

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 588

H.P. 423

House of Representatives, March 6, 1989

Reference to the Committee on Labor suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative OLIVER of Portland.

Cosponsored by Representative RYDELL of Brunswick, Representative PARADIS of Augusta and Representative PINEAU of Jay.

STATE OF MAINE

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

An Act to Provide for Collective Bargaining for Substitute Teachers.



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

3 26 MRSA §962, sub-§6, ¶G, as enacted by PL 1969, c. 578, §2,
5 is amended to read:

7 G. Who is a temporary, seasonal or on-call employee.

9 (1) Notwithstanding this paragraph, a substitute
11 teacher in any school district shall be considered a
13 public employee for the purposes of this chapter if the
15 teacher has received from the employer a reasonable
17 assurance of continuing employment sufficient to
19 disqualify the substitute teacher under section 1192,
21 subsection 7, from receiving unemployment insurance
23 benefits.

25 STATEMENT OF FACT

27 This bill extends the same collective bargaining rights
29 currently accorded employees in public schools to cover certain
31 substitute teachers in those schools. It allows a substitute
33 teacher to be included within a bargaining unit at a particular
35 school district if the employer has provided the substitute
teacher with a reasonable assurance of continuing employment that
is sufficient to disqualify the substitute teacher from receiving
unemployment benefits based on the teacher's previous employment
by the school district. This measure ensures that only those
substitute teachers who have received assurances of continuing
employment will be treated as regular employees of the school
district and included within the bargaining unit. Substitute
teachers who have not been treated as regular school employees in
the past will not be included in the bargaining process.

37 Current law prohibits all "temporary" or "on-call" employees
39 from being included within a school bargaining unit. This
effectively excludes substitute teachers from the bargaining
process even though their working conditions and compensation may
be drastically affected by the negotiated contract. Many
41 substitute teachers, although they may not work full time, meet
43 the definition of regular school employees and deserve the
recognition and representation offered by collective bargaining.
45 This bill recognizes that fact and extends the collective
bargaining process to include regular substitute teachers.