

ANNUAL REPORT
MAINE LABOR RELATIONS BOARD

Fiscal Year 2014

This report is submitted pursuant to 26 M.R.S.A. §§ 968(7) (Supp. 2013) and 979-J(1) (2007).

Introduction

The mission 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 employees and their employers. The Maine Labor Relations Board (“Board”) protects the rights and enforces the responsibilities established by the four separate labor relations statutes covering Maine’s public sector employees. The Board does this by creating bargaining units, conducting secret ballot elections to certify, change or decertify bargaining agents, and processing prohibited practice complaints. The Panel of Mediators and the State Board of Arbitration and Conciliation provide dispute resolution procedures to assist parties in negotiating initial or successor collective bargaining agreements and in resolving contract grievance issues. The focus of this report is the activity of the Labor Board during the fiscal year.

The Board had requests for services from most segments of the public sector labor-management community during the past year. Overall demand for the Board's services increased compared with the previous year. For those parties who were engaged in mediation, settlements were more difficult to achieve, resulting in continued demand for fact-finding. Scarce resources to fund collective bargaining agreements have led to difficult negotiations and several prohibited practice complaints charge violations of the duty to negotiate in good faith.

Members of the Board are appointed by the Governor, confirmed by the Legislature, and serve four-year terms. Primary Public Chair Katharine I. Rand of Portland, Alternate Chair Abigail C. Yacoben of West Bath, Alternate Chair Susan L. Higgins of Kennebunk, Employer Representative Karl Dornish, Jr., of Winslow, Alternate Employer Representatives Patricia Dunn of Scarborough and Richard Hornbeck of Bowdoinham, and Alternate Employee Representatives Wayne W. Whitney of Brunswick and Robert L. Piccone of Portland continued to serve in their respective capacities throughout the year.

On April 4, 2014, Governor LePage nominated Amie M. Parker of Lewiston as Primary Employee Representative, filling the vacancy created by Carol Gilmore's death. Ms. Parker's appointment was confirmed by the Legislature.

As in past years, the staff of the Board handled a great many inquiries from public employers and employees or their representatives, the media, and members of the public. The staff is the primary source of information for persons interested in the operations and procedures of Maine's public sector labor laws. In instances that involved matters over which the Board has no jurisdiction, the staff continued the policy of providing some orientation for the inquirer, suggesting other agencies or organizations that might be of help.

The Board's web site is the prime source for research of Board precedent, as the scope of collective bargaining issues addressed by Maine courts is quite limited and difficult to research on-line. The search engine used by the Board's web site draws on an extensive database of the Board's prohibited practice and representation appeals decisions, as well as Superior and Supreme Judicial Court opinions reviewing the Board's decisions. Access to this case law helps public employers, employees and bargaining agents to know the parameters of required or permitted conduct and to use such information to avoid violating the law. The web site also includes links to the statutes administered by the Board, the complete text of the Board's Rules and Procedures, the Board's forms, a bulletin board of current activities, and links to other state and federal labor relations agency sites. Since its inception the web site has been maintained and updated by Board staff. Over the years, the web site has been highly praised by the labor-management community.

Legislative Matters

One initiative impacting the Board's jurisdiction was introduced for consideration into this year's Legislative Session. In 2013, the Legislature adopted a measure that required the Board to convene a task force to study the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and on the public sector bargaining process. Mediators were being compensated \$100 for up to 4 hours of mediation services provided and \$100 for each consecutive period of up to 4 hours thereafter. The task force found that increasing mediator compensation would result in parties being better prepared for mediation, taking the process more seriously, and would result in improved productivity of each mediation session, fewer sessions, and lower over-all cost of the

process. Increased pay would also assist in recruitment and retention of good mediators. The task force concluded that the sum of \$750 was a reasonable *per diem*, but the Labor Board recommended a *per diem* in the amount of \$600 as striking a reasonable balance of party resources, mediator needs, and the public service component of the work. The Legislature enacted a bill, implementing the task force findings with the Board's recommended *per diem* and required the Board to report back after 3 years.

Although supporting an increase in the *per diem*, the Governor did not support the proposed system of payment which would have paid the mediators \$600 per day, whether their work took a full day or one hour. In response to the veto message, the Legislature enacted a bill that retained the existing method of compensation for 4-hour blocks, but increased the amount to \$300. The Labor Board supported this measure and it was signed into law by the Governor.

