



HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Michael Sylvester introducing
LD 757, An Act To Improve Labor Laws for Maine Workers
Before the Joint Standing Committee on Labor and Housing*

Senator Bellows and good colleagues of the Labor and Housing Committee, I am Representative Mike Sylvester from House District 39, part of Portland. I am here to present **LD 757, An Act to Improve Labor Laws for Maine Workers**.

This bill simplifies the process of organizing a union from one that can be convoluted and exists to do nothing but take money out of the public coffers and put it into the hands of lawyers into a simple, administrative process. Yet before we can talk or vote about simplifying a process, we need to understand the process.

When workers think that they might want to organize a union, the Maine Labor Relations Act requires workers to provide what is called a “showing of interest”. While it technically can be a petition, it is usually a card that has the employee’s name, signature, the date, employer and some language similar to: *I, [worker’s name], hereby authorize [name of union] to represent me for the purpose of negotiating for wages, benefits and working conditions*. It is a simple card and, if you sign it, it is clear that you want the union to represent you.

After the majority of workers have signed these cards, they bring them to their employer, ask the employer to examine the cards and “recognize” the union. The employer can decline and ask that a neutral third party examine the signatures with a list of employees and signatures. Current law also gives the employer the ability to ignore the fact that employees have signed the showing of interest and demand that the Maine Labor Relations Board (MLRB) hold a secret ballot election. To hold the secret ballot election, the MLRB must examine the list and all the cards anyway to determine that at least a third of the cards have authentic signatures. This bill would give them the ability to simply look at all of the cards and determine if the majority of the employees have legally signed with the intent of organizing a union.

You might ask, what is the big difference between a card with a valid signature and a vote? The difference is the cost, the time and the animosity. It costs a lot of money for the MLRB to double check lists, mail ballots and hold the official authorization when ballots are opened. It also costs the state, town or county because they all hire attorneys to advise them in the election as well as what is called "union avoidance". During the two months that it can sometimes take to hold the election, the lawyers get to advise how to hold meetings and write letters to convince workers not to vote for the union. Usually, the lawyers will contest the group of workers and demand a hearing on various technicalities. All the time, taxpayer dollars are filling the till. Lastly, the process of the group and one-on-one meetings and letters causes animosity which does not need to exist but which suits the lawyers when the process moves from certification to negotiation.

The language that I have written trusts the workers. They decide that they want a union and sign the card. If the employer believes that there are some irregularities then they can ask the MLRB to authenticate the cards, a task they would have to do anyway. If the MLRB doubts that there is a majority, then they can call for an election. Otherwise, the Board certifies the union and negotiations begin without the animosity or cost. The workers do better. The employer does better. The only one who does not do better is the union avoidance lawyers. That I am willing to live with.

With that, I ask you to unanimously support LD 757 and simplify a bureaucratic process that is currently unwieldy, costly and overly complicated. With that, I am happy to answer your questions.

LD 757
PROPOSED COMMITTEE AMENDMENT
Offered by
Rep. Sylvester

**COMMITTEE AMENDMENT “ ” to LD 757, An Act To Improve Labor Laws for
Maine Workers**

Amend the bill by striking everything after the title and replacing it with the following:

Be it enacted by the People of Maine as follows:

Sec. 1. 26 MRSA §967, sub-§1, is amended to read:

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 describe the grouping of jobs or positions which constitute the unit claimed to be appropriate and shall include a demonstration of majority support. Such request for recognition shall be granted by the public employer, ~~unless the public employer desires that~~ the description of the grouping of jobs or positions which constitute the unit claimed to be appropriate and which includes a demonstration of majority support is declared by the employer to be in question. In such case, the executive director of the board shall examine such demonstration of majority support and, if finding the question of majority support to be in question, shall call an election determine whether the organization represents a majority of the members in the bargaining unit.

SUMMARY

This amendment replaces the bill with an amendment to the labor relations laws governing municipal public employees. Current law allows a public employer covered by these laws to request an election in order to determine whether a union represents a majority of the members in a collective bargaining unit. This amendment would require the public employer to first declare that the composition of the collective bargaining unit is in question, and would require an election only if the Executive Director of the Maine Labor Relations Board finds majority support for the union to be in question.