

TESTIMONY OF JEFFREY NEIL YOUNG IN SUPPORT OF LD 2032, AN ACT TO IMPROVE MAINE'S LABOR LAWS BY CHANGING THE LAWS GOVERNING COLLECTIVE BARGAINING AGENTS FOR CERTAIN PUBLIC EMPLOYEES

My name is Jeffrey Neil Young. I am an attorney with Solidarity Law here in Maine. I have been practicing labor law for over 40 years, representing unions here in Maine for the last 35 years, including several unions who have organized and represent public employees. Before going to law school, I worked as a labor organizer in Rhode Island where my job also entailed, among other groups, organizing public employees.

Current law in Maine provides that if a majority of municipal employees in an appropriate bargaining unit indicate their desire for union representation as verified by the Maine Labor Relations Board, then the municipal employer is obligated to recognize and bargain with the union as the collective bargaining representative of those employees. In the vernacular, this is often referred to as a “card check” election. Basically, after resolving any disputes over the bargaining unit, the municipality supplies the MLRB with a list of employees in the unit and their W-4 forms. The MLRB then verifies the veracity of the employee signatures against the W-4 forms and if a majority of the eligible voters have signed valid authorization cards, the MLRB then certifies the union as the collective bargaining representative.

This process has worked well in Maine for a number of years now. Some 14 other states, including our New England neighbors in Massachusetts and Connecticut, as well as mid-Atlantic neighbors in New York, New Jersey, and Maryland, have similar laws on the books. Just last year, Minnesota joined these ranks.

For reasons which are unclear to me, the current law is limited to municipal employees and does not include university, academic, community college, and judicial employees. I am unaware of any principled reason why card check legislation should not extend to these employees.

This past year, I represented graduate students at the University of Maine System who desired representation with the United Auto Workers. UMS ultimately agreed to a card check, but it could have expended taxpayer dollars fighting the effort and required an election. Even with the voluntary card check recognition, it probably took upwards of an additional half year to obtain recognition of the union as well as unnecessary expense. Because the MLRB could not conduct the card check, the parties spent several months attempting to identify and agree upon an individual to do so. They also had to agree upon procedures for the card check since they were not covered by the existing card check procedures. And finally, when they did agree on the card check procedures and an individual to conduct the card check, they had to pay the individual to do so, who incidentally while experienced in labor relations had never conducted a card check before. While this expense was not overwhelming, it would have been unnecessary had the UMS workers been able to do so through the auspices of the MLRB, which unlike the individual the parties agreed to has significant experience conducting card checks and does so for free.

For all of these reasons, I respectfully request that the Committee pass LD 2032.