

MAINE STATE LEGISLATURE

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MEMORANDUM

TO: Senator Margaret Rotundo, Chair
Representative Jeremy Fischer, Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Rebecca M. Wyke, Commissioner
Department of Administrative and Financial Services 

DATE: January 9, 2007

SUBJECT: Bargaining Unit Clarification Decisions

Some years ago the State Labor Relations Act was amended to exclude from bargaining units employees who "substantially participate in the formulation and effectuation of policy." Since then, both the State and the Maine State Employees Association have submitted petitions to the Maine Labor Relations Board seeking to exclude positions from bargaining units or to include them in bargaining units. Because there are costs associated with the pick-up of retirement costs for positions determined to be excluded, the Legislature enacted Public Law 1995, chapter 395, Part F, section G-12. That section provided for funding options for these costs. It also requires the Commissioner of Administrative and Financial Services to report on "the number of cases that have been settled or are expected to be settled and the cost of any settlement, segregated by funding source."

In 2006 no positions were resolved either by Maine Labor Relations Board decisions or by settlement agreements, therefore, there are no pick-up costs for retirement to report to you. There were no unit clarification hearings conducted by the Maine Labor Relations Board in 2006 due to other pressing matters and staff availability (both the Bureau of Employee Relations and MSEA staff). It is impossible to predict with any degree of accuracy the number of positions that will be changed from bargaining unit to confidential during 2007, because no additional departments have been reviewed at this time. We do not anticipate that there will be any voluntary settlements that would result in positions being removed from bargaining units. The Public Utilities Commission and Department of Corrections are still the next departments to be considered. Presently, there is nothing scheduled before the Board.

If you require further information, please let me know.

RMW:slt

cc: Grant Pennoyer
Jim Dionne
Ellen Schneider