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No. 1348

H.P. 938

House of Representatives, April 6, 2017

An Act To Expand the Rights of Public Employees under the Maine Labor Laws

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.
Cosponsored by Representatives: BATES of Westbrook, BLUME of York, COLLINGS of Portland, FECTEAU of Biddeford, GOLDEN of Lewiston, HAMANN of South Portland, HANDY of Lewiston, RYKERSON of Kittery.

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

2 **Sec. 1. 26 MRSA §964, sub-§2**, as enacted by PL 1969, c. 424, §1, is amended to
3 read:

4 **2. Public employee prohibitions.** ~~Public~~ Except as provided under section 964-B,
5 public employees, public employee organizations, their agents, members and bargaining
6 agents are prohibited from:

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

11 B. Refusing to bargain collectively with a public employer as required by section
12 965; or

13 C. Engaging in:

14 (1) A work stoppage;

15 (2) A slowdown;

16 (3) A strike; or

17 (4) The blacklisting of any public employer for the purpose of preventing ~~it~~ the
18 public employer from filling employee vacancies.

19 **Sec. 2. 26 MRSA §964-B** is enacted to read:

20 **§964-B. Authorized strikes**

21 **1. Authorization to engage in a strike.** A public employee, public employee
22 organization or agent or member or a bargaining agent of a public employee or public
23 employee organization may engage in a strike or a public employee organization may
24 authorize a strike of the members of the organization pursuant to the following
25 procedures:

26 A. The membership of a public employee organization or unit of a public employee
27 organization that is affected by the issue for which the strike is called must conduct a
28 vote of a majority of members;

29 B. Upon an affirmative vote in paragraph A, the public employee organization or
30 unit of the public employee organization shall deliver to the public employer of the
31 employees voting to strike or the employer's agent a notice of the intent to strike,
32 which must begin on or after 10 days from the date of the notice, and state the date
33 upon which the strike will begin and the date upon which the strike will end; and

34 C. The public employee organization or unit of the public employee organization
35 sending notice of a strike or public employer receiving notice of a strike under
36 paragraph B may call for emergency bargaining within 3 days of the date upon which
37 the strike is intended to start.

1 **Sec. 3. 26 MRSA §979-C, sub-§2**, as amended by PL 1997, c. 741, §5 and
2 affected by §12, is further amended to read:

3 **2. State and legislative employee prohibitions.** State Except as provided under
4 section 979-T, state and legislative employees, employee organizations, their agents,
5 members and bargaining agents are prohibited from:

6 A. Interfering with, restraining or coercing employees in the exercise of the rights
7 guaranteed in section 979-B or the public employer in the selection of ~~its~~ the public
8 employer's representative for purposes of collective bargaining or the adjustment of
9 grievances;

10 B. Refusing to bargain collectively with the public employer as required by section
11 979-D; or

12 C. Engaging in:

13 (1) A work stoppage;

14 (2) A slowdown;

15 (3) A strike; or

16 (4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the
17 public employer from filling employee vacancies.

18 **Sec. 4. 26 MRSA §979-T** is enacted to read:

19 **§979-T. Authorized strikes**

20 **1. Authorization to engage in a strike.** A state or legislative employee, state or
21 legislative employee organization or agent or member or a bargaining agent of a state or
22 legislative employee or state or legislative employee organization may engage in a strike
23 or a state or legislative employee organization may authorize a strike of the members of
24 the organization pursuant to the following procedures:

25 A. The membership of a state or legislative employee organization or unit of a state
26 or legislative employee organization that is affected by the issue for which the strike
27 is called must conduct a vote of a majority of members;

28 B. Upon an affirmative vote in paragraph A, the state or legislative employee
29 organization or unit of the state or legislative employee organization shall deliver to
30 the state or legislative employer of the employees voting to strike in paragraph A or
31 the employer's agent a notice of the intent to strike, which must begin on or after 10
32 days from the date of the notice, and state the date upon which the strike will begin
33 and the date upon which the strike will end; and

34 C. The state or legislative employee organization or unit of the state or legislative
35 employee organization sending notice of a strike or state or legislative employer
36 receiving notice of a strike under paragraph B may call for emergency bargaining
37 within 3 days of the date upon which the strike is intended to start.

