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Annual Report Maine Labor Relations Board Fiscal year, 1980

Maine Labor Relations Board

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ANNUAL REPORT

MAINE LABOR RELATIONS BOARD

Fiscal Year 1980

Submitted by

Parker A. Denaco, Executive Director - July 1, 1980

The following report is submitted herewith pursuant to Section 968, paragraph 7, and Section 979-J, of Title 26, Maine Revised Statutes.

This annual report of the Maine Labor Relations Board comes at the time when successor contracts have been negotiated and prepared for implementation on behalf of State employees on July 1, 1980. There have been no additional organizational activities relative to employees who might be covered under the State Employees Labor Relations Act during the past fiscal year; however, it is possible that future efforts may involve attempted decertifications of existing bargaining agents. In the University sector, employees covered under the University of Maine Labor Relations Act are still organizing with an election scheduled this summer for members of the COLT (Clerical, Office, Laboratory and Technical) bargaining unit. To date, there have been no organizational activities or demand for services on behalf of employees at the Maine Maritime Academy in Castine.

The municipal sector continues to be the most diversified and most active of all sectors demanding service of the Maine Labor Relations Board. As indicated elsewhere in this report, the past fiscal year has continued to be a busy one relative to the municipal sector where the relationships between public sector labor and public sector management are, in some instances, relatively mature and sophisticated while, in other instances, reflecting initial organizational attempts and problems with the awareness of the implications of the bargaining obligations contained in the Municipal Public Employees Labor Relations Act. There have been instances in the past fiscal year where union organizational activities have been initiated in the municipal sector and where initial contracts have been negotiated for the first time. Mediation, fact finding and prohibited practice complaint activity have all remained at high levels, as anticipated and as detailed elsewhere herein. Where the relationship of public sector labor and public sector management has matured, the agency is facing additional and increased demands for hearings relative to unit clarifications which question the placement of certain job

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categories in various bargaining units. This activity has continued to grow in the past year and is anticipated to continue its growth trend. If the aforesaid growth trend does not exceed 15% for hearings before hearing examiners or 5% to 10% for appeals before the Maine Labor Relations Board, current staffing levels should be adequate to meet these needs, assuming there is no dynamic or erratic upward demand for services in other areas of agency responsibility.

There have been numerous re-appointments of primary and alternate members to the Maine Labor Relations Board during the past fiscal year. The chart below reflects the current appointees to primary and alternate positions on the Maine Labor Relations Board with those names followed by an asterisk indicating a nomination by Governor Joseph Brennan during the past fiscal year:

Chairman

Edward H. Keith*

Alternate Chairman

Donald W. Webber*
Gary F. Thorne*

Employee Representative

Wallace J. Legge

Employer Representative

Don R. Ziegenbein

Alt. Employee Representatives

Harold S. Noddin
Robert W. Rush

Alt. Employer Representatives

Kenneth T. Winters
Thacher E. Turner

During the second regular session of the 109th Legislature from January 2 through April 3, 1980 and during intermediate special sessions of the Legislature during the past fiscal year, the Maine Labor Relations Board sponsored no legislative program and sought no amendments to the Acts it administers. This fact coupled with the nature of the foregoing "short" regular session and the special sessions which are generally directed to specific or urgent needs legislation resulted in no substantive changes to any of the various labor relations acts, namely, the Municipal Public Employees Labor Relations Act, the State Employees Labor Relations Act, or the University of Maine Labor Relations Act. We currently anticipate no need for amendment to any of the three foregoing labor relations acts in the coming session of the 110th Legislature scheduled to convene in January of 1981. Any modifications in those acts would likely be of a technical, rather than a substantive, nature. The foregoing notwithstanding, we may well see additional

legislative attempts by interest groups to introduce and pass legislation relative to extension of collective bargaining rights to county employees who are presently the only group of public employees in the State of Maine who are not eligible for coverage under a labor relations act. Legislative attempts have been introduced in the past relative to county employees and the agency expects that additional efforts may be forthcoming in the 110th Legislature.

