

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1195

S.P. 442

In Senate, April 13, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec.

Cosponsored by Representative McHENRY of Madawaska, Representative NORTON of Winthrop and Representative RUHLIN of Brewer.

STATE OF MAINE

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

An Act to Clarify the Definition of State Employee under the State Employee Labor Relations Act.



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

3 **Sec. 1. 26 MRSA §979-A, sub-§6, ¶J, as enacted by PL 1981, c.**
5 **381, §3, is amended to read:**

7 J. ~~Who substantially participates in the formulation and~~
9 ~~effectuation of policy in a department or agency~~ or has a
11 major role, other than a typically supervisory role, in the
13 administration of a collective bargaining agreement in a
15 department or agency.

17 **Sec. 2. 26 MRSA §979-E, sub-§3, as enacted by PL 1975, c. 697,**
19 **§9, is amended to read:**

21 **3. Unit clarification.** Where there is a certified or
23 currently recognized bargaining representative and where the
25 circumstances surrounding the formation of an existing bargaining
27 unit are alleged to have changed sufficiently to warrant
29 modification in the composition of that bargaining unit, any
31 public employer or any recognized or certified bargaining agent
33 may file a petition for a unit clarification, provided that the
35 parties are unable to agree on appropriate modifications and
37 there is no question concerning representation. A public
39 employer must file a petition under this section and receive
41 approval before establishing a new position which is excepted
43 from the definition of state employee under section 979-A.

STATEMENT OF FACT

31 The language repealed in this bill has been relied upon as a
33 basis for attempting to remove hundreds of state positions from
35 collective bargaining units through unit clarification petitions
37 before the Maine Labor Relations Board. The law already excludes
39 major policy-influencing positions from state bargaining units,
41 as well as confidential positions with major roles in collective
43 bargaining and contract administration. Excluding these other
 positions from collective bargaining serves no governmental
 purpose, increases patronage and substantially curtails career
 ladders within bargaining unit job series. This bill also
 requires the State to receive board approval before establishing
 new confidential positions.