

MAINE STATE LEGISLATURE

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Date: 6-5-07

(Filing No. H-426)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 383, L.D. 499, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

Amend the amendment in Part XXXX in section 13 by striking out all of §1464 and inserting the following:

§1464. Collective bargaining

1. Assumption of obligations, duties, liabilities and rights. On the operational date established pursuant to section 1463, subsection 1, the regional school unit board of directors shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units for all purposes under Title 26, chapter 9-A. The regional school unit is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

- A. Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a participating school administrative unit;
- B. Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and regional school unit mutually agree otherwise; and
- C. Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date.

2. Existing teachers; staff; employees. All teachers, support staff and employees who are employed by any school administrative unit that has been consolidated into a regional school unit must be transferred to, and continue to be employed by, the regional school unit and such teachers, support staff and employees maintain their salaries or wages, insurance and retirement benefits, accumulated leave and accrual rights thereto, seniority, contract and employment status and other working conditions. These rights and benefits may not be diminished by their transfer to a consolidated or regional school unit.

HOUSE AMENDMENT

1 **3. Existing bargaining units.** All bargaining units in existence on the effective date
2 of this section of teachers, support staff and employees continue to exist notwithstanding
3 consolidation of a corresponding school administrative unit into a regional school unit.
4 The regional school unit shall maintain and honor any agreements, contracts or policies
5 regarding the rights and benefits of retirees and former employees created in bargaining
6 units in existence on the effective date of this section.

7 **4. Recognition of bargaining agents.** Following consolidation, bargaining agents
8 who were recognized or certified on the effective date of this section as the
9 representatives of bargaining units of teachers, support staff and employees must continue
10 to be recognized as the representatives of such teachers, support staff and employees by
11 the appropriate regional school units.

12 **5. Automatic assignment.** All collective bargaining agreements in effect as of the
13 last day of operation of school administrative units that are to be consolidated must be
14 automatically assigned to the appropriate regional school unit as of the date that the
15 regional school unit becomes operational. Such collective bargaining agreements
16 continue in full force and effect for the remainder of their terms and must be renegotiated
17 thereafter between the appropriate regional school units and bargaining agents.'

18 Amend the amendment in Part XXXX in section 42 by striking out all of subsection 6
19 and inserting the following:

20 **'6. Collective bargaining.** The following provisions apply.

21 A. On July 1, 2008 for regional school units approved prior to January 16, 2008 and
22 on July 1, 2009 for regional school units approved after January 15, 2008 and before
23 November 5, 2008, the regional school unit board of directors shall assume all of the
24 obligations, duties, liabilities and rights of the participating school administrative
25 units for all purposes under Title 26, chapter 9-A. The regional school unit is
26 considered a single employer. Notwithstanding any other provision of law, the
27 responsibilities of the regional school unit include:

28 (1) Continued recognition of all bargaining agents that represented any
29 bargaining units of employees who were employed by a participating school
30 administrative unit;

31 (2) Assumption and continued observance of all collective bargaining
32 agreements between such bargaining agents and a participating school
33 administrative unit, which agreements continue in effect for the remainder of
34 their unexpired terms unless the bargaining agent and regional school unit
35 mutually agree otherwise; and

36 (3) Collective bargaining for an initial or successor collective bargaining
37 agreement in any bargaining unit in which a collective bargaining agreement is
38 not in effect on the operational date.

39 B. All teachers, support staff and employees who are employed by any school
40 administrative unit that has been consolidated into a regional school unit must be
41 transferred to, and continue to be employed by, the regional school unit and such
42 teachers, support staff and employees maintain their salaries or wages, insurance and
43 retirement benefits, accumulated leave and accrual rights thereto, seniority, contract

H. 4. 6.

1 and employment status and other working conditions. These rights and benefits may
2 not be diminished by their transfer to a consolidated or regional school unit.

3 C. All bargaining units in existence on the effective date of this section of teachers,
4 support staff and employees continue to exist notwithstanding consolidation of a
5 corresponding school administrative unit into a regional school unit. The regional
6 school unit shall maintain and honor any agreements, contracts or policies regarding
7 the rights and benefits of retirees and former employees created in bargaining units in
8 existence on the effective date of this section.

9 D. Following consolidation, bargaining agents who were recognized or certified on
10 the effective date of this section as the representatives of bargaining units of teachers,
11 support staff and employees must continue to be recognized as the representatives of
12 such teachers, support staff and employees by the appropriate regional school units.

13 E. All collective bargaining agreements in effect as of the last day of operation of
14 school administrative units that are to be consolidated must be automatically assigned
15 to the appropriate regional school unit as of the date that the regional school unit
16 becomes operational. Such collective bargaining agreements continue in full force
17 and effect for the remainder of their terms and must be renegotiated thereafter
18 between the appropriate regional school units and bargaining agents.'

19 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
20 or section number to read consecutively.

21 **SUMMARY**

22 This amendment removes language requiring the merger of bargaining units on a
23 regional school unit-wide basis and adds language preserving existing bargaining units,
24 collective bargaining agents and existing collective bargaining obligations.

25 **FISCAL NOTE REQUIRED**
26 (See attached)

27 **SPONSORED BY:** John L. Patrick

28 (Representative PATRICK)

29 **TOWN:** Rumford



Approved: 06/04/07 *MAC*

123rd MAINE LEGISLATURE

LD 499

LR 2452(45)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

Fiscal Note for House Amendment "C" to Committee Amendment "A"

Sponsor: Rep. Patrick of Rumford

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Fiscal Detail and Notes

This amendment does not affect General Fund appropriations during the 2008-2009 biennium and a balanced budget is maintained.