38 **Sec. 5. 26 MRSA §1027, sub-§2**, as amended by PL 1989, c. 443, §72 and PL
39 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

1 **2. University, academy, community colleges; prohibitions.** ~~University~~ Except as
2 provided under section 1027-A, university employees, university employee organizations,
3 their agents, members and bargaining agents; academy employees, academy employee
4 organizations, their agents, members and bargaining agents; and community college
5 employees, community college employee organizations, their agents, members and
6 bargaining agents are prohibited from:

7 A. Interfering with, restraining or coercing employees in the exercise of the rights
8 guaranteed in section 1023 or the university, academy and community colleges in the
9 selection of their representatives for the purposes of collective bargaining or the
10 adjustment of grievances;

11 B. Refusing to bargain collectively with the university, academy and community
12 colleges as required by section 1026; ~~and or~~

13 C. Engaging in:

14 (1) A work stoppage, slowdown or strike; and

15 (2) The blacklisting of the university, academy or community colleges for the
16 purpose of preventing them from filling employee vacancies.

17 **Sec. 6. 26 MRSA §1027-A** is enacted to read:

18 **§1027-A. Authorized strikes**

19 **1. Authorization to engage in a strike.** A university, academy or community
20 college employee; university, academy or community college employee organization or
21 agent or member; or a bargaining agent of a university, academy or community college
22 employee or of a university, academy or community college employee organization may
23 engage in a strike or a university, academy or community college employee organization
24 may authorize a strike of the members of the organization pursuant to the following
25 procedures:

26 A. The membership of a university, academy or community college employee
27 organization or unit of a university, academy or community college employee
28 organization that is affected by the issue for which the strike is called must conduct a
29 vote of a majority of members;

30 B. Upon an affirmative vote in paragraph A, the university, academy or community
31 college employee organization or unit of the university, academy or community
32 college employee organization shall deliver to the university, academy or community
33 college employer of the employees voting to strike in paragraph A or the employer's
34 agent a notice of the intent to strike, which must begin on or after 10 days from the
35 date of the notice, and state the date upon which the strike will begin and the date
36 upon which the strike will end; and

37 C. The university, academy or community college employee organization or unit of
38 the university, academy or community college employee organization sending notice
39 of a strike or university, academy or community college employer receiving notice of
40 a strike under paragraph B may call for emergency bargaining within 3 days of the
41 date upon which the strike is intended to start.

Sec. 7. 26 MRSA §1284, sub-§2, as enacted by PL 1983, c. 702, is amended to read:

2. Judicial employee prohibitions. ~~Judicial~~ Except as provided under section 1284-B, judicial employees, judicial employee organizations, their agents, members and bargaining agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1283 or the public employer in the selection of its representative for purposes of collective bargaining or the adjustment of grievances;

B. Refusing to bargain collectively with the public employer, as required by section 1285; or

C. Engaging in:

(1) A work stoppage;

(2) A slowdown;

(3) A strike; or

(4) The blacklisting of the public employer for the purpose of preventing ~~it~~ the public employer from filling employee vacancies.

Sec. 8. 26 MRSA §1284-B is enacted to read:

§1284-B. Authorized strikes

1. Authorization to engage in a strike. A judicial employee, judicial employee organization or agent or member or a bargaining agent of a judicial employee or judicial employee organization may engage in a strike pursuant to the following procedures:

A. The membership of a judicial employee organization or unit of a judicial employee organization that is affected by the issue for which the strike is called must conduct a vote of a majority of members:

B. Upon an affirmative vote in paragraph A, the judicial employee organization or unit of the judicial employee organization shall deliver to the judicial employer of the employees voting to strike in paragraph A or the employer's agent a notice of the intent to strike, which must begin on or after 10 days from the date of the notice, and state the date upon which the strike will begin and the date upon which the strike will end; and

C. The judicial employee organization or unit of the judicial employee organization sending notice of a strike or judicial employer receiving notice of a strike under paragraph B may call for emergency bargaining within 3 days of the date upon which the strike is intended to start.

SUMMARY

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and

1 judicial employees, to strike pursuant to the official procedures of the employees'
2 employee organization or under a process in which an affirmative vote to strike is held.
3 The bill requires that notice be given to the public employer stating the dates upon which
4 the strike will begin and end. The bill also provides that the employee organization or
5 public employer may call for emergency bargaining within 3 days of the start of the
6 strike.