During the past year, the Board has continued its policy of providing information to persons covered by the Acts, to persons or agencies which are charged with certain responsibilities under one or more of the Acts, and to practitioners who practice within the framework of any of the Acts. Accordingly, during the past year, the Executive Director and staff members had made numerous appearances before various organizations or groups which have sought additional information about the operations of the various labor relations Acts administered by the Maine Labor Relations Board and about public sector labor relations in general. By way of example, the Executive Director participated in programs sponsored by the Johnson Foundation at its Wingspread Conference Center in Racine, Wisconsin, relative to the role of the media in public sector bargaining situations and before a training institute of the U. S. Conference of Mayors held at the New England Center in Durham, New Hampshire. He also appeared at the annual meeting of the Maine State Employees Association in Bangor and delivered a speech at the annual meeting of the Society of Professionals in Dispute Resolution in Boston on "The Effective Use of the Mediator." He participated in the seminar sponsored by the American Arbitration Association for the Northern New England States involving mediation in Lebanon, New Hampshire. As a member of the New England Advisory Council, the Executive Director also attended the annual meeting of the American Arbitration Association in Boston. Additional staff presentations by Attorney/Examiner Wayne Whitney involved field visits to the Thorndike Bus Drivers Association and to a seminar involving secretarial and clerical personnel at the University of Maine in Orono. The three primary Board members and the Executive Director participated in a training program for newly-appointed Board members sponsored by the Labor-Management Services Administration of the United States Department of Labor and held at the Airlie House Foundation in Virginia.

The Maine Labor Relations Board, through its Executive Director, has maintained an active affiliation with the Committee on Public Sector Collective Bargaining of the Labor Law Section of the American Bar Association. The Executive Director is one of the few public members on that Committee. In addition, the Executive Director has served during the past year as the Co-Chairman of the Labor Law Section of the Maine

Bar Association. Both he and Dispute Resolution Specialist Robert Goldman of the agency have been effective in liaison and training responsibilities with the New England Consortium of State Labor Relations Agencies, an association of the labor relations agencies in the New England States; with the states of Massachusetts and Connecticut having two agency members and the remaining states having one agency member. Dispute Resolution Specialist Goldman was responsible for planning a two-day instructional seminar on behalf of the New England Consortium of State Labor Relations Agencies which was held at the New England Center in Durham, New Hampshire, last fall on the topics of mediation and fact finding in public employment. Both staff members and Board members have attended various training sessions of the New England Consortium of State Labor Relations Agencies during the past fiscal year including the aforesaid program on mediation and fact finding in public employment, labor relations agency administration, decision writing, and appellate practice for litigation counsel.

On the national scene, the Maine Labor Relations Board has continued to maintain its contact with counterpart agencies as well as organizations which serve labor relations agencies. The Executive Director finished a term as President of the Association of Labor Relations Agencies during the past fiscal year and is currently a member of both its program and secretariat committees. The Association of Labor Relations Agencies plays an important role with respect to member agencies such as the Maine Labor Relations Board since it serves as a coordinator between a composite of labor relations and mediation agencies from the federal sector, the various states and subdivisions, and the national and provincial governments of the United States and Canada, respectively. In addition to that activity, the Executive Director has maintained charter membership in the Society of Professionals in Dispute Resolution (SPIDR) and is a member of the Industrial Relations Research Association (IRRA). During the past year, the Executive Director has served as a member of the Board of Directors of the Project on Educational Employment Relations of the Academic Collective Bargaining Information Service (ACBIS), a joint project of the Carneige Foundation, the Exxon Foundation and the Ford Foundation.

As indicated in the annual report for fiscal year 1979, the Maine Labor Relations Board has continued its cooperative efforts with Public Employment Relations Services (PERS) which is an organization funded by the Carneige Foundation to improve the efficiency of state labor relations agencies and to facilitate the exchange of information between the various state labor relations agencies. Public Employment Relations Services has been able to act as a catalyst in forming and assisting in

the administration of the various consortia of state labor relations agencies and, in particular, has been of assistance in providing information and advisory services for the New England Consortium of State Labor Relations Agencies. The PERS project involving the publication of a text on public sector labor relations was accomplished during the past fiscal year and the book entitled, Portrait of a Process - Collective Negotiations in Public Employment was released by the Labor Relations Press last fall. The Executive Director was a contributor to one of the chapters in that text as well as being one of three agency directors on the Board of Directors of Public Employment Relations Services.

