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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 562, L.D. 757, Bill, “An Act To Improve Labor Laws for Maine Workers”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §967, as amended by PL 1991, c. 622, Pt. O, §7, is further amended to read:

§967. Determination of bargaining agent

1. Voluntary recognition. 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~~ that constitute the unit claimed to be appropriate and ~~shall~~ must include a demonstration of majority support. Such request for recognition ~~shall may~~ may be granted by the public employer, ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

1-A. Majority sign-up. If a request by a public employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director of the board or a designee shall examine the demonstration of support. If the executive director of the board or a designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director of the board or a designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

COMMITTEE AMENDMENT

1 **2. Elections.** The executive director of the board, or a designee, ~~upon signed request~~
2 ~~of a public employer alleging that one or more public employees or public employee~~
3 ~~organizations have presented to it a claim to be recognized as the representative of a~~
4 ~~bargaining unit of public employees pursuant to subsection 1-A,~~ or upon signed petition
5 of at least 30% of a bargaining unit of public employees that they desire to be represented
6 by an organization, shall conduct a secret ballot election to determine whether the
7 organization represents a majority of the members in the bargaining unit. Such an
8 election may be conducted at suitable work locations or through the United States mail,
9 and the procedures adopted and employed must ensure that neither the employee
10 organizations or the management representatives involved in the election have access to
11 information that would identify a voter.

12 The ballot ~~shall~~ must contain the name of such organization and that of any other
13 organization showing written proof of at least 10% representation of the public
14 employees within the unit, together with a choice for any public employee to designate
15 that ~~he~~ the public employee does not desire to be represented by any bargaining agent.
16 ~~Where~~ When more than one organization is on the ballot and no one of the 3 or more
17 choices receives a majority vote of the public employees voting, a run-off election ~~shall~~
18 must be held. The run-off ballot ~~shall~~ must contain the 2 choices ~~which that~~ received the
19 largest and ~~second-largest~~ 2nd-largest number of votes. When an organization receives
20 the majority of votes of those voting, the executive director of the board shall certify it as
21 the bargaining agent. The bargaining agent certified as representing a bargaining unit
22 ~~shall~~ must be recognized by the public employer as the sole and exclusive bargaining
23 agent for all of the employees in the bargaining unit unless and until a decertification
24 election by secret ballot ~~shall be~~ is held and the bargaining agent declared by the
25 executive director of the board as not representing a majority of the unit.

26 Whenever 30% of the employees in a certified bargaining unit petition for a bargaining
27 agent to be decertified, the procedures for conducting an election on the question ~~shall be~~
28 are the same as for representation as bargaining agent ~~hereinbefore set forth as~~
29 established in this section.

30 ~~No~~ A question concerning representation may not be raised within one year of a
31 certification or attempted certification. Where there is a valid collective bargaining
32 agreement in effect, ~~no~~ a question concerning unit or representation may not be raised
33 except during the period not more than 90 nor less than 60 days prior to the expiration
34 date of the agreement. The not more than 90-day nor less than 60-day period prior to the
35 expiration date of an agreement regarding unit determination and representation ~~shall~~
36 does not apply to matters of unit clarification.

37 The bargaining agent certified by the executive director of the board as the exclusive
38 bargaining agent shall ~~be required to~~ represent all the public employees within the unit
39 without regard to membership in the organization certified as bargaining agent, ~~provided~~
40 except that any public employee at any time may present ~~his~~ that public employee's
41 grievance to the public employer and have such grievance adjusted without the
42 intervention of the bargaining agent, if the adjustment is not inconsistent with the terms
43 of a collective bargaining agreement then in effect and if the bargaining agent's
44 representative has been given reasonable opportunity to be present at any meeting of the
45 parties called for the resolution of such grievance.'

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SUMMARY

This amendment strikes the bill, which is a concept draft, and replaces it with an amendment to the labor relations laws governing municipal public employees. When employees in a collective bargaining unit file a request with their public employer to be represented by a certain organization as their collective bargaining agent, current law allows the public employer to request an election from the Maine Labor Relations Board in order to determine whether the organization indeed represents a majority of the members in the collective bargaining unit. Instead, this amendment would require an election only in such cases if, after examining the demonstration of majority support, the Maine Labor Relations Board finds majority support for the organization to be in question.