

Maine Labor Relations Board

Purpose:

The purpose of the Maine Labor Relations Board and its affiliated organizations the Panel of Mediators and the State Board of Arbitration and Conciliation is to foster and improve the relationship between public employers and their employees. Included within the Board's jurisdiction are State Executive, Legislative and Judicial, municipal, school department, county, University of Maine System, Maine Community College System, and Maine Maritime Academy employees as well as certain agricultural employees excluded from the jurisdiction of the National Labor Relations Board.

Functions:

The Board has three primary responsibilities: 1) representation cases, 2) prohibited practice cases, and 3) dispute resolution services. In representation cases, the Board facilitates agreement on creation or modification of bargaining units. In the absence of agreement, the Board conducts evidentiary hearings to fashion or alter the composition of appropriate bargaining units. The Board also conducts secret ballot elections through which bargaining unit employees decide whether they wish to be represented by a particular bargaining agent.

The Board adjudicates prohibited practice cases through a formal, quasi-judicial hearing process. The Board enforces statutory employee, employer and union rights and obligations under the various labor relations statutes.

The Board provides direct mediation and fact-finding services to assist parties to reach accord on initial and successor collective bargaining agreements; the Board also assists parties in resolving contract grievance disputes by providing grievance mediation, conciliation and arbitration services.

Operational Methods and Procedures:

The Labor Relations Board consists of a small, primarily professional staff and supports a complement of *per diem* appointees. The nine members of the Labor Relations Board are gubernatorial appointees, who are confirmed by the Legislature. The nine members of the State Board of Arbitration and Conciliation are direct gubernatorial appointees, and the ten members of the Panel of Mediators are nominated by the Labor Relations Board and are appointed by the Governor. These 28 individuals are compensated almost exclusively through user fees. The Board staff consists of six employees.

Representation Cases:

These cases are initiated by the filing of a petition for unit determination, unit clarification, and/or election. Upon receipt of a unit petition, a Board attorney contacts the parties, explains relevant precedent and explores the possibility of getting agreement to resolve the issue. If no agreement is reached, an evidentiary hearing on the petition is scheduled and is conducted by a different Board attorney, who has no knowledge of the settlement discussions. Formal written unit reports, including findings of fact and conclusions of law, are issued in litigated cases. Such reports are

subject to appellate review by the Labor Relations Board in a formal, quasi-judicial appellate proceeding, based on the record, including a verbatim transcript of the initial proceeding before the staff attorney.

Prohibited Practice Cases:

These cases are initiated by the filing of a complaint. The complaint is reviewed for legal sufficiency by the executive director who, in cases where the complaint is insufficient, issues a notice permitting the complainant to amend the complaint within a 15-day period or face dismissal. Sufficient complaints are scheduled for prehearing conference before one of the neutral members of the board, who attempts to clarify the issues, identify relevant witnesses and documents, and explore the possibility of settling the dispute at the prehearing conference. Unsettled cases are then heard by a three-member panel of the Labor Relations Board, who are assisted by a staff attorney. The Board receives evidence and argument in a formal, quasi-judicial hearing. After the Board deliberates, a formal, written opinion, including relevant findings of fact and conclusions of law, is prepared by the staff attorney and circulated among the panel members, who either agree therewith or suggest modifications thereto. The staff attorney also drafts any dissenting opinions. Staff attorneys represent the Board in the courts on appeals of the Board's decisions.

Dispute Resolution Services:

Upon receipt of a request for mediation, fact finding, or contract grievance arbitration services, a member of the Panel of Mediators, private fact finders, or a panel of the State Board of Arbitration and Conciliation is assigned, as appropriate, and such personnel provide the requested services directly to the parties. Staff attorneys provide legal research and advice to the Panel of Mediators and State Board of Arbitration and Conciliation.

Administrative Services:

The Board's administrative staff collects user fees from parties who use the various per diem services, disburses such revenues to the various board and panel members, and performs the necessary accounting functions associated with the operation of the special revenue account for this purpose. Consistent with the quasi-independent status of the agency, the Board Executive Director is responsible for preparation and management of the agency's budget and direction, supervision, evaluation and performance of human resources functions for the Board staff.

MAINE LABOR RELATIONS BOARD

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Board Members:

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Barbara L. Raimondi, Esq., Alternate Chair
Karl Dornish, Jr., Employer Representative
Sandra S. Carraher, Alternate Employer Representative
Richard L. Hornbeck, Alternate Employer, Representative
Carol Gilmore, Employee Representative
Wayne Whitney, Esq., Alternate Employee Representative
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*Information compiled by New England Consortium of State Labor Relations Agencies