher 22 rush to lower costs. 23 involved may only have recourse to a lengthy court 24 battle, where he must prove that management acted in bad faith or that there was no sufficient change in 25 local conditions to merit the termination. 26 The 27 public, which loses an experienced teacher, may have no recourse. 28

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