

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

OK
R. of S.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 650

(Filing No. S-112)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 260, L.D. 650, Bill, "An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'26 MRSA §966, sub-§4 is enacted to read:

4. Unit merger; same bargaining agent. If there is the same certified or currently recognized bargaining representative of public employees in multiple bargaining units with the same public employer, the public employer or certified or recognized bargaining representative may file a petition with the executive director to merge those bargaining units. Upon the finding of the executive director or the director's designee that the expanded unit would conform with the requirements set forth in this section, the executive director shall order an election within each bargaining unit to determine whether a majority of the employees voting in each bargaining unit wish to be within the expanded unit. The only question on the ballot in a merger election shall be approval or disapproval of the proposed merger. The executive director or the director's designee shall certify the bargaining agent for an expanded unit consisting of any bargaining units in which a majority of the employees voting approved the merger.

A. After an expanded unit is certified, the parties shall then bargain over modifications needed in order to provide for the wages, hours and working conditions or contract grievance arbitration for the newly included positions in any existing collective bargaining agreement or any collective bargaining agreement being negotiated.

COMMITTEE AMENDMENT "A " to S.P. 260, L.D. 650

1 Where there is an unexpired collective bargaining agreement
3 in the merged bargaining unit with a different expiration
5 date from any other collective bargaining agreement in the
7 merged bargaining unit, all contracts shall be honored to
9 their expiration date unless mutually agreed to otherwise by
11 the public employer and the bargaining agent. Collective
13 bargaining agreements may be bargained on an interim basis
15 in any merged bargaining unit so that all collective
17 bargaining agreements expire on the same date.

11 B. If a petition has been filed by a competing organization
13 for decertification of the current bargaining agent for any
15 of the bargaining units subject to the merger, then the
17 decertification petition takes precedence over a petition to
19 merge bargaining units.

17 C. A public employer or certified or recognized bargaining
19 representative may not file more than once a year with the
21 executive director to merge or combine bargaining units for
23 the same bargaining unit.

23 D. The executive director or the director's designee
25 conducting unit merger proceedings may administer oaths and
27 may require by subpoena the attendance and testimony of
29 witnesses, the production of books, records and other
31 evidence relating to the issues presented to the executive
33 director or the director's designee.

29 E. A bargaining unit composed of a majority of supervisors
31 may not merge under this subsection with any other
33 bargaining unit.

33 F. A bargaining unit composed of teachers may not merge
35 under this subsection with a bargaining unit of
37 nonprofessional employees.

FISCAL NOTE

39 The additional election and hearing costs that will be
41 incurred by the Maine Labor Relations Board for merger requests
43 can be absorbed within its existing budgeted resources.'

STATEMENT OF FACT

47 This amendment completely redrafts the bill for greater
49 clarity, adds a fiscal note and makes the following changes.

51 1. The amendment clarifies that the votes in an election to
approve the merger of bargaining units will be counted separately
within each of the units sought to be merged. A bargaining unit

COMMITTEE AMENDMENT "A " to S.P. 260, L.D. 650

1 will be included in the expanded unit only if a majority of its
2 own members voting in the election approve that unit's inclusion
3 in the expanded unit. If 2 out of 3 units sought to be merged
4 approve the merger, then only those 2 units will be included in
5 the expanded unit. The amendment also clarifies that the only
6 issue to appear on the ballot at this election is the merger
7 question.

9 2. The amendment provides that a decertification petition
10 filed against the bargaining agent of any of the units sought to
11 be merged takes precedence over a petition for merger.

13 3. The amendment prevents a merger of any bargaining unit
14 composed of teachers with another unit of nonprofessional
15 employees.

Reported by Senator Matthews for the Committee on Labor.
Reproduced and Distributed Pursuant to Senate Rule 12.
(5/12/89) (Filing No. S-112)