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Legislative Document

No. 52

H.P. 18

House of Representatives, January 13, 2021

An Act Regarding Collective Bargaining Negotiations by Public Employers of Teachers

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

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

2 **Sec. 1. 26 MRSA §965, sub-§1, ¶C**, as amended by PL 2009, c. 107, §5, is further
3 amended to read:

4 C. To confer and negotiate in good faith with respect to wages, hours, working
5 conditions and contract grievance arbitration, except that by such obligation neither
6 party may be compelled to agree to a proposal or be required to make a concession and
7 except that public employers of teachers shall in accordance with subsection 1-A meet
8 and consult but not negotiate with respect to educational policies, except that
9 educational policies related to preparation and planning time and transfer of teachers
10 are permissive subjects of negotiation; for the purpose of this paragraph, educational
11 policies may not include wages, hours, working conditions or contract grievance
12 arbitration;

13 **Sec. 2. 26 MRSA §965, sub-§1-A** is enacted to read:

14 **1-A. Meet and consult.** The obligation of public employers of teachers and the
15 bargaining agent to meet and consult under subsection 1, paragraph C is governed by this
16 subsection.

17 A. A public employer of teachers shall give written notice to the bargaining agent
18 when a change in educational policy is planned by the public employer of teachers.
19 Upon receipt of the written notice, the bargaining agent may initiate the meet and
20 consult process by notifying the public employer of teachers, including the
21 superintendent. The public employer of teachers may also initiate the meet and consult
22 process by notifying the bargaining agent.

23 B. The public employer of teachers shall, upon receipt of a request from the bargaining
24 agent, provide to the bargaining agent information necessary for the bargaining agent
25 and the employees to understand the planned change and make suggestions or express
26 concerns about the planned change.

27 C. When notice to initiate the meet and consult process is given under paragraph A,
28 authorized representatives of the public employer of teachers and the bargaining agent
29 shall meet and consult at reasonable times and places about the planned change. The
30 parties shall meet and consult openly, honestly and in good faith, and the public
31 employer of teachers shall consider the employees' suggestions and concerns.

32 D. The authorized representatives of the public employer of teachers shall give full
33 and fair consideration to the employees' suggestions and concerns before the change in
34 educational policy is implemented, and the public employer of teachers shall decide in
35 good faith whether employees' suggestions or concerns can be accommodated.

36 E. The bargaining agent may initiate the meet and consult process by notifying the
37 public employer of teachers when an existing educational policy of the public employer
38 is changed by practice or if the written notice required under paragraph A is
39 inadvertently omitted.

40 **SUMMARY**

41 Current law provides that public employers of teachers must meet and consult but not
42 negotiate with respect to educational policies. This bill provides that educational policies

1 related to preparation and planning time and transfer of teachers are permissive subjects of
2 negotiation if both parties agree.

3 This bill also specifies the obligation of public employers of teachers regarding the
4 meet and consult process. It is the intent of the amendment to put in statute the meet and
5 consult process as outlined in *Southern Aroostook Teachers Association v. Southern*
6 *Aroostook Community School Committee*, MLRB No. 80-35, 80-40 (April 14, 1982). In
7 addition, the bill provides that the bargaining agent may initiate the meet and consult
8 process by notifying the public employer of teachers when an existing educational policy
9 of the public employer of teachers is changed by practice or if the written notice required
10 from the public employer of teachers is inadvertently omitted.