Bargaining Unit and Election Matters

During fiscal year 2014, the Board received 19 voluntary agreements or joint filings for the establishment of or change in collective bargaining units. There were 28 of these filings in FY 13. Of the 19 FY 14 filings, 6 were for municipal or county government units, 12 were for K-12 educational units, and 1 was for a state unit. The unit agreements were filed by the following employee organizations:

<u>Maine Education Association/NEA</u>	10 agreements
(MSAD/RSU 59 Prof. Unit & ESP Unit)	
(Athens Prof. Unit & ESP Unit)	
(Stratton School Unit)	
(Cherryfield Teachers Unit)	
(MSAD 75 Technology Professionals Unit)	
(RSU #26 (Orono) Support Staff Unit)	
(RSU #26 (Orono) Professional Staff Unit)	
(Glenburn Professional Staff Unit)	
(Glenburn Support Staff Unit)	
(RSU 73 Food Service Unit)	
<u>Maine State Employees Association</u>	2
(MePERS Admin. Services Unit)	
(State P & T Unit and Supervisory Services Unit)	
<u>Teamsters Union Local 340</u>	2
(Sabattus Patrol Unit)	
(Sabattus Supervisors Unit)	
<u>IAMAW District Lodge 4</u>	1
(Madison Admin. Employees Unit)	

<u>National Correctional Employees Union</u> (Knox County Corrections, Communications & Food Service Unit)	1
<u>Saco Workers Alliance</u> (Saco Public Works Unit)	1
<u>RSU 73 Managers/Directors Association</u> (RSU 73 Managers/Directors Unit)	1
<u>RSU 73 GDB Support Staff Association</u> (RSU 73 Support Staff Unit)	1

Of the 19 filings, 7 were for new units and 12 were for changes to existing units.

Eleven (11) unit determinations were filed in FY 14; 1 unit clarification was filed. Agreements were reached in 4 cases, 3 went to hearing (decisions issued), and 2 cases are pending. One case was dismissed and another was withdrawn. Two (2) unit petitions were carried forward from FY 13, and decisions were issued in each. Once a unit petition and response are filed, a member of the Board's staff, other than the assigned hearing officer in the case, contacts the parties and attempts to facilitate agreement on the appropriate bargaining unit. This involvement saves substantial time and litigation costs for public employers and bargaining agents. There were 8 unit petitions filed in FY 13. The unit determinations were filed by the following employee organizations:

<u>Teamsters Union Local 340</u> (Town of Bar Harbor) (City of Biddeford) (Town of Bucksport) (Town of Sabattus) (Town of Warren)	5 requests
<u>Maine Education Association/NEA</u> (AOS 93) (Town of Cape Elizabeth)	2
<u>AFSCME Council 93</u> (Town of Readfield)	1
<u>IAMAW</u> (Town of Madison)	1
<u>Laborers' International Union of North America</u> (Kennebec County)	1
<u>NCEU</u> (Knox County)	1
<u>RSU 73 GDB Support Staff Assn.</u> (RSU 73 Support Staff)	1

After the scope and composition of the bargaining unit is established, either by agreement or by unit determination, a secret ballot bargaining agent election is conducted by

the Board. An election is held to determine the desires of the employees, unless a bargaining agent is voluntarily recognized by the public employer. During FY 14 there were 12 voluntary recognitions filed, involving the following employee organizations:

<u>Maine Education Association/NEA</u>	7 voluntary recs.
(Athens Professional & ESP Unit)	
(Cherryfield Teachers Unit)	
(Glenburn Professional Staff Unit)	
(Glenburn Support Staff Unit)	
(MSAD 75 Technology Professionals Unit)	
(RSU 73 Food Service Unit)	
(Stratton Educators Unit)	
<u>Teamsters Union Local 340</u>	2
(Sabattus Police Patrol Unit)	
(Sabattus Police Supervisors Unit)	
<u>IAMAW</u>	1
(Madison Administrative Employees Unit)	
<u>RSU 73 Managers/Directors Association</u>	1
(RSU 73 Managers/Directors Unit)	
<u>RSU 73 GDB Support Staff Association</u>	1
(RSU 73 Support Staff Unit)	

