An Act To Expand the Rights of Public Employees under the Maine Labor Laws

Reference to the Committee on Labor and Housing suggested and ordered printed.

Presented by Representative SYLVESTER of Portland.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: ALLEY of Beals, COLLINGS of Portland, DOORE of Augusta,
EVANGELOS of Friendship, FARNSWORTH of Portland, MELARAGNO of Auburn,
RYKERSON of Kittery, TALBOT ROSS of Portland.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §964, sub-§2, as enacted by PL 1969, c. 424, §1, is amended to read:

2. Public employee prohibitions. Public employees, public employee organizations, their agents, members and bargaining agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 963 or a public employer in the selection of his representative for purposes of collective bargaining or the adjustment of grievances;

B. Refusing to bargain collectively with a public employer as required by section 965; or

C. Engaging in:

   (1) A work stoppage;
   (2) A slowdown;
   (3) A strike; or
   (4) The blacklisting of any public employer for the purpose of preventing it from filling employee vacancies.

Sec. 2. 26 MRSA §964-B is enacted to read:

§964-B. Authorized strikes

1. Authorization to engage in a strike. A public employee, except for an employee whose duties include protecting public safety, a public employee organization, an agent of a public employee or public employee organization, a member of a public employee organization or a bargaining agent of a public employee or public employee organization may engage in a strike and a public employee organization may authorize a strike of the members of the organization pursuant to the following procedures:

   A. The membership of a public employee organization or unit of a public employee organization that is affected by the issue for which the strike is called must conduct a vote of a majority of members;

   B. Upon an affirmative vote in paragraph A, the public employee organization or unit of the public employee organization shall deliver to the public employer of the employees voting to strike or the employer's agent a notice of the intent to strike and state the date upon which the strike will begin and the date upon which the strike will end; and

   C. The public employee organization or unit of the public employee organization sending notice of a strike or public employer receiving notice of a strike under paragraph B may call for emergency bargaining within 3 days prior to the date upon which the strike is intended to start.
Sec. 3. 26 MRSA §979-C, sub-§2, as amended by PL 1997, c. 741, §5 and affected by §12, is further amended to read:

2. State and legislative employee prohibitions. State Except as provided under section 979-T, state and legislative employees, employee organizations, their agents, members and bargaining agents are prohibited from:

   A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 979-B or the public employer in the selection of its representative for purposes of collective bargaining or the adjustment of grievances;

   B. Refusing to bargain collectively with the public employer as required by section 979-D; or

   C. Engaging in:

      (1) A work stoppage;

      (2) A slowdown;

      (3) A strike; or

      (4) The blacklisting of the public employer for the purpose of preventing it from filling employee vacancies.

Sec. 4. 26 MRSA §979-T is enacted to read:

§979-T. Authorized strikes

1. Authorization to engage in a strike. A state or legislative employee, except for an employee whose duties include protecting public safety, a state or legislative employee organization, an agent of a state or legislative employee or state or legislative employee organization, a member of a state or legislative employee organization or a bargaining agent of a state or legislative employee or state or legislative employee organization may engage in a strike and a state or legislative employee organization may authorize a strike of the members of the organization pursuant to the following procedures:

   A. The membership of a state or legislative employee organization or unit of a state or legislative employee organization that is affected by the issue for which the strike is called must conduct a vote of a majority of members;

   B. Upon an affirmative vote in paragraph A, the state or legislative employee organization or unit of the state or legislative employee organization shall deliver to the state or legislative employer of the employees voting to strike in paragraph A or the employer's agent a notice of the intent to strike and state the date upon which the strike will begin and the date upon which the strike will end; and

   C. The state or legislative employee organization or unit of the state or legislative employee organization sending notice of a strike or state or legislative employer receiving notice of a strike under paragraph B may call for emergency bargaining within 3 days prior to the date upon which the strike is intended to start.
Sec. 5. 26 MRSA §1027, sub-§2, as amended by PL 1989, c. 443, §72 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

2. University, academy, community colleges; prohibitions. University Except as provided under section 1027-A, university employees, university employee organizations, their agents, members and bargaining agents; academy employees, academy employee organizations, their agents, members and bargaining agents; and community college employees, community college employee organizations, their agents, members and bargaining agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1023 or the university, academy and community colleges in the selection of their representatives for the purposes of collective bargaining or the adjustment of grievances;

B. Refusing to bargain collectively with the university, academy and community colleges as required by section 1026; and or

C. Engaging in:

   (1) A work stoppage, slowdown or strike; and

   (2) The blacklisting of the university, academy or community colleges for the purpose of preventing them from filling employee vacancies.

Sec. 6. 26 MRSA §1027-A is enacted to read:

§1027-A. Authorized strikes

1. Authorization to engage in a strike. A university, academy or community college employee, except for an employee whose duties include protecting public safety; a university, academy or community college employee organization; an agent of a university, academy or community college employee or a university, academy or community college employee organization; a member of a university, academy or community college employee organization; or a bargaining agent of a university, academy or community college employee organization may engage in a strike and a university, academy or community college employee organization may authorize a strike of the members of the organization pursuant to the following procedures:

A. The membership of a university, academy or community college employee organization or unit of a university, academy or community college employee organization that is affected by the issue for which the strike is called must conduct a vote of a majority of members;

B. Upon an affirmative vote in paragraph A, the university, academy or community college employee organization or unit of the university, academy or community college employee organization shall deliver to the university, academy or community college employer of the employees voting to strike in paragraph A or the employer's agent a notice of the intent to strike and state the date upon which the strike will begin and the date upon which the strike will end; and
C. The university, academy or community college employee organization or unit of
the university, academy or community college employee organization sending notice
of a strike or university, academy or community college employer receiving notice of
a strike under paragraph B may call for emergency bargaining within 3 days prior to
the date upon which the strike is intended to start.

Sec. 7. 26 MRSA §1284, sub-§2, as enacted by PL 1983, c. 702, is amended to
read:

2. Judicial employee prohibitions. Judicial Except as provided under section
1284-B, judicial employees, judicial employee organizations, their agents, members and
bargaining agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights
guaranteed in section 1283 or the public employer in the selection of its
representative for purposes of collective bargaining or the adjustment of grievances;
B. Refusing to bargain collectively with the public employer, as required by section
1285; or
C. Engaging in:
   (1) A work stoppage;
   (2) A slowdown;
   (3) A strike; or
   (4) The blacklisting of the public employer for the purpose of preventing it the
       public employer from filling employee vacancies.

Sec. 8. 26 MRSA §1284-B is enacted to read:

§1284-B. Authorized strikes

1. Authorization to engage in a strike. A judicial employee, except for an
employee whose duties include protecting public safety, a judicial employee organization,
an agent of a judicial employee or judicial employee organization, a member of a judicial
employee organization or a bargaining agent of a judicial employee or judicial employee
organization may engage in a strike pursuant to the following procedures:

A. The membership of a judicial employee organization or unit of a judicial
employee organization that is affected by the issue for which the strike is called must
conduct a vote of a majority of members;
B. Upon an affirmative vote in paragraph A, the judicial employee organization or
unit of the judicial employee organization shall deliver to the judicial employer of the
employees voting to strike in paragraph A or the employer's agent a notice of the
intent to strike and state the date upon which the strike will begin and the date upon
which the strike will end; and
C. The judicial employee organization or unit of the judicial employee organization
sending notice of a strike or judicial employer receiving notice of a strike under
paragraph B may call for emergency bargaining within 3 days prior to the date upon which the strike is intended to start.

SUMMARY

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, but not including employees whose duties include protecting public safety, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within 3 days prior to the intended start of the strike.