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An Act Regarding Collective Bargaining for Public Employees under the Municipal Public Employees Labor Relations Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §964, sub-§2, ¶¶A and B, as enacted by PL 1969, c. 424, §1, are amended to read:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 963 or a public employer in the selection of ~~his~~the public employer's representative for purposes of collective bargaining or the adjustment of grievances; and

B. Refusing to bargain collectively with a public employer as required by section 965;

Sec. 2. 26 MRSA §964, sub-§2, ¶C, as enacted by PL 1969, c. 424, §1, is repealed.

Sec. 3. 26 MRSA §965, sub-§1, ¶A, as enacted by PL 1969, c. 424, §1, is amended to read:

A. To meet at reasonable times and to have present at each meeting at least one individual with authority to reach a tentative agreement subject only to ratification by members of the bargaining unit and approval of salaries, pensions and insurance bargaining subjects by the appropriating body;

Sec. 4. 26 MRSA §965, sub-§4, as amended by PL 1975, c. 564, §18, is further amended to read:

4. Arbitration. In addition to the 30-day period referred to in subsection 3, the parties ~~shall~~ have 15 more days, making a total period of 45 days from the submission of findings and recommendations, in which to make a good faith effort to resolve their controversy.

If the parties have not resolved ~~their~~ controversy by the end of said 45-day period, they may jointly agree to an arbitration procedure ~~which~~that will result in a binding determination of their controversy. Such determinations ~~will be~~are subject to review by the Superior Court in the manner specified by section 972.

If they do not jointly agree to such an arbitration procedure within 10 days after the end of said 45-day period, then either party may, by written notice to the other, request that their differences be submitted to a board of 3 arbitrators. The bargaining agent and the public employer shall within 5 days of such request each select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The 2 arbitrators so selected and named shall, within 10 days from such request, agree upon and select and name a neutral arbitrator. If either party ~~shall~~does not select its arbitrator or if the 2 arbitrators ~~shall~~ fail to agree upon, select and name a neutral arbitrator within said 10 days, either party may request the American Arbitration Association to utilize its procedures for the selection of the neutral arbitrator. As soon as possible after receipt of such request, the neutral arbitrator ~~will~~must be selected in accordance with rules and procedures prescribed by the American

Arbitration Association for making such selection. The neutral arbitrator so selected ~~will~~may not, without the consent of both parties, be the same person who was selected as mediator pursuant to subsection 2 nor any member of the fact-finding board selected pursuant to subsection 3. As soon as possible after the selection of the neutral arbitrator, the 3 arbitrators or, if either party ~~shall~~has not have selected its arbitrator, the 2 arbitrators, as the case may be, shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and make inquiries and investigations, hold hearings; or take such other steps as they ~~deem~~consider appropriate. If the neutral arbitrator is selected by utilizing the procedures of the American Arbitration Association, the arbitration proceedings ~~will~~must be conducted in accordance with the rules and procedures of the American Arbitration Association. The hearing ~~shall~~must be informal, and the rules of evidence prevailing in judicial proceedings ~~shall~~are not be binding. ~~Any and all~~All documentary evidence and other data ~~deemed~~considered relevant by the arbitrators may be received in evidence. The arbitrators ~~shall~~ have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses;and the production of books, records and other evidence relative or pertinent to the issues represented to them for determination.

If the controversy is not resolved by the parties themselves, the arbitrators shall proceed as follows: With respect to a controversy over any subjects of bargaining, including a controversy over salaries, pensions and insurance, the arbitrators ~~will recommend terms of settlement and may make findings of fact; such recommendations and findings will be advisory only and will be made~~shall make a determination with respect to the subject of bargaining, if reasonably possible, within 30 days after the selection of the neutral arbitrator; the arbitrators ~~may in their discretion, make such recommendations and findings public, and~~ either party may make such recommendations and findings the determination public if agreement is not reached with respect to such findings and recommendations within 10 days after their receipt from the arbitrators; with respect to a controversy over subjects other than salaries, pensions and insurance, the arbitrators ~~shall make determinations with respect thereto if reasonably possible within 30 days after the selection of the neutral arbitrator; such determinations may be made public by the arbitrators or either party; and if the determination is made by a majority of the arbitrators, such determinations will be~~ the determination is binding on both parties and the parties ~~will~~shall enter an agreement or take whatever other action that may be appropriate to carry out and effectuate such ~~binding determination~~the determination; and such ~~determinations will be~~ the determination is subject to review by the Superior Court ~~in the manner specified by~~pursuant to section 972. The results of all arbitration proceedings, ~~recommendations and awards conducted under this section shall~~must be filed with the Maine Labor Relations Board at the offices of its executive director simultaneously with the submission of the ~~recommendations~~determination and award to the parties. ~~In the event~~If the parties settle their dispute during the arbitration proceeding, the arbitrator or the ~~chairman~~chair of the arbitration panel ~~will~~shall submit a report of ~~his~~the arbitrator's or the chair's activities to the Executive Director of the Maine Labor Relations Board not more than 5 days after the arbitration proceeding has terminated.

Sec. 5. 26 MRSA §968, sub-§5, ¶E, as enacted by PL 1971, c. 609, §9, is amended to read:

E. Whenever a complaint is filed with the executive director of the board; alleging that a public employer has violated section 964, subsection 1, paragraph F ~~or alleging that a public employee or public employee organization or bargaining agent has violated section 964, subsection 2, paragraph~~

€₁ the party making the complaint may simultaneously seek injunctive relief from the Superior Court in the county in which the prohibited practice is alleged to have occurred pending the final adjudication of the board with respect to such matter.

SUMMARY

This bill amends provisions relating to collective bargaining by public employees covered by municipal public employees labor relations laws, including:

1. Repealing the provision that prohibits public employees from stopping or slowing work, striking or blacklisting public employers to prevent the employers from filling vacancies; and
2. Requiring both parties to collective bargaining to have an individual present who is authorized to reach a tentative agreement.