Eleven (11) bargaining agent election requests were filed in FY 14; 6 elections were held, including matters carried forward from FY 13. The employee organizations were certified as the bargaining agent in 4 cases, and the employees opted for no representative in 2 cases. There were no voluntary recognitions as a result of the petitions, and 2 election matters are pending. The results of the bargaining agent election petitions, including carry-overs from FY 13, are as follows:

<u>Petitioner (Bargaining Unit)</u>	<u>Outcome</u>
<u>Teamsters Union Local 340</u>	
(Bucksport Transfer Station Unit)	No. Rep. certified
(RSU 73 Custodian & Bus Driver Unit)	Teamsters certified
(Van Buren Public Works Dept. Unit)	Teamsters certified
(Van Buren General Government Unit)	Teamsters certified
(Warren Public Works Dept. Unit)	Teamsters certified
<u>RSU 73 GDB Support Staff Association</u>	
(RSU 73 Support Staff Unit)	No. Rep. certified

In FY 13, there were 5 voluntary recognitions filed, 18 bargaining agent election requests received, and 16 elections held.

The number of requests for decertification/certification and straight decertification

elections remained low again this year. The former type of petition involves a challenge by the petitioning organization to unseat and replace an incumbent as bargaining agent for bargaining unit members. In decertification petitions, no new union is involved; the petitioner is simply attempting to remove the incumbent agent. The Board received 3 decertification/bargaining agent election requests this year, compared with 3 in FY 13 and 14 in FY 12. In addition, the Board received 1 straight decertification election request this year, compared with 1 in FY 13 and 6 in FY 12. While the expressed rationale for the sharp increase in these filings in FY 12 varied, the overriding reason appeared to be unit employee dissatisfaction with the modest wage and benefit changes negotiated by the incumbent bargaining agents during the severe economic downturn and the belief that a new bargaining agent would be able to negotiate better results. Six (6) elections were held. The results of the decertification/certification petitions were as follows:

<u>Petitioner (Bargaining Unit)</u>	<u>Incumbent Agent</u>	<u>Outcome</u>
<u>New England Police Benevolent Assn.</u> (York Police Dept. Unit)	Teamsters Local 340	NEPBA certified
<u>Teamsters Union Local 340</u>	Oxford Cty. Dep. Assn.	Teamsters certified
<u>York DPW Association</u> (Dept of Public Works Unit)	Teamsters Local 340	York DPW Assn. certified

As noted above, the Board received 5 straight decertification petitions in FY 14. One election was held. The results of the decertification petition were as follows:

<u>Incumbent Agent</u>	<u>Bargaining Unit</u>	<u>Outcome</u>
Teamsters Local 340	Berwick Professional Unit	No. Rep. certified

Three (3) disclaimers of interest were filed and granted. Disclaimers arise when a bargaining agent no longer wishes to represent a bargaining unit. In such cases, the bargaining agent files a request to disclaim interest with the agency, which gives notice of such intent to the employees in the unit at issue and provides them with an opportunity to object to the request. If no employee objects, there is no collective bargaining agreement in effect, and the bargaining agent has no outstanding financial obligations for bargaining or contract administration activities regarding the unit, the disclaimer will be granted. The employee organization is no longer the bargaining agent and is prohibited from seeking to represent the employees in the disclaimed bargaining unit for a one-year period from the

granting of the disclaimer request.

There were 2 election matters carried over from FY 13; consequently, there were 26 such matters requiring attention during the fiscal year, the same number as the previous fiscal year.

The K-12 school reorganization law, 20-A M.R.S.A. § 1464(2)(H), provides that, for Regional School Units where "bargaining units with different bargaining agents must be merged into a single regional school unit-wide bargaining unit," such mergers and subsequent resolution of conflicts concerning representation are resolved by the Board pursuant to petitions to be filed "not more than 90 days prior to the first August 31st occurring after the 3rd anniversary date of the operational date of the regional school unit." For a regional school unit whose operational date was July 1, 2009, the statutory period for the filing of unit merger petitions opened on June 4, 2014. No petitions for merger pursuant to this law have been filed with the Board.