The remainder of this report will emphasize public sector statistics generated through the functions of the Maine Labor Relations Board; however, at this point it should be noted that the staff of the Maine Labor Relations Board has been active in numerous private sector cases, sometimes in conjunction with both the Federal Mediation and Conciliation Service and/or the Maine State Board of Arbitration and Conciliation and/or personnel from Maine State Panel of Mediators. Specifically, the use of conciliation and/or mediation personnel has been employed in private sector cases during the past year involving the following:

DeCoster Egg Farms
Pine State By-Products
Pine Tree Legal Assistance, Inc.
St. Regis Paper Co.
Stowell Wool Products

During fiscal year 1980 (the eighth year of its operations) the Maine Labor Relations Board received and accepted thirty-six (36) voluntary agreements on the establishment of collective bargaining agreements. There were 30 filings of such agreements in the prior fiscal year and 29 in fiscal year 1978. Two of the 36 were carry-overs from fiscal 1979 and were originally initiated as unit determination requests before the parties agreed to resolve the unit question voluntarily. In addition to the 36 Form 1's filed with the Board in FY 1980, three unit matters were resolved by the parties by stipulation in the course of unit determination hearings. The increased number of voluntary unit filings, combined with the substantial increase in unit determinations filed during FY 1980, provides evidence of the active state and high level of organizational activity in the public employment sector in the State of Maine. Voluntary agreements as to bargaining unit involved the communities and public entities of:

Baileyville
Bangor
Bar Harbor Treatment Plant
Bath Sewage Treatment
Bath
Bethel
Boothbay Harbor
Dixfield
E. Corinth
E. Millinocket
Eastport
Fort Fairfield
Fort Kent
Jay
Kennebunk
Lincoln

Livermore Falls
Millinocket
Portland
Presque Isle
Rockland
Saco
Skowhegan
South Berwick
South Portland
Thomaston
Turner
Waldo
Washburn
Waterville
Wilton

Where parties could not agree on the scope or composition of the bargaining unit, parties filed for unit determination proceedings. Fifty-four such petitions were filed as of the time statistics for this report were compiled. This is in marked contrast to the thirty-three petitions filed in fiscal 1979. In addition, four other unit matters were carriedover from the prior year for a total of 58 unit matters which were pending before the Board during the past fiscal year. Of the 58, hearings have been held in a total of 26 of the pending petitions. Stipulations or Form 1's were filed in a total of 10 matters for which petitions had been filed. The remaining matters are in the process of hearing, pending hearing, or awaiting assignment for hearing. One matter now in the process of hearing involves the petition by the State through the Governor's Office of Employee Relations to clarify three of the state employee bargaining units. The petition lists approximately 240 positions which the State claims are confidential. The resolution of the question of individual confidentials had been held in abeyance while the processes for establishing bargaining units, conducting representation elections and negotiation of initial agreements were being resolved. As of the compilation of this report, four full hearing days have been completed and several more are scheduled. Almost every department of state government is affected by the hearings. Unit hearings were also held for the Clerical, Office, Laboratory and Technical (C.O.L.T.) bargaining unit of University of Maine employees. Several days of hearings were held on the petitions of two employee organizations to represent the employees in that bargaining unit. The unit composition question was settled by a hearing examiner's determination and the question of representation will be determined by the employees in early fiscal 1981. The C.O.L.T. election is discussed

more fully in the next following portion of this report.

It should be noted that midway in fiscal 1980 the Maine Supreme Judicial Court unanimously upheld the Board's exercise of jurisdiction over Baker Bus Service, Inc., a private corporation that had contracted to provide student bus service for the City of Augusta. The progress of this case was reported in the annual reports for the prior two fiscal years. The Board had determined that, although Baker Bus was a private concern, it was subject to the jurisdiction of the Act under the special facts of the case. The action by the Supreme Judicial Court finally concluded the matter. Subsequent to the Court's decision upholding Board jurisdiction, the Board received a unit petition with regard to a new group of Baker employees and this matter will probably be heard by a hearing examiner in the early part of fiscal 1981. Unit determinations or clarifications during the past fiscal year involved the following communities and public entities:

| | |
|--------------------------|--------------------------------|
| Baileyville | Lewiston |
| Baker Bus Service | Livermore Falls |
| Bangor | Millinocket |
| Bangor Water District | North Oxford Solid Waste Board |
| Bar Harbor | Portland |
| Berwick | Rockland |
| Biddeford | Saco |
| Boothbay Harbor | Sanford |
| Bucksport | Scarborough |
| Cape Elizabeth | Skowhegan |
| Dixfield | South Berwick |
| East Millinocket | Thomaston |
| Ellsworth | Washburn |
| Fort Kent | Waterville |
| Hampden | Wilton |
| Kennebunk Sewer District | Winthrop |
| Kennebunk | Yarmouth |

