

MAINE STATE LEGISLATURE

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SMG
R. O'S

L.D. 864

Date: 6/13/17 Minority (Filing No. H-496)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 613, L.D. 864, Bill, "An Act To Provide for a Statewide Contract for School Teachers"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow the State To Act as the Representative in Contract Negotiations for School Administrative Units'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §1485, sub-§1-A is enacted to read:

1-A. Instructional expenditures transition; annual targets. Each regional school unit must meet the following annual targets for the percentage share of total expenditures for direct instruction expenditures:

A. For fiscal year 2019-20, the target is 61%;

B. For fiscal year 2020-21, the target is 63%;

C. For fiscal year 2021-22, the target is 65%;

D. For fiscal year 2022-23, the target is 67%; and

E. For fiscal year 2023-24 and succeeding years, the target is 70%.

For purposes of this subsection, "direct instruction expenditures," as defined in the State's accounting handbook for local school systems, means those expenditures in subsection 1, paragraph A for regular instruction, special education instruction, career and technical education instruction and other instruction, including summer school and extracurricular instructions.

Sec. 2. 26 MRSA §965-A is enacted to read:

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§965-A. Public education employees

This section provides for the negotiation of standard salary and standard benefits for affected public education employees. Disputes regarding the applicability of this section must be resolved by the Maine Labor Relations Board.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affected public education employee" means an employee of an approved public school who fills a position that is required to be filled by a person who holds a certification or authorization for that position issued by the Department of Education under Title 20-A, except an employee of an approved public school who fills a position that is required to be filled by a person holding a certificate pursuant to Title 20-A, section 13011, subsection 5 or an approval pursuant to Title 20-A, section 13024.

B. "Approved public school" means a school administrative unit that has been approved by the Department of Education in accordance with subsection 2.

C. "Collective bargaining" means the mutual obligation of the State and the bargaining agent representing affected public education employees to:

(1) Confer and negotiate in good faith with respect to salary and benefits;

(2) Meet at reasonable times;

(3) Meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract;

(4) Execute in writing any agreements arrived at. The term of any such agreement is subject to negotiation but may not exceed 2 years and may not extend beyond the date of the repeal of this section pursuant to subsection 4; and

(5) Participate in good faith in the mediation, fact-finding and arbitration procedures required by section 965.

D. "Cost item" means the agreed-upon salary and benefits resulting from collective bargaining conducted pursuant to this section.

E. "School administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

F. "State" means the State of Maine represented by the Governor or the Governor's authorized representative.

2. Approved public schools. A school administrative unit may request, in accordance with this subsection, approval from the Commissioner of Education to have the State act as the public employer of its affected public education employees for purposes of collective bargaining in accordance with this section.

A. Upon the request of the school board of a school administrative unit, the Commissioner of Education shall approve that request if the school administrative unit meets the following criteria:

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- 1 (1) The school administrative unit's percentage of economically disadvantaged
2 students, as determined pursuant to Title 20-A, section 15675, subsection 2, is
3 greater than the state average percentage of economically disadvantaged students;
- 4 (2) The school administrative unit's regional adjustment, as determined pursuant
5 to Title 20-A, section 15682, is less than 1.00;
- 6 (3) The school administrative unit's state share percentage, as determined in Title
7 20-A, section 15672, subsection 31, is greater than 60%; and
- 8 (4) The school administrative unit operates a school.

9 B. The Commissioner of Education may approve a school administrative unit that
10 does not meet the criteria in paragraph A upon the request of the school board of the
11 school administrative unit. The commissioner must respond to a request under this
12 paragraph within 30 days of receiving the request and either approve the request,
13 deny the request or request additional information from the school administrative unit
14 in order to make a decision.

15 **3. Negotiation.** This subsection governs the negotiation of standard salary and
16 standard benefits for affected public education employees.

17 A. Notwithstanding any other provision of this chapter, the State is deemed the
18 public employer and subject to all limitations and responsibilities of public employers
19 under this chapter solely with respect to the negotiation of standard salary and
20 standard benefits for affected public education employees.

21 (1) The State and the bargaining agent representing all affected public education
22 employees shall bargain collectively for standard salary and standard benefits for
23 affected public education employees in accordance with this subsection.

24 (2) For all other purposes and in all other respects other than the negotiation of
25 standard salary and standard benefits under this subsection, an affected public
26 education employee remains the employee of the employee's school
27 administrative unit. All other matters subject to collective bargaining must be
28 negotiated pursuant to section 965 by that school administrative unit and the
29 bargaining agent determined under section 966.

30 (3) An approved public school and the bargaining agent for the affected public
31 education employees of that approved public school are not subject to the
32 requirements of section 965, subsection 1 with regard to salary and benefits
33 negotiated pursuant to this section, except an approved public school retains the
34 duty to bargain until a contract that establishes standard salary and standard
35 benefits for affected public education employees takes effect. This subsection
36 does not prohibit negotiation between an approved public school and the
37 bargaining agent for the affected public education employees of that approved
38 public school with regard to salary and benefits in addition to what is negotiated
39 between the State and the bargaining agent under this section.

40 (4) Any collective bargaining agreement between a bargaining agent and an
41 approved public school that has been entered into prior to completion of a
42 contract entered into pursuant to this section continues in effect and remains the

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1 financial responsibility of the approved public school for the remainder of the
2 term of that contract unless the bargaining agent and participating school
3 administrative unit mutually agree otherwise.

4 B. The cost item is the financial responsibility of the State. The cost item must be
5 calculated based upon student-to-staff ratios as established under Title 20-A, chapter
6 606-B. The cost item must be submitted by the Governor as part of an operating
7 budget submission to the Legislature within 10 days after the date on which the
8 agreement is ratified by the parties. If the Legislature rejects the cost item, the cost
9 item must be returned to the parties for further bargaining.

10 C. The bargaining agent representing affected public education employees for the
11 purposes of collective bargaining under this section is the organization chosen by the
12 majority of affected public education employees and must provide to the State a
13 demonstration of majority support of affected public education employees.

14 4. Repeal. This section is repealed 90 days after the adjournment of the First
15 Regular Session of the 129th Legislature.

16 **Sec. 3. Funding plan.** The Commissioner of Education shall develop a plan for
17 funding the implementation of this Act, including how it will be incorporated in the
18 school funding formula for the 2019-2020 school year.'

19 **SUMMARY**

20 This amendment, which is the minority report of the committee, strikes and replaces
21 the bill and changes the title. The amendment authorizes the State, upon the request of a
22 school administrative unit, to act as the employer of employees of that school
23 administrative unit, other than administrators, for the purpose of negotiating a contract for
24 standard salary and standard benefits for these employees. Costs resulting from such
25 bargaining agreements are the responsibility of the State and if funding is not approved,
26 those cost items must be renegotiated. The authority for such negotiations is repealed 90
27 days after the adjournment of the First Regular Session of the 129th Legislature.

28 This amendment also requires regional school units to meet certain annual targets for
29 the percentage share of total General Fund expenditures for direct instruction
30 expenditures.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 864

LR 128(02)

An Act To Provide for a Statewide Contract for School Teachers

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-496)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - General Fund

Fiscal Detail and Notes

This legislation authorizes the State to bargain for a contract for standard salary and benefits for certain employees of eligible school administrative units (SAU's) upon the request of the SAU and to assume responsibility for the costs resulting from the bargaining agreement beginning in the 2019-2020 school year. The fiscal impact of this provision of the bill can not be estimated at this time and will depend on the results of the contract negotiations.

According to the Department of Education, it will be able to absorb the cost of implementing this legislation including any role it may assume in the negotiating process.