In one RSU, the school reorganization law required 4 separate bargaining units, represented by 3 different bargaining agents, to merge into 2 RSU-wide units and to then resolve the representation question for each of the resulting units. Absent agreement of the parties, the earliest the process could be concluded would have been late July of 2014, just a month before the collective bargaining agreements would expire. The parties all wanted to resolve this conundrum sooner so that bargaining over RSU-wide bargaining agreements could begin. The parties agreed that the current bargaining agents would continue to each administer its own agreement until expiration and the question concerning representation would be resolved by consent election. If a bargaining agent was selected for either or both units, that agent would be authorized to negotiate the RSU-wide agreement and would become the bargaining agent upon expiration of the current agreements. If the employees in a unit opted not to be represented, the current agents would administer their respective agreements until expiration, then the merged RSU-wide unit would be unrepresented.

One consent election was held and one of the current agents was selected to represent one new merged unit. In the other case, since none of the employees in either unit supported one of the current agents, that agent indicated it would disclaim interest after expiration of its agreement, contingent upon the employer's voluntary recognition of the competing agent as bargaining agent for the newly-merged unit. The parties' agreements respected the

contractual rights of all, while at the same time resolving the questions of representation for the future, thus enabling the start of negotiations.

Dispute Resolution

The Panel of Mediators is the cornerstone of the dispute resolution process for public sector negotiations. Its importance continues to be reflected in its volume of activity and in its credibility with the client community. The activities of the State mediators are summarized in this report and are more fully discussed in the Annual Report of the Panel of Mediators.

Interest mediation is the process through which individual State mediators assist parties in negotiating initial or successor collective bargaining agreements. The number of new interest mediation requests received during the fiscal year increased. There were 51 new requests filed this year compared with 46 last year. In addition to the new mediation requests received during FY 14, there were 31 matters carried over from FY 13 that required mediation activity during the year. Thus, the total number of mediation matters requiring the Panel's attention in this fiscal year was 87, essentially unchanged from 86 cases in FY 13.

The most significant development in bargaining this year was the dramatic decline in the rate of settlement in mediation. While limited funds have steadily lowered the settlement rate over the past four years, this year's 23% decline appears to be due to the nature of public sector finance coupled with raised employee expectations. During the year, the perception widely held is that the private sector is recovering from the recession. Even if this is true, there is always a lag between the availability of taxable resources and the collection of taxes. Public sector employees have had successive concessionary contracts and are seeking to make up for their past "losses." This combination of factors has made reaching agreement more difficult and resulted in the lowest settlement rate in mediation in at least 30 years. Other major factors contributing to the historically low settlement rate in mediation this year were on-going questions regarding State-municipal revenue sharing and the very significant turn-over in negotiators for both labor and management. Successful collective bargaining is based on the relationships between labor and management representatives across the table as well as relationships between representatives and their own principal party. Such relationships take years to develop. This year, there was a high number of retirements and reassignments, particularly on the employee side. Representatives who negotiate with each

other for years learn each other's negotiating styles and habits and the resulting relationships facilitate bargaining.

Fact-finding is the second step in the three step statutory dispute resolution process. In Fiscal Year 2014, 17 fact finding requests were filed. There were 23 requests received in FY 13. Of the 17 cases, plus 11 carried forward from FY 13, 19 cases went to hearing, 5 were conciliated at hearing, 11 decisions were issued, and 3 decisions are pending. Six (6) petitions were withdrawn or otherwise settled, and 7 are pending. In FY 13, 20 fact-finding hearings were held. The following employee organizations were involved in requests for fact finding services this year:

<u>Maine Education Association</u>	7 requests
(MSAD 57 Teachers Unit)	
(MSAD 61 Teachers Unit)	
(Portland Ed Tech & Bilingual Facilitator Unit)	
(RSU 24 Teachers Unit)	
(RSU 39 Teachers Unit)	
(RSU 50 Teachers Unit)	
(RSU 67 Professional Unit)	
<u>Teamsters Union Local 340</u>	4
(Presque Isle Airport Unit)	
(Presque Isle Public Works Unit)	
(Presque Isle Police Sergeants Unit)	
(Presque Isle Solid Waste Unit)	
<u>Maine Association of Police</u>	2
(Saco Police Command Unit)	
(Sanford Police Dispatchers)	
<u>Androscoggin County Employees Association</u>	1
(Androscoggin County Law Enforcement & Corrections Unit)	
<u>AFSCME Council 93</u>	1
(Piscataquis County Sheriff's Admin. Unit)	
<u>IAMAW</u>	1
(Madison Highway Department Unit)	
<u>Maine State Employees Association</u>	1
(Maine Community College System Adjunct Faculty Unit)	

