

§1022. Definitions

As used in this chapter, the following terms shall, unless the context requires a different interpretation, have the following meanings. [PL 1975, c. 603, §1 (NEW).]

1. Bargaining agent.

[PL 1975, c. 671, §2 (RP).]

1-A. Academy. "Academy" means the Maine Maritime Academy and its activities and functions supervised by its board of trustees or their designee. In the furtherance of this chapter, the academy shall be considered as a single employer and employment relations, policies and practices throughout the academy shall be as consistent as practicable. It is the responsibility of the board of trustees of the academy or their designee to negotiate collective bargaining agreements and to administer such agreements. The board of trustees of the academy or their designee is responsible for the employer functions of the academy under this chapter and shall coordinate its collective bargaining activities. For purposes of consistency elsewhere in this chapter, references to the university shall be construed to include and to apply to the Maine Maritime Academy, its board of trustees, and its employees.

[PL 1975, c. 671, §3 (NEW).]

1-B. Bargaining agent. "Bargaining agent" means any lawful organization, association or individual representative of such organization or association, which has as one of its primary purposes the representation of employees in their employment relations with employers and which has been certified by the Executive Director of the Maine Labor Relations Board.

[PL 1975, c. 671, §3 (NEW).]

1-C. Community college. "Community college" means the Maine state community colleges and their activities and functions supervised by the Board of Trustees of the Maine Community College System or its designee. The employment relations, policies and practices throughout the community colleges shall be as consistent as possible. It is the responsibility of the board of trustees or its designee to negotiate collective bargaining agreements and administer these agreements. The board of trustees or its designee is responsible for employer functions of the community colleges under this chapter and shall coordinate its collective bargaining activities with campuses or units on matters of community college concern. In addition to its responsibilities to the public generally, the board of trustees shall have the specific responsibility of considering and representing the interests and welfare of the students in any negotiations under this chapter.

A. [PL 1987, c. 816, Pt. R (RP).]

[PL 1989, c. 443, §61 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

2. Board. "Board" means the Maine Labor Relations Board as defined in section 968, subsection 1.

[PL 1975, c. 671, §4 (AMD).]

3. Board of Trustees. "Board of Trustees" means the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Maritime Academy or the Board of Trustees of the Maine Community College System.

[PL 1989, c. 443, §62 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

4. Classified employee. "Classified employee" means any employee not engaged in professional work as defined in subsection 7.

[PL 1975, c. 603, §1 (NEW).]

5. Cost items. "Cost items" means the provisions of a collective bargaining agreement which require specific funding.

[PL 1975, c. 603, §1 (NEW).]

6. Executive Director. "Executive Director" means the Executive Director of the Maine Labor Relations Board as defined in section 968, subsection 2.

[PL 1975, c. 671, §5 (AMD).]

7. Professional employee. "Professional employee" means any employee engaged in work:

A. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; [PL 1975, c. 603, §1 (NEW).]

B. Involving the consistent exercise of discretion and judgment in its performance; [PL 1975, c. 603, §1 (NEW).]

C. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; and [PL 1975, c. 603, §1 (NEW).]

D. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes. [PL 1975, c. 603, §1 (NEW).]

[PL 1975, c. 603, §1 (NEW).]

8. Regular employee. "Regular employee" means any professional or classified employee who occupies a position that exists on a continual basis.

[PL 1975, c. 603, §1 (NEW).]

9. Supervisory employee. "Supervisory employee" means any employee whose principal work tasks are characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, in applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards.

[RR 2009, c. 2, §75 (COR).]

10. University. "University" means all campuses or units of the university, represented by the board of trustees or its designee. In the furtherance of this chapter, the university shall be considered as a single employer and employment relations, policies and practices throughout the university shall be as consistent as practicable. It is the responsibility of the board of trustees or its designee to negotiate collective bargaining agreements and to administer such agreements. The board of trustees or its designee is responsible for the employer functions of the university under this chapter and shall coordinate its collective bargaining activities with campuses or units on matters of university concern. In addition to its responsibilities to the public generally, the university shall have the specific responsibility of considering and representing the interests and welfare of the students in any negotiations under this chapter.

[PL 1975, c. 721, §1 (AMD).]

11. University, academy or community college employee. "University, academy or community college employee" means any regular employee of the University of Maine System, the Maine Maritime Academy or the Maine Community College System performing services within a campus or unit, except any person:

A. Appointed to office pursuant to law; [PL 1987, c. 402, Pt. A, §156 (RPR).]

B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's, superintendent's or Maine Community College System executive director's immediate

staff; or [PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF); PL 2003, c. 76, §1 (AMD); PL 2003, c. 76, §4 (AFF).]

C. Whose duties necessarily imply a confidential relationship with respect to matters subject to collective bargaining as between such person and the university, the academy or the Maine Community College System. [PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF); PL 2003, c. 76, §1 (AMD); PL 2003, c. 76, §4 (AFF).]

D. [PL 2003, c. 76, §1 (RP); PL 2003, c. 76, §4 (AFF).]
[PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF); PL 2003, c. 76, §1 (AMD); PL 2003, c. 76, §4 (AFF).]

SECTION HISTORY

PL 1975, c. 564, §38 (AMD). PL 1975, c. 603, §1 (NEW). PL 1975, c. 671, §§2-6 (AMD). PL 1975, c. 721, §1 (AMD). PL 1977, c. 581, §§2,3 (AMD). PL 1979, c. 602, §5 (AMD). PL 1985, c. 497, §7 (AMD). PL 1985, c. 506, §§B21,22 (AMD). PL 1985, c. 695, §§13-15 (AMD). PL 1985, c. 779, §§72,73 (AMD). PL 1987, c. 402, §§A155,A156 (AMD). PL 1987, c. 532, §6 (AMD). PL 1987, c. 816, §R (AMD). PL 1989, c. 443, §§61-63 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 76, §1 (AMD). PL 2003, c. 76, §4 (AFF). RR 2009, c. 2, §75 (COR).

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