

# Strikes or Other Work Stoppages and Picketing by State Employees

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SUBJECT: Strikes or Other Work Stoppages and Picketing by State Employees

TO: All Department and Agency Heads

FROM: Lanning S. Mosher, Director

It is the State's policy to conduct its relations with employees and organizations representing them honestly and in good faith, addressing problems on their merits, balancing the interests of the employees, the specific public served by the programs involved, and the taxpayers in general. It is our objective to implement this policy in such a way that resorting to strikes or other pressure tactics is unnecessary. Nevertheless, State management should be prepared to handle strikes work slowdowns and other work stoppages, which are expressly proscribed as illegal under the Maine State Employees Labor Relations Act, if they occur.

This bulletin provides the general guidelines to be followed by State managers and supervisors in the event that strikes or other concerted job actions are threatened or actually occur.

## Definition of a Strike

A strike occurs when a group of employees engages in any one of several concerted activities which results in their either refusing to work or not performing their normal work at their regular pace. This could be the result of an outright refusal to come to work, by their refusing to cross picket lines, by an organized "sick out," by refusing overtime, by interrupting operations, by "working to rules" or through other forms of "job actions."

## Reporting Rumors

Supervisors hearing rumors of a planned strike or other concerted job action should find out the reason for the threatened action and caution the employees involved that concerted action is not the way to bring their problems to management's attention. Employees should be advised to take the matter up with appropriate management representatives by requesting a meeting or filing a grievance. Communicate the information learned to your institution, regional or unit director, who will inform the central office and the Office of State Employee Relations. If he or she is not available, report the information to your central agency's personnel officer or administrative director.

## Handling Actual Work Stoppages

If a strike or other interruption of work occurs, management and supervisors should:

1. Politely, but firmly, inform the employees that resorting to a strike is unnecessary and that they should return to or continue work and file a grievance concerning their problems, or request a meeting with management. They should be advised that their participation in a strike may result in disciplinary action, including possible discharge.

2. Make certain that the agency head and the Director of State Employee Relations are informed immediately.
3. Keep accurate records of which employees participate in the strike or other job action, and exactly when such activity starts and ends.
4. Employees who are at work when a strike commences should be directed to remain at work and cautioned that their refusal to remain at work will be considered participation in the strike and may result in disciplinary action, including possible discharge.

Special arrangements should be made for the relief of any employee who remains in a State facility to cover work assignments during any protracted strike or work stoppage.

5. A responsible official or officials should be assigned to observe any picketing or other concerted Activity, and he or she should keep an accurate log of any disturbances which may occur and those individuals directing or involved in such activities.

#### IMPORTANT BULLETIN - TO BE RETAINED IN EMPLOYEE RELATIONS MANUAL

##### Picketing

Any picketing, even if it appears to be only informational, on or near State facilities by employees, their agents or others, should be reported immediately as prescribed above and an accurate log kept of the activities and persons involved.

LSM:b