Interest arbitration is the third and final step in the statutory dispute resolution process. Under various public employee statutes administered by the Board and unless agreed otherwise by the parties, an interest arbitration award is binding on the parties on non-monetary issues. Unresolved questions concerning salaries, pensions, and insurance are subject to interest arbitration, but an award on these matters is only advisory. The Municipal

Public Employees Labor Relations Law, which applies to the overwhelming majority of bargaining situations, does not require parties to notify the Board when they are invoking mandatory interest arbitration. The law does require that arbitration awards be filed with the Board; however, they usually are not. In FY 2014, at least two matters were scheduled to go to interest arbitration; one interest arbitration decision was received.

Prohibited Practice Complaints

One of the Board's main responsibilities in administering the public sector collective bargaining process is to hear and rule on prohibited practice complaints. Formal hearings are conducted by the full, three-person Board in such matters. Thirty-one (31) complaints were filed in FY 14. This represents a significant increase from the FY 13 level. For the last 15 years, including the current year, the number of complaints filed each year has fluctuated from a low of 5 to a high of 31, with the mean being 18.9. Many of the complaints received during the past year charged violations of the duty to negotiate in good faith.

In addition to the 31 complaints filed in FY 14, there were 14 carry-overs from FY 13, compared with 15 complaints and 21 carry-overs last year. Board panels conducted 2 evidentiary hearings on 3 cases during the year, compared with 4 evidentiary hearings in FY 13. In cases where there are no material facts in dispute, the parties submit their controversy to the Board through a stipulated record and written arguments. The Board issued 3 formal decisions and orders, and an order involving a consent decree. Board chairs, sitting as prehearing officers, held conferences in 8 cases, compared with 7 in FY 13. Eleven (11) cases are being held in abeyance at the request of the parties to allow them to try to resolve their differences. Fourteen (14) complaints were dismissed or withdrawn at the request of the parties, including two after hearing, 4 were dismissed by the executive director, and one was dismissed by the prehearing officer. Six (6) complaints await prehearing and/or hearing. One case is in the middle of a briefing schedule. Six (6) cases are being processed.

The Board issued 3 formal decisions and orders in prohibited practice cases this year:

Jarrett MacKinnon v. Maine State Troopers Association and State of Maine, Department of Public Safety, Case No. 13-03, August 26, 2013. The Board upheld the dismissal of the complaint for failure to state a claim because the complainant failed to demonstrate that the facts alleged constituted a breach of the duty of fair representation or other prohibited act.

Maine State Law Enforcement Association and Timothy McLaughlin v. State of Maine, Maine Department of Corrections, Case No. 13-15, October 31, 2013. The Board upheld the dismissal of the complaint for failure to allege facts that, as a matter of law, constitute a violation of the State Employees Labor Relations Act. The Board held that it was appropriate to consider documents provided by either party that are not part of the complaint when their authenticity is not challenged and the documents are central to the complaint or are referred to in the complaint. The Board concluded that the complaint did not allege any facts suggesting the State's articulated reason for McLaughlin's termination was, in fact, pretext. The Board also concluded that the discrimination charge under 979-C(1)(D) did not state a claim because (1)(D) protects against discrimination based on participation in a labor board proceeding, not a grievance procedure.

Teamsters Local Union 340 v. Town of Eliot, Case No. 14-04, March 21, 2014. The question presented in this case was whether the Town unilaterally changed an employee's work week from 40 hours to 30 hours in violation of 26 M.R.S.A. §964(1)(E). The Board concluded that the Union had not agreed to allow the Town to implement whatever option the employee chose, nor was the burden on the Union to demand bargaining. While the full Board found a violation, one member dissented from that portion of the remedy requiring back pay.

The executive director has continued to be actively involved settling prohibited practice cases through telephone conferences and personal meetings with the parties' representatives. The services of the executive director or a Board attorney are offered on the day of the hearing to attempt to settle cases. If the parties either decline the Board's offer or if the effort is unsuccessful, the Board members are present, ready to convene a formal evidentiary hearing.

