

MAINE STATE LEGISLATURE

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MEMORANDUM

TO: Senator Bill Diamond, Chair
Representative Emily Cain, Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Ryan Low, Commissioner
Department of Administrative and Financial Services

DATE: February 25, 2010

SUBJ: Bargaining Unit Clarification Decisions

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The State Employees Labor Relations Act excludes from bargaining units those employees who substantially participate in the formulation and effectuation of policy, and those who have a major role in the administration of a collective bargaining agreement other than as a supervisor enforcing the terms of an agreement. In order to comply with the law, both the State and the unions that represent State employees periodically submit petitions to the Maine Labor Relations Board seeking either to exclude, or include, positions in bargaining units.

Public Law 1995, chapter 395, Part F, section G-12, requires the Commissioner of Administrative and Financial Services to report annually on the number of cases that have been settled or expected to be settled and the cost of any settlement, segregated by funding source.

In 2009, no positions previously included in bargaining units were determined to be excluded from bargaining units by decision of the Maine Labor Relations Board. One position in the Department of Transportation was excluded from bargaining unit by settlement agreement between the State and the Maine State Employees Association. The cost of this agreement was \$10,605 to the Highway Fund.

Although there are long-standing petitions filed with the Labor Board by the State and the Maine State Employees Association to review all State departments and agencies, the Department of Corrections being the next agency up for review, there is no current activity presently before the Board. There are no other pending petitions filed by the State or the other unions that represent State employees.

If you require further information, please let me know.

cc: Grant Pennoyer
Maureen Dawson
Ellen Schneiter