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Maine State Board of Arbitration and Conciliation Annual Report, Fiscal Year 2000

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STATE BOARD OF ARBITRATION AND CONCILIATION
ANNUAL REPORT
FISCAL YEAR 2000

This report is made pursuant to 26 M.R.S.A. § 931 (1988 and Supp. 1999).

Administrative Developments. There were only two changes in the complement of the Board this year. In late June, 1999, after last year's annual report had been drafted, Shari Broder, an attorney from Freeport whose practice is concentrated in the area of alternative dispute resolution, was appointed by Governor King to replace Alternate Chair Marilyn C. Ashcroft, who resigned last year. On September 15, Governor King nominated Primary Chair Andrew M. Horton to serve as a Judge of the District Court. Upon his confirmation by the Senate, Mr. Horton resigned from the Board. Mark had served as a member of the Board since 1985, first as Alternate Chair, and as Primary Chair since October, 1992. While all of the members miss the wisdom and leadership that he brought to the Board, they wish Mark all the best in his continued public service to the people of Maine. As of the date this report was prepared, no replacement had been appointed to fill the chair vacancy.

Primary Employee Representative Robert F. Bourgault, a Labor Consultant from Biddeford, and Primary Employer Representative H. Eugene Moyers of Sedgwick, who serves as the Director of Human Resources at Maine Maritime Academy, continued in their respective capacities, as did Alternate Chair Barbara L. Raimondi, an attorney with the firm of Trafton and Matzen in Auburn, Alternate Employer Representatives Virgil E. Beane of Cumberland Center, Senior Vice President (retired) of Hannaford Brothers Company, and Kate S. Debevoise, an attorney with the firm of Bernstein, Shur, Sawyer & Nelson in Portland, and Alternate Employee Representatives Shawn C. Keenan, General Counsel of the Maine Education Association, and Timothy J. Wooten, a Field Representative with the Maine State Employees Association. The competence of the Board's membership remains high, consisting of able neutrals and partisan members known throughout the Maine labor relations community. While the members miss their former colleagues, the appointment of new members brings fresh perspective to their deliberations.

Roger A. Putnam of the Maine Labor Relations Board (MLRB) staff coordinated the Board's activities and served as the primary liaison with the client community.

MLRB Executive Director Marc P. Ayotte continued to serve as the Board's general administrator and legal advisor. As a result of procedural issues that developed during this year, the Board is considering whether to engage in formal rule-making next year and has instructed the executive director to seek funding for Board meetings on such administrative matters.

Activities of the Board. The 30 total cases filed this year compares with 24 total filings in the previous fiscal year. During the last twenty years, the year with the greatest number of filings (75) was FY 1987 and the fewest cases (23) were filed in FY 98. During that period, an average of 41.2 cases were filed each year.

As in past years, the bulk of the Board's case load involved hearing and resolving grievance disputes, requiring interpretation of collective bargaining agreements. Grievances are disputes that arise due to differing interpretations by the parties of the provisions of their collective bargaining agreement. Of the 30 requests for services received this year, the 27 filings involving grievance arbitration matters were as follows:

<u>Bargaining Agent</u>	<u>Employer</u>	<u>Issue</u>
AFSCME, Council 93	Cumberland County	Suspension
AFSCME, Council 93	Cumberland County	Demotion
AFSCME, Council 93	Cumberland County	Reprimand
AFSCME, Council 93	Cumberland County	Reprimand
AFSCME, Council 93	Cumberland County	Reprimand
AFSCME, Council 93	Penobscot County	Investigation & Documentation
AFSCME, Council 93	Penobscot County	Transfer
AFSCME, Council 93	Penobscot County	Voluntary Overtime
Me. Assn. of Police	Falmouth	Vacation Time
Me. Assn. of Police	South Portland	Transfer
Me. Assn. of Police	Westbrook	Suspension
MSEA	York County	Pay Grievance
MSEA	York County	Wage Scale
Teamsters Local 340	Caribou	Suspension
Teamsters Local 340	Caribou	Written Reprimand
Teamsters Local 340	Caribou	Written Reprimand

Teamsters Local 340	Caribou	Written Reprimand
Teamsters Local 340	Cumberland County	Discharge
Teamsters Local 340	Eliot	Termination
Teamsters Local 340	Kennebec Water. Dist.	Termination
Teamsters Local 340	Pittsfield	Overtime
Teamsters Local 340	Somerset County	Discharge
Teamsters Local 340	Waterville	Discharge
Topsham Employee Assn.	Topsham	Holiday Pay
Topsham Employee Assn.	Topsham	Suspension
Topsham Employee Assn.	Topsham	Written Reprimand
Topsham Employee Assn.	Topsham	Written Reprimand

Conciliation is a process during which the partisan members of the assigned Board panel, the Employee and Employer Representatives, meet with "their" respective party, assess that party's real needs and concerns in the matter at issue, and help the party to determine the relative strengths and weaknesses of their position. The partisan members then caucus to ascertain whether an agreed-to resolution is possible and, if so, work with the parties in achieving settlement. The Board believes that parties resolving their dispute through mutual understanding and accord is far preferable to having a solution be imposed by fiat of a third party; accordingly, we attempt to conciliate every case presented to us. Of the 10 grievance arbitration cases on which the Board met this year, settlement was reached in one case. Eleven cases were withdrawn by the parties prior to hearing and 13 cases are pending.

The Board also received 3 requests for fact-finding services this year, down from 9 requests received last year. The latter type of case arises when parties, with or without the assistance of a mediator, are unable to reach accord on an initial or successor collective bargaining agreement. The following requests for fact-finding were received this year:

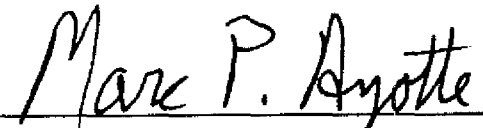
<u>Bargaining Agent</u>	<u>Employer</u>	<u>Result</u>
IAFF, Local 1650A	Augusta	Report issued
AFSCME, Council 93	Penobscot County	Report issued
Saco Ed. Assn./MEA	Saco School Committee	Withdrawn

Interest arbitration is the final step of the statutory dispute resolution mechanism under the various public sector labor relations laws. The major difference between fact-finding and interest arbitration is that, in the latter process, the panel's determinations are binding on the parties, except in regard to disputes concerning wages, pensions, and insurance. The Board did not receive any requests for interest arbitration this fiscal year, compared with one request received last year that was subsequently withdrawn after the parties reached agreement on a successor collective bargaining agreement through post-fact-finding mediation.

The Board of Arbitration and Conciliation is pleased with its achievements, particularly with its reputation for fairness in the labor relations community. The Board's mission is to improve the labor-management climate in the public sector by providing high quality professional services to our client community, helping in the resolution of their disputes.

Dated at Augusta, Maine, this 30th day of June, 2000.

Respectfully submitted,



Marc P. Ayotte, Executive Director
Maine Labor Relations Board