University of Maine: C.O.L.T. unit

State of Maine

Once the bargaining unit is set, whether by agreement or after hearing, the process for identifying whether the employees desire representation and who the representative will be takes place. During fiscal 1980 there were nine instances in which the public employer voluntarily recognized a bargaining agent without the necessity for a representation election. Public employers who voluntarily recognized employee organizations as the bargaining representative for employees in the unit were:

| | |
|----------------------------|-------------|
| Baileyville | Jay |
| Bar Harbor Treatment Plant | Millinocket |
| Bath | Portland |
| Eastport | Rockland |

Where the parties do not agree and there is no voluntary recognition by the public employer, the Executive Director conducts an election--usually on site--to determine the employee desires on the question. Fifty-six requests for election were received in fiscal 1980, compared with 47 in fiscal 1979, 43 in fiscal 1978 and only 22 in the year prior to fiscal 1978. As commented in the Annual Reports for FY 1979 and 1978, the steady, and somewhat remarkable, climb in election requests reflects rather intensive organizational activity among municipal employees in areas other than education and continuing activity under the University of Maine Labor Relations Act.

As indicated above, the C.O.L.T. unit of University employees was the subject of unit and election petitions in FY 1980. Three employee organizations petitioned for places on the ballot, whereas only two organizations were involved in the unit determination process. At the request of all three labor organizations and the University, the Executive Director determined that a mail ballot election would be preferable to on-site balloting. Balloting is scheduled to take place over the first two weeks in July, 1980 (the beginning of FY 1981). In fiscal year 1979 the Board completed an election among the employees in the Professional and Administrative Staff unit of University employees. As a result of that election more than 1000 University employees were added to the number of public employees in the state who have elected to engage in collective bargaining under our public employment labor relations statutes. Should employees in the C.O.L.T. election opt for representation, approximately 900 additional employees will come under the coverage of the labor relations statutes. With the conclusion of the C.O.L.T. election, five of the six legislatively prescribed units in the University statute will have completed the representation process. This leaves one unit--Supervisory Classified--which has not been the subject of formal activity before the Board. Other than Maine Maritime Academy employees, who have also not been the subject of representational activity thus far, the Supervisory Classified unit remains the only group of employees under either the State employee or University labor relations statutes which have not been the subject of representational activity before the Board.

Ten of the election requests received in FY 1980 were for decertification/certification elections--that is, they involved the question whether the incumbent labor organization would remain as the representative of the employees or whether the employees prefer the petitioning organization as their representative, or no representative at all. In one matter the Board ordered a second election after

finding that the employer unlawfully interfered in the free choice of the employees. After suffering a 29-45 loss in the first election, the labor organization received an approval vote of 39-31 in the re-run election.

During FY 1980 a total of 44 elections were held or assigned; the total includes all 7 matters which were filed and pending in FY 1979 and carried over to FY 1980.

The communities and public entities involved with representational services or requests during fiscal year 1980 were:

| | | |
|-------------------------|----------------------------|----------------------------|
| Baileyville | Ellsworth | South Berwick |
| Baker Bus Service, Inc. | Falmouth | South Portland |
| Bangor | Fort Kent | Thomaston |
| Bangor International | Kennebunk | Thornton Academy |
| Airport | Kennebunk Sewer District | Turner |
| Bangor Water District | Millinocket | University of Maine |
| Bar Harbor | North Oxford Solid Waste | Waldo |
| Bath | Board | Waldo Vocational Region #7 |
| Biddeford | Presque Isle | Washburn |
| Boothbay Harbor | Portland Housing Authority | Waterville |
| Bucksport | Rockland | Wilton |
| Dixfield | Saco | Winthrop |
| East Millinocket | Skowhegan | Yarmouth |

