

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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SUMMARY

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