

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1931

S.P. 738

June 21, 2007

An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.

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

2 **Sec. 1. 20-A MRSA §1464,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
3 repealed:

4 **Sec. 2. 20-A MRSA §1464-A** is enacted to read:

5 **§1464-A. Collective bargaining**

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

12 A. Continued recognition of all bargaining agents that represented any bargaining
13 units of employees who were employed by a participating school administrative unit;

14 B. Assumption and continued observance of all collective bargaining agreements
15 between such bargaining agents and a participating school administrative unit, which
16 agreements continue in effect for the remainder of their unexpired terms unless the
17 bargaining agent and regional school unit mutually agree otherwise; and

18 C. Collective bargaining for an initial or successor collective bargaining agreement
19 in any bargaining unit in which a collective bargaining agreement is not in effect on
20 the operational date.

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

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

34 **4. Recognition of bargaining agents.** Following consolidation, bargaining agents
35 who were recognized or certified on the effective date of this section as the
36 representatives of bargaining units of teachers, support staff and employees must continue
37 to be recognized as the representatives of such teachers, support staff and employees by
38 the appropriate regional school units.

1 **5. Automatic assignment.** All collective bargaining agreements in effect as of the
2 last day of operation of school administrative units that are to be consolidated must be
3 automatically assigned to the appropriate regional school unit as of the date that the
4 regional school unit becomes operational. Such collective bargaining agreements
5 continue in full force and effect for the remainder of their terms and must be renegotiated
6 thereafter between the appropriate regional school units and bargaining agents.

7 **Sec. 3. PL 2007, c. 240, Pt. XXXX, §43, sub-§6** is repealed and the following
8 enacted in its place:

9 **6. Collective bargaining.** The following provisions apply.

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

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

20 (2) Assumption and continued observance of all collective bargaining
21 agreements between such bargaining agents and a participating school
22 administrative unit, which agreements continue in effect for the remainder of
23 their unexpired terms unless the bargaining agent and regional school unit
24 mutually agree otherwise; and

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

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

35 C. All bargaining units in existence on the effective date of this section of teachers,
36 support staff and employees continue to exist notwithstanding consolidation of a
37 corresponding school administrative unit into a regional school unit. The regional
38 school unit shall maintain and honor any agreements, contracts or policies regarding
39 the rights and benefits of retirees and former employees created in bargaining units in
40 existence on the effective date of this section.

41 D. Following consolidation, bargaining agents who were recognized or certified on
42 the effective date of this section as the representatives of bargaining units of teachers,

1 support staff and employees must continue to be recognized as the representatives of
2 such teachers, support staff and employees by the appropriate regional school units.

3 E. All collective bargaining agreements in effect as of the last day of operation of
4 school administrative units that are to be consolidated must be automatically assigned
5 to the appropriate regional school unit as of the date that the regional school unit
6 becomes operational. Such collective bargaining agreements continue in full force
7 and effect for the remainder of their terms and must be renegotiated thereafter
8 between the appropriate regional school units and bargaining agents.

9 **SUMMARY**

10 This bill removes language from the regional school unit authorization laws requiring
11 the merger of bargaining units on a regional school unit-wide basis and enacts a new
12 provision preserving existing bargaining units, collective bargaining agents and existing
13 collective bargaining obligations.

FISCAL NOTE REQUIRED
(See attached)



Approved: 06/15/07 *MAC*

123rd MAINE LEGISLATURE

LD

LR 2721(01)

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Fiscal Note for Original Bill

Sponsor: Sen. Martin of Aroostook

Committee: Not Referred

Fiscal Note Required: Yes

Fiscal Note

No State fiscal impact

Fiscal Detail and Notes

Allowing existing bargaining units, collection bargaining agents and existing collective bargaining obligations to remain intact after the merger of school administrative units into regional school units will not affect the total state and local cost of funding K-12 public education based on the essential programs and services funding model or the State's share of that cost. The impact to regional school units can not be determined at this time.