There were a total of 11 decertification election petitions filed in FY 1980. As indicated in the Annual Report for FY 1979, at the end of FY 1978 the Board streamlined the rules governing decertification election requests by combining the question of whether the incumbent union should be decertified with the question whether the challenging petitioner should be selected in its place, or whether the employees wish "no representation." Prior to the change of rule the Board conducted separate elections on each proposition. Of the 11 decertification requests received, 10 were for decertification/certification elections and one for straight decertification. A total of 9 elections have been held and one is pending as of the compilation of data for this report. Seven elections resulted in the incumbent being decertified and the challenger union being elected and certified; in one the incumbent retained its majority and remained as bargaining agent. In the straight decertification matter the incumbent was decertified as the employees voted for "no representation." Since 10 of the petitions involved decertification and certification elections held simultaneously, they are recorded in the election part of this report as well.

Decertification election procedures during the past fiscal year involved the following communities:

| | | | |
|-----------|-----------|----------|-----------|
| Biddeford | Kennebunk | Turner | Waterboro |
| Fort Kent | Rockland | Thornton | Winthrop |

As is customary, the activities of the Panel of Mediators for FY 1980 are more fully reviewed in the Annual Report of the Panel of Mediators submitted to the Governor pursuant to § 965, ¶ 2, of Title 26, Maine Revised Statutes. Interestingly requests for the services of the Panel of Mediators again neared the 100 mark after seemingly leveling off over the prior two years. New requests received during the fiscal year totaled 98. Requests received in the prior five years reflects the following: fiscal 1979, 81 requests; fiscal 1978, 82; fiscal 1977, 92; fiscal 1976, 106. There were 8 requests for mediation which carried over from fiscal 79 to FY 1980. Of the new requests received, one request involved several of the state employee units whose initial contracts were up for renegotiation. State Mediator James Carignan was successful in negotiating the complex State employee contracts to a successful settlement. Three requests were received for mediation services with regard to contract grievances; the majority of mediation requests, of course, are concerned with the negotiation process, not the contract administration or grievance process. Four of the requests were for services in the private sector.

The total number of mediation-man-days expended in FY 1980 increased by 28 percent as the result of jumping from a total of 134 in FY 1979 to 171.5 in FY 1980. Part of this jump can be attributed to the increase from 81 mediation requests in FY 1979 to 98 requests (excluding cases carried forward) in FY 1980. Additionally, the larger 1980 figure resulted from actual participation by mediators in 81 matters while that in 1979 represented mediator involvement in 61 matters. Since customarily there is a veritable flood of mediation requests in the final two or three months of the school year, the effectiveness of the process with respect to a large proportion of these late requests cannot be measured until the early part of the following fiscal year at the earliest. Comparison of the average man-days per case shows a figure of 2.2 for FY 1979 (a record) and 2.11 man-days per case for FY 1980. The intensity of concentration on mediation as part of the public dispute resolution process appears to be evidence of several important considerations—the focus on fiscal restraint by the citizenry, the growing maturity of negotiators, and the growing recognition by negotiators of the value of skilled mediators. The success rate for mediation in fiscal 1980 was 56 percent. These percentages are based upon the successful conclusion of mediation in cases for which the mediation process had clearly ended, including the few hold-over cases from FY 1979.

As in the past years fact finding continues as an important process in public impasse resolution in this state. The number of new fact finding requests received

in FY 1980 was 38. This figure is up from the 34 filed during the prior fiscal year. Two of the fact finding requests involved units under the University of Maine Labor Relations Act. One request, later withdrawn when the parties settled on contracts covering the several units, involved units under the State Employees Labor Relations Act. In addition to the 38 new requests there were 5 carry-over requests from FY 1979. All of the holdover matters were disposed of in the early weeks of FY 1980. The total of 43 matters--current and holdover petitions--approximates the 47 matters (34 current and 13 carry-overs) processed in FY 1979 and the total for FY 1978, 45 fact findings. Of the requests filed in FY 1980, five were ultimately withdrawn (usually due to contract settlement or agreement prior to the scheduled fact finding hearing), while one matter was dismissed by the Executive Director after settlement. One matter went to arbitration after a request for fact finding had been made and then was waived by the parties. One request was withdrawn and refiled later in the negotiations process. One matter involved dual requests--one from the employees and one from the employee organization. Of the fact finding requests received during FY 1980 and including the carry-overs, all not otherwise disposed of have gone to hearing or have been assigned for hearing as of the close of the fiscal year.

