

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1327

S.P. 489

In Senate, March 28, 1991

Submitted by the Department of Labor pursuant to Joint Rule 24.
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 GILL of Cumberland
Cosponsored by Senator BOST of Penobscot and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Create a Duty of Fair Representation under the University of
Maine System Labor Relations Act.**



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

26 MRSA §1025, sub-§2, ¶E is enacted to read:

E. The bargaining agent certified by the executive director or a designee as the exclusive bargaining agent for a unit is required to represent all the university, academy or technical college employees within the unit without regard to membership in the organization certified as bargaining agent, except that any university, academy or technical college employee may present at any time that employee's grievance to the employer and have that grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of that grievance.

STATEMENT OF FACT

Three of the 4 public sector labor relations laws impose a duty of fair representation on the bargaining agent of a unit, without regard to union membership of the employees in that unit. The University of Maine System labor relations laws impose no such duty. Since employee organizations are entitled to the benefits of exclusive bargaining agent status under those laws, they should have the responsibilities of that status, including representation of all unit members. The language of the new provision parallels language in the other 3 laws: the Maine Revised Statutes, Title 26, section 967, subsection 2; section 979-F, subsection 2, paragraph E; and section 1287, subsection 3, paragraph D.