

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document


No. 217

H.P. 165

House of Representatives, January 28, 1993

An Act to Amend the Municipal Public Employees Labor Relations
Laws.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MORRISON of Bangor.
Cosponsored by Representatives: NORTON of Winthrop, RUHLIN of Brewer, SULLIVAN of
Bangor, Senator: HANDY of Androscoggin.

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

2
4 Sec. 1. 26 MRSA §966, sub-§4, as enacted by PL 1989, c. 236,
is amended to read:

6 4. Unit merger; same bargaining agent. If there is the
8 same certified or currently recognized bargaining representative
10 of public employees in multiple bargaining units with the same
12 public employer, the public employer or certified or recognized
14 bargaining representative may file a petition with the executive
16 director to merge those bargaining units. Upon the finding of
18 the executive director or the director's designee that the
20 expanded unit would conform with the requirements set forth in
22 this section subsection, 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~~ is 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.

24 A. After an expanded unit is certified, the parties shall
26 then bargain over modifications needed in order to provide
28 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.

30 Where When there is an unexpired collective bargaining
32 agreement in the merged bargaining unit with a different
34 expiration date from any other collective bargaining
36 agreement in the merged bargaining unit, all contracts shall
38 must be honored to their expiration ~~date~~ dates unless
40 mutually agreed to otherwise by the public employer and the
bargaining agent. Collective bargaining agreements may be
bargained on an interim basis in any merged bargaining unit
so that all collective bargaining agreements expire on the
same date.

42 B. If a petition has been filed by a competing organization
44 for decertification of the current bargaining agent for any
46 of the bargaining units subject to the merger, then the
decertification petition takes precedence over a petition to
merge bargaining units.

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

2 D. The executive director or the director's designee
conducting unit merger proceedings may administer oaths and
4 may require by subpoena the attendance and testimony of
witnesses, the production of books, records and other
6 evidence relating to the issues presented to the executive
director or the director's designee.

8
E. A bargaining unit composed of a majority of supervisors
10 may not merge under this subsection with any other
bargaining unit.

12
F. A bargaining unit composed of teachers may not merge
14 under this subsection with a bargaining unit of
nonprofessional employees.

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STATEMENT OF FACT

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The original legislation that provided for mergers of
22 bargaining units with the same public employer omitted the prefix
"sub" prior to the word "section." This bill corrects the
24 reference and makes other technical corrections.