The following communities and entities were involved in fact finding during the past fiscal year:

| | |
|----------------------|----------------|
| Arundel | Portland |
| Ashland | Rumford |
| Bangor | Saco |
| Biddeford | Sabattus |
| Brunswick | Sanford |
| Calais | Scarborough |
| Deer Isle/Stonington | South Berwick |
| Durham | South Portland |
| Fairfield | Turner |
| Hallowell | Washburn |
| Kittery | Waterboro |
| Livermore Falls | Wells |

University of Maine

Maine Turnpike Authority

The number of prohibited practice complaints filed with the Board was reduced from the record number of 71 filed in FY 1979, but nonetheless was significantly higher than the prior record of 46 filed in FY 1977. As stated in the Annual Report for fiscal 1979 the quantum leap to 71 cases in that year was partially explained by the coming on line of the final State units and the certification of bargaining agents

in two of the larger University units. As also stated in that report, the dramatically escalated work load over the past few years as compared with the first few years of the Board's existence illustrates the increasing strains on the Board staff and resources as well as simply indicating the growth in demand for Board services. This duofold effect effect is spotlighted by an analysis of the work load imposed by the prohibited practice filings for the latest two-year period. At the beginning of FY 1979 there were only 19 holdover complaints from the prior year. However, due to the abnormally large number of filings (71) over the course of FY 1979 there were a great many more prohibited practice matters carried over from FY 1979 to FY 1980--45 such carry-overs. The consequence of this near torrent is that the Board was involved in the twelve-month course of FY 1980 in the processing of an even 100 prohibited practice matters--55 new filings plus 45 carry-overs. Despite this awesome workload, and keeping in mind the steadily rising caseload in other areas of the Board's business, the Board and its staff have fully heard and disposed of by formal decision 33 cases; 20 of the 100 matters were withdrawn or dismissed by stipulation, frequently after pre-hearing before a single Board member or after partial hearing before the full Board; one matter was dismissed administratively; one matter was deferred to the Superior Court where a related action between the parties was pending; one was deferred by the Board to a pending arbitration pursuant to the Board's policy of deferral to arbitration in appropriate cases; and one matter was settled by a Consent Decree before the Board. All the remaining matters, save on case to be assigned, were in some phase of the pre-hearing or hearing process and a number of these had actually completed the formal hearing process before the full Board and were awaiting briefs, deliberation by the Board, or decision drafting and finalization. Of the 100 prohibited practice matters filed with the Board in fiscal years 1979 and 1980, 99 had been formally processed, heard and disposed of by the Board, had been formally withdrawn or dismissed, or were actively being processed through the hearing and decision-making processes of the Board; one late entry has yet to be assigned.

In addition to the foregoing 100 entries arising in FY 1979 and 1980, 8 matters initiated prior to FY 1979 were active cases in the Board's files. Six of these were matters on appeal to the Superior or Supreme Judicial Court. Two appeals of Board decisions were decided by the Law Court in FY 1980 and gratifyingly those decisions supported fully the jurisdictional and substantive determinations made by the Board. One of these decisions was reviewed in an earlier portion of this report.

Finally, it is noteworthy that three of the complaints filed in FY 1980 were filed by members of labor organizations who have claimed that, in one manner or another, the organization failed to fairly represent them in some aspect of his rights under the labor relations statute. Although actions by employees against the incumbent bargaining representative may not reach significant numbers in any particular fiscal period, it is clear to practitioners in the field and from the literature that such actions are becoming a more familiar part of the public employment labor relations scene.

