

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 934

S.P. 356

In Senate, March 10, 2009

An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining

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 JACKSON of Aroostook.
Cosponsored by Representative BUTTERFIELD of Bangor.

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

2 **Sec. 1. 26 MRSA §967, sub-§1**, as enacted by PL 1969, c. 424, §1, is amended to
3 read:

4 **1. Evidence of majority support.** Any public employee organization may file a
5 request with a public employer alleging that a majority of the public employees in an
6 appropriate bargaining unit wish to be represented for the purpose of collective
7 bargaining between the public employer and the employees' organization. Such request
8 shall must describe the grouping of jobs or positions ~~which~~ that constitute the unit
9 claimed to be appropriate and shall must include a demonstration of written majority
10 support. Such request for recognition shall must be granted by the public employer,
11 unless the public employer desires ~~that~~ an ~~election~~ inspection to determine whether the
12 organization represents a majority of the members in the bargaining unit.

13 A. When a public employer requests an inspection of the written majority
14 authorization, the public employee organization and the public employer shall agree
15 on a neutral party to conduct a confidential inspection of the evidence of written
16 majority authorization. If within 10 days of the request the public employee
17 organization and the public employer do not agree upon a neutral party, the board
18 shall act as the neutral party. The neutral party shall verify the public employee
19 organization's majority support within the appropriate bargaining unit and report the
20 results of such inspection in writing to the parties and, if the verification was
21 conducted by an agreed-upon neutral party, to the board, which shall in turn certify
22 the results to the parties in writing. The board shall establish rules and procedures for
23 the prompt verification of evidence of written majority authorization, including
24 safeguards to protect the privacy of individual employee choice, and shall provide
25 that, absent exceptional cause, the verification procedure may not last longer than 10
26 days from the appointment of the neutral party or from assumption by the board of
27 the duties of the neutral party.

28 **Sec. 2. 26 MRSA §979-F, sub-§1**, as enacted by PL 1973, c. 774, is amended to
29 read:

30 **1. Evidence of majority support.** Any state employee organization may file a
31 request with the public employer alleging that a majority of the state employees in an
32 appropriate bargaining unit wish to be represented for the purpose of collective
33 bargaining between the public employer and the employees' organization. Such request
34 shall must describe the grouping of jobs or positions ~~which~~ that constitute the unit
35 claimed to be appropriate and shall must include a demonstration of written majority
36 support. Such request for recognition shall must be granted by the public employer unless
37 the public employer desires ~~that~~ an ~~election~~ inspection to determine whether the
38 organization represents a majority of the members in the bargaining unit.

39 A. When a public employer requests an inspection of the written majority
40 authorization, the state employee organization and the public employer shall agree on
41 a neutral party to conduct a confidential inspection of the evidence of written
42 majority authorization. If within 10 days of the request the state employee
43 organization and the public employer do not agree upon a neutral party, the board

1 shall act as the neutral party. The neutral party shall verify the state employee
2 organization's majority support within the appropriate bargaining unit and report the
3 results of such inspection in writing to the parties and, if the verification was
4 conducted by an agreed-upon neutral party, to the board, which shall in turn certify
5 the results to the parties in writing. The board shall establish rules and procedures for
6 the prompt verification of evidence of written majority authorization, including
7 safeguards to protect the privacy of individual employee choice, and shall provide
8 that, absent exceptional cause, the verification procedure may not last longer than 10
9 days from the appointment of the neutral party or from assumption by the board of
10 the duties of the neutral party.

11

SUMMARY

12 Under current law, if a state employee organization or public employee organization
13 files a request with a public employer alleging that a majority of the employees in an
14 appropriate bargaining unit wish to be represented for the purpose of collective
15 bargaining, the public employer may request an election to determine whether there exists
16 majority support among the employees for such representation. This bill provides instead
17 that the public employer may request an inspection of the evidence of written majority
18 authorization on the part of the employees.