

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 707

H.P. 523 House of Representatives, March 11, 1987
Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative BAKER of Portland.
Cosponsored by Representatives HANDY of Lewiston and RAND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Provide Collective Bargaining for
Substitute Teachers.

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2
3

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

6 26 MRSA §962, sub-§6, ¶G, as enacted by PL 1969,
7 c. 578, §2, is amended to read:

8 G. Who is a temporary, seasonal or on-call em-
9 ployee.

10 (1) Notwithstanding this paragraph, a sub-
11 stitute teacher in any school district shall
12 be considered a public employee for the pur-
13 poses of this chapter if he has received
14 from his employer a reasonable assurance of
15 continuing employment sufficient to disqual-

1 ify the substitute teacher under section
2 1192, subsection 7, from receiving unemploy-
3 ment insurance benefits.

4 STATEMENT OF FACT

5 This bill extends the same collective bargaining
6 rights currently accorded employees in public schools
7 to cover certain substitute teachers in those
8 schools. It allows a substitute teacher to be in-
9 cluded within a bargaining unit at a particular
10 school district if the employer has provided the sub-
11 stitute teacher with a reasonable assurance of con-
12 tinuing employment that is sufficient to disqualify
13 the substitute teacher from receiving unemployment
14 benefits based on his previous employment by the
15 school district. This measure ensures that only
16 those substitute teachers who have received assur-
17 ances of continuing employment will be treated as
18 regular employees of the school district and included
19 within the bargaining unit. Substitute teachers who
20 have not been treated as regular school employees in
21 the past will not be included in the bargaining pro-
22 cess.

23 Current law prohibits all "temporary" or
24 "on-call" employees from being included within a
25 school bargaining unit. This effectively excludes
26 substitute teachers from the bargaining process even
27 though their working conditions and compensation may
28 be drastically affected by the negotiated contract.
29 Many substitute teachers, although they may not work
30 full time, meet the definition of regular school em-
31 ployees and deserve the recognition and representa-
32 tion offered by collective bargaining. This bill
33 recognizes that fact and extends the collective bar-
34 gaining process to include regular substitute teach-
35 ers.

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