The communities and entities involved in the filing of prohibited practice complaints during fiscal year 1980 were the following:

| | |
|------------------|-------------|
| Ashland | Lincoln |
| Auburn | Lisbon |
| Bangor | Machias |
| Bath | Medway |
| Biddeford | Millinocket |
| Calais | Palermo |
| Dixfield | Portland |
| East Millinocket | Saco |
| Eastport | Trenton |
| Fairfield | Turner |
| Fort Kent | Washburn |
| Jay | Waterville |
| Kennebunk | Winthrop |
| Lewiston | Woolwich |

Cumberland Police Benevolent Association
Lewiston-Auburn Water Pollution Control Authority
Maine State Employees Association
Merrymeeting Educators Association
Southern Aroostook Community School
State of Maine
University of Maine

This report may be summarized by the following chart which makes comparisons stated in terms of percentile changes in each category from one succeeding year to another:

| | <u>FY 1976</u> | <u>FY 1977</u> | <u>FY 1978</u> | <u>FY 1979</u> | <u>FY 1980</u> |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|
| Unit Determina- tion Requests Filed in FY | -47% | +50% | +124% | -33% | +64% |
| Bargaining Agent Election Requests | +100% | +69% | +86% | +9% | +19% |
| Decertifica- tion Election Requests | +75% | +64% | -14% | +14% | -21% |
| Mediation Requests | unchg. | -13% | -11% | unchg. | +21% |
| Fact Finding Requests filed in FY | +120% | -14% | unchg. | -25% | +12% |
| Prohibited Practice Complaints | +28% | +100% | -22% | +97% | -22% |

As has been stressed in the Annual Reports in past years, the increases in use of the Board's services and processes reflect a meaningful expansion of organizational and representational activity among non-educational municipal employees and state and university employee areas. As indicated in this report, an additional university unit is going through the election process at the writing of this report. However, the expansion in the volume of activity before the Board not only is reflective of activity in hitherto unorganized areas but is due, in at least equal measure, to the growing awareness and competence of the Board's clientele in their understanding and use of the labor relations laws of the state and of the Board's processes.

The Board has been actively involved in judicial review activities resulting from appellate proceedings. In FY 1980 two matters critical to the Board's jurisdictional and substantive authority were decided by the Supreme Judicial Court. In each case the Law Court unanimously upheld the Board's jurisdictional and substantive interpretations of the governing statutes. Credit for this result should go to the two attorney/examiners on the staff who worked on these and other cases now before the courts. In each of the cases before the Supreme Judicial Court the Board submitted exhaustive briefs which required extensive and careful research.


The briefs represented quality legal research and were fine examples of legal writing. In addition, our attorney/examiners appeared before the Law Court and argued in support of the Board's determinations. They have filed briefs and appeared before the Superior Court in other matters now on appeal and awaiting judicial review. These activities of staff are alluded to not only as a demonstration of the competence and capability of the staff of the agency but also as further evidence of the workload and work product carried and turned out by the staff of this agency. Not only has the legal staff performed the arduous research and decision-writing tasks required to turn out 33 prohibited practice decisions and orders on behalf of the Board (a remarkable achievement in itself), but they have performed the meticulous and exhaustive research and writing chores demanded by the several court appeals which have been taken by parties. In addition to the foregoing, the staff has been responsible for hearing, researching and writing enumerable unit determinations and clarification matters.

A review of this report and the increase in services (especially those of a time-consuming nature) demanded of the Board by its clientele lead us to believe that we will continue to have a relatively steady growth rate in the need for the broad range of services offered by the Maine Labor Relations Board. This prediction is consistent with the expectations expressed in our FY 1979 Annual Report. We are still uncertain when the demand for services will stabilize as the result of a relatively "saturated" public sector in which most available and/or meaningful bargaining units have been organized. Also, as expected, there has been (and probably will continue to be) a marked increase in unit clarification requests, many of which can be expected to continue even after stabilization in unit determination petitions.

We are pleased to conclude that the remedies available to the parties under the Municipal Public Employees Labor Relations Act, State Employees Labor Relations Act, and University of Maine Labor Relations Act appear to be offering effective means of protecting employee rights under those Acts, insuring compliance with the statutory mandates demanded of both labor and management, and settling both organizational and bargaining disputes through either the prohibited practice complaint process and/or the dispute resolution techniques provided by statute. Despite trends elsewhere in the United States, the three foregoing Acts were successful in responding to employer

and employee demands to reach negotiated settlements and to avoid work stoppages and strikes in the public sector in FY 1980. We will strive to match these successes in the coming year knowing full well that budget constraints, increasing skills of the parties, a growing caseload, and complexities of legal interpretations will be demanding both of the abilities of the Maine Labor Relations Board and of the cooperation required from our clientele.

Dated at Augusta, Maine, this 1st day of July, 1980.



Parker A. Denaco, Executive Director
Maine Labor Relations Board