

§1024-A. Bargaining units

1. Legislative intent. It is the express legislative intent that, in order to foster meaningful collective bargaining, units shall be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, bargaining units shall be structured on a university system-wide basis with one unit for each of the following occupational groups:

- A. Faculty; [PL 1979, c. 541, Pt. B, §31 (NEW).]
- B. Professional and administrative staff; [PL 1979, c. 541, Pt. B, §31 (NEW).]
- C. Clerical, office, laboratory and technical; [PL 1979, c. 541, Pt. B, §31 (NEW).]
- D. Service and maintenance; [PL 1979, c. 541, Pt. B, §31 (NEW).]
- E. Supervisory classified; and [PL 1979, c. 541, Pt. B, §31 (NEW).]
- F. Police. [PL 1979, c. 541, Pt. B, §31 (NEW).]

It is intended that Cooperative Extension Service employees be included in appropriate units. [PL 1985, c. 506, Pt. B, §24 (AMD).]

2. Academy units. It is the express legislative intent to foster meaningful collective bargaining for employees of the Maine Maritime Academy. Therefore, in accordance with this policy, bargaining units shall be structured with one unit for each of the following occupational groups:

- A. Faculty; [PL 1979, c. 541, Pt. B, §31 (NEW).]
 - B. Administrative staff; and [PL 1979, c. 541, Pt. B, §31 (NEW).]
 - C. Classified employees. [PL 1979, c. 541, Pt. B, §31 (NEW).]
- [PL 1979, c. 541, Pt. B, §31 (NEW).]

3. Community colleges. It is the express legislative intent to foster meaningful collective bargaining for employees of the community colleges. Therefore, in accordance with this policy, the bargaining units shall be structured with one unit in each of the following occupational groups:

- A. Faculty and instructors; [PL 1985, c. 695, §16 (RPR).]
 - B. Administrative staff; [PL 1985, c. 695, §16 (RPR).]
 - C. Supervisory; [PL 1985, c. 695, §16 (NEW).]
 - D. Support services; [PL 1985, c. 695, §16 (NEW).]
 - E. Institutional services; and [PL 1985, c. 695, §16 (NEW).]
 - F. Police. [PL 1985, c. 695, §16 (NEW).]
- [PL 1989, c. 443, §65 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

4. Assignment to bargaining units. In the event of a dispute over the assignment of jobs or positions to a unit, the executive director shall examine the community of interest, including work tasks among other factors, and make an assignment to the appropriate statutory bargaining unit set forth in subsection 1, 2 or 3.

[PL 1979, c. 541, Pt. B, §31 (NEW).]

5. Additional bargaining units. Notwithstanding subsection 1, 2 or 3, the Legislature recognizes that additional or modified university system-wide units, academy units or community college units may be appropriate in the future. The employer or employee organizations may petition the executive director for the establishment of additional or modified university system-wide units, academy units or community college units. The executive director or a designee shall determine the appropriateness of those petitions, taking into consideration the community of interest and the declared legislative intent

to avoid fragmentation whenever possible and to insure employees the fullest freedom in exercising the rights guaranteed by this chapter. The executive director or a designee conducting unit determination proceedings may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them.

[PL 1989, c. 443, §66 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

6. Students.

A. When collective bargaining is to take place between the university and the faculty or professional and administrative staff, the board of trustees shall appoint 3 currently enrolled students who are broadly representative of the various campuses to meet and confer with the university and who may meet and confer with the bargaining agent prior to collective bargaining. [PL 1979, c. 541, Pt. B, §31 (NEW).]

B. During the course of collective bargaining, the student representatives designated under paragraph A shall be allowed to meet and confer with the university bargaining team at reasonable intervals during the course of negotiations, these meetings to occur at least upon receipt by the university of the initial bargaining proposal of the bargaining agent and before final agreement on a contract or any major provisions thereof. The students shall be bound by the same rules of negotiation, including, but not limited to, those regarding confidentiality, as the participants in the negotiations. [PL 1979, c. 541, Pt. B, §31 (NEW).]

[PL 1979, c. 541, Pt. B, §31 (NEW).]

7. Unit clarification. Where there is a certified or currently recognized bargaining representative and where the circumstances surrounding the formation of an existing bargaining unit are alleged to have changed sufficiently to warrant modification in the composition of that bargaining unit, any public employer or any recognized or certified bargaining agent may file a petition for a unit clarification, provided that the parties are unable to agree on appropriate modifications and there is no question concerning representation.

[PL 1979, c. 541, Pt. B, §31 (NEW).]

SECTION HISTORY

PL 1979, c. 541, §B31 (NEW). PL 1985, c. 497, §9 (AMD). PL 1985, c. 506, §B24 (AMD). PL 1985, c. 695, §16 (AMD). PL 1985, c. 737, §A64 (AMD). PL 1989, c. 443, §§65,66 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

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