1	L.D. 864
2	Date: (Filing No. H-)
3	EDUCATION AND CULTURAL AFFAIRS
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	128TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 613, L.D. 864, Bill, "An Act To Provide for a Statewide Contract for School Teachers"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Allow the State To Act as the Representative in Contract Negotiations for School Administrative Units'
14 15	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
16	'Sec. 1. 20-A MRSA §1485, sub-§1-A is enacted to read:
17 18 19	<u>1-A.</u> Instructional expenditures transition; annual targets. Each regional school unit must meet the following annual targets for the percentage share of total expenditures for direct instruction expenditures:
20	A. For fiscal year 2019-20, the target is 61%;
21	B. For fiscal year 2020-21, the target is 63%;
22	C. For fiscal year 2021-22, the target is 65%;
23	D. For fiscal year 2022-23, the target is 67%; and
24	E. For fiscal year 2023-24 and succeeding years, the target is 70%.
25 26 27 28 29	For purposes of this subsection, "direct instruction expenditures," as defined in the State's accounting handbook for local school systems, means those expenditures in subsection 1, paragraph A for regular instruction, special education instruction, career and technical education instruction and other instruction, including summer school and extracurricular instructions.
30	Sec. 2. 26 MRSA §965-A is enacted to read:

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1	<u>§965-A. Public education employees</u>
2 3 4	This section provides for the negotiation of standard salary and standard benefits for affected public education employees. Disputes regarding the applicability of this section must be resolved by the Maine Labor Relations Board.
5 6	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
7 8 9 10 11 12 13	A. "Affected public education employee" means an employee of an approved public school who fills a position that is required to be filled by a person who holds a certification or authorization for that position issued by the Department of Education under Title 20-A, except an employee of an approved public school who fills a position that is required to be filled by a person holding a certificate pursuant to Title 20-A, section 13011, subsection 5 or an approval pursuant to Title 20-A, section 13024.
14 15	<u>B.</u> "Approved public school" means a school administrative unit that has been approved by the Department of Education in accordance with subsection 2.
16 17	C. "Collective bargaining" means the mutual obligation of the State and the bargaining agent representing affected public education employees to:
18	(1) Confer and negotiate in good faith with respect to salary and benefits;
19	(2) Meet at reasonable times;
20 21 22	(3) Meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract;
23 24 25	(4) Execute in writing any agreements arrived at. The term of any such agreement is subject to negotiation but may not exceed 2 years and may not extend beyond the date of the repeal of this section pursuant to subsection 4; and
26 27	(5) Participate in good faith in the mediation, fact-finding and arbitration procedures required by section 965.
28 29	D. "Cost item" means the agreed-upon salary and benefits resulting from collective bargaining conducted pursuant to this section.
30 31	E. "School administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.
32 33	<u>F.</u> "State" means the State of Maine represented by the Governor or the Governor's authorized representative.
34 35 36 37	2. Approved public schools. A school administrative unit may request, in accordance with this subsection, approval from the Commissioner of Education to have the State act as the public employer of its affected public education employees for purposes of collective bargaining in accordance with this section.
38 39 40	<u>A.</u> Upon the request of the school board of a school administrative unit, the Commissioner of Education shall approve that request if the school administrative unit meets the following criteria:

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1 2 3	(1) The school administrative unit's percentage of economically disadvantaged students, as determined pursuant to Title 20-A, section 15675, subsection 2, is greater than the state average percentage of economically disadvantaged students;
4 5	(2) The school administrative unit's regional adjustment, as determined pursuant to Title 20-A, section 15682, is less than 1.00;
6 7	(3) The school administrative unit's state share percentage, as determined in Title 20-A, section 15672, subsection 31, is greater than 60%; and
8	(4) The school administrative unit operates a school.
9 10 11 12 13 14	B. The Commissioner of Education may approve a school administrative unit that does not meet the criteria in paragraph A upon the request of the school board of the school administrative unit. The commissioner must respond to a request under this paragraph within 30 days of receiving the request and either approve the request, deny the request or request additional information from the school administrative unit in order to make a decision.
15 16	3. Negotiation. This subsection governs the negotiation of standard salary and standard benefits for affected public education employees.
17 18 19 20	A. Notwithstanding any other provision of this chapter, the State is deemed the public employer and subject to all limitations and responsibilities of public employers under this chapter solely with respect to the negotiation of standard salary and standard benefits for affected public education employees.
21 22 23	(1) The State and the bargaining agent representing all affected public education employees shall bargain collectively for standard salary and standard benefits for affected public education employees in accordance with this subsection.
24 25 26 27 28 29	(2) For all other purposes and in all other respects other than the negotiation of standard salary and standard benefits under this subsection, an affected public education employee remains the employee of the employee's school administrative unit. All other matters subject to collective bargaining must be negotiated pursuant to section 965 by that school administrative unit and the bargaining agent determined under section 966.
30 31 32 33 34 35 36 37 38 39	(3) An approved public school and the bargaining agent for the affected public education employees of that approved public school are not subject to the requirements of section 965, subsection 1 with regard to salary and benefits negotiated pursuant to this section, except an approved public school retains the duty to bargain until a contract that establishes standard salary and standard benefits for affected public education employees takes effect. This subsection does not prohibit negotiation between an approved public school and the bargaining agent for the affected public education employees of that approved public school and the bargaining agent for the affected public education employees of that approved public school with regard to salary and benefits in addition to what is negotiated between the State and the bargaining agent under this section.
40 41 42	(4) Any collective bargaining agreement between a bargaining agent and an approved public school that has been entered into prior to completion of a contract entered into pursuant to this section continues in effect and remains the

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1financial responsibility of the approved public school for the remainder of the2term of that contract unless the bargaining agent and participating school3administrative unit mutually agree otherwise.

B. The cost item is the financial responsibility of the State. The cost item must be
calculated based upon student-to-staff ratios as established under Title 20-A, chapter
6666-B. The cost item must be submitted by the Governor as part of an operating
budget submission to the Legislature within 10 days after the date on which the
agreement is ratified by the parties. If the Legislature rejects the cost item, the cost
9 item must be returned to the parties for further bargaining.

10C. The bargaining agent representing affected public education employees for the11purposes of collective bargaining under this section is the organization chosen by the12majority of affected public education employees and must provide to the State a13demonstration of majority support of affected public education employees.

4. Repeal. This section is repealed 90 days after the adjournment of the First
Regular Session of the 129th Legislature.

16 **Sec. 3. Funding plan.** The Commissioner of Education shall develop a plan for 17 funding the implementation of this Act, including how it will be incorporated in the 18 school funding formula for the 2019-2020 school year.'

SUMMARY

20 This amendment, which is the minority report of the committee, strikes and replaces 21 the bill and changes the title. The amendment authorizes the State, upon the request of a school administrative unit, to act as the employer of employees of that school 22 administrative unit, other than administrators, for the purpose of negotiating a contract for 23 standard salary and standard benefits for these employees. Costs resulting from such 24 bargaining agreements are the responsibility of the State and if funding is not approved, 25 those cost items must be renegotiated. The authority for such negotiations is repealed 90 26 27 days after the adjournment of the First Regular Session of the 129th Legislature.

28 This amendment also requires regional school units to meet certain annual targets for 29 the percentage share of total General Fund expenditures for direct instruction 30 expenditures.

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