

# MAINE STATE LEGISLATURE

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**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
78 STATE HOUSE STATION  
AUGUSTA, ME 04333-0078**

**PHONE: 207-624-7800**

**FAX: 207-624-7804**

**M E M O R A N D U M**

**TO:** Senator Cathy Breen, Chair  
Representative Teresa Pierce, Chair  
Members, Joint Standing Committee on Appropriations and Financial Affairs

**FROM:** Kirsten LC Figueroa, Commissioner *Kirsten LC Figueroa*  
Department of Administrative and Financial Services

**DATE:** February 3, 2021

**SUBJECT:** Bargaining Unit Clarification Decisions

The State Employees Labor Relations Act excludes from bargaining 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. Both the State and the unions that represent State employees have the right to submit petitions to the Maine Labor Relations Board seeking to exclude positions from 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 2019 and 2020, no positions previously included in bargaining units were determined to be excluded from bargaining units by decision of the Maine Labor Relations Board, nor were there any agreements between the State and the state employee unions to exclude from collective bargaining positions that were formerly in bargaining units. Further, we do not at this time anticipate the settlement or receipt of decisions on any bargaining unit petitions.

It should be noted that there are long-standing petitions filed with the Maine Labor Relations Board covering many State agencies, but there is no current activity, and none is expected. There are no other unit clarification petitions pending with the Maine Labor Relations Board concerning state employees.

If you require further information, please let me know.

cc: Christopher Nolan, Director, Office of Fiscal and Program Review  
Maureen Dawson, Principal Analyst, Office of Fiscal and Program Review  
Beth Ashcroft, State Budget Officer  
Breena Bissell, Director of Human Resources