Prohibited practice complaints, with the respondent noted in parenthesis, were filed by the following this year:

<u>Teamsters Union Local 340</u>	13 complaints
(Town of Buckport)	
(Town of Eliot - 2)	
(Town of Dixfield - 3)	
(Town of Ogunquit - 3)	
(Town of Southwest Harbor - 2)	
(Hancock County)	

(Greater Augusta Utility District)	
<u>Maine State Employees Association</u>	4
(Maine Community College System - 2)	
(State of Maine Office of Employee Relations)	
(State of Maine)	
<u>AFSCME Council 93</u>	3
(State of Maine, Dept. of Corrections)	
(Town of Winthrop)	
(Penobscot Cty. Sheriff Glenn Ross)	
<u>Individuals</u>	3
(AFSCME & Portland Housing Authority)	
(AFSCME Council 93)	
(City of Portland)	
<u>NCEU</u>	3
(Knox County)	
(York County Sheriff Maurice Ouellette, et al.)	
<u>MEA</u>	2
(York School Committee, et al.)	
(RSU #24)	
<u>IAMAW</u>	1
(City of Bath)	
<u>RSU 73 Board</u>	
(RSU 73 Education Association)	1
<u>Town of Dixfield</u>	
(Teamsters Union Local 340)	
<u>Town of Ogunquit</u>	1
(Teamsters Union Local 340)	

Unit Appeals

The Board is authorized by statute to decide appeals of unit-related decisions issued by the Executive Director regarding unit composition and election issues. This year, the Board considered two unit appeals.

AFSCME and Penobscot County, Case No. 14-UCA-01, December 17, 2013. AFSCME argued on appeal that the Hearing Examiner made an error of law in concluding that AFSCME had failed to demonstrate changed circumstances sufficient to warrant modification of the bargaining unit. The Board agreed with the Hearing Examiner's conclusion that there was no evidence that the use of part-time employees or their essential functions had changed substantially over the prior 30 years, notwithstanding the fluctuation in their numbers and total hours worked.

Central Lincoln County Educational Specialists Association/MEA/NEA and AOS #93, Case No. 14-UDA-01, June 11, 2014. In this appeal of a Unit determination case, the Board

affirmed the Hearing Examiner's dismissal of the petition to create a bargaining unit of several positions serving schools in AOS #93. The petitioner sought to have a new unit created pursuant to the terms of 20-A M.R.S.A. §1464-A(2). The Board concluded that a prerequisite to such a step is the employment by the AOS of the employees in question. As the Petitioner failed to offer any evidence that the employees were actually employed by the AOS, the petition was properly dismissed.

Status Quo Determinations

After a collective bargaining agreement expires and before a successor agreement is reached, the statutory duty to bargain requires that the status quo must be maintained for the portions of the expired agreement that are within the scope of the mandatory subjects of bargaining: wages, hours, working conditions, and contract grievance arbitration. Title 26 M.R.S.A. § 964-A(2) authorizes the Board to determine whether a particular contract provision is within the scope of a mandatory subject of bargaining and, if it is, charges of violations of such provisions are decided through the contractual grievance arbitration procedure. The Board issued one status quo determination request this year.

R.S.U. No. 38 School Board v. Maranacook Area Schools Association, Case No. 14-19SQ, May 15, 2014. The Board ruled that under the Law Court decision in the *University of Maine v. Associated COLT Staff* case, the employer was not obligated to continue granting step increases pursuant to the status quo doctrine after the expiration of the agreement while the parties were negotiating a successor agreement. This determination was appealed to the Superior Court on May 29, 2014.

Interpretive Rulings

The labor relations statutes authorize the Board to issue non-binding interpretive rulings to assist parties in understanding the provisions of the law and, thereby, avoiding violating the statutes. No requests for interpretive rulings were received this year and the Board did not issue any on its own initiative.

Court Appeals

In *City of Augusta v. Maine Labor Relations Board*, 2013 ME 63, 70 A.3d 268, July 2, 2013, the Maine Law Court upheld the Board's determination that the status quo to

be maintained following the expiration of the collective bargaining agreement included continuation of the payment of health insurance for retired firefighters pursuant to the terms of the expired agreement. This payment was required even for those firefighters retiring after the expiration of the agreement.

Summary

The following chart summarizes the filings for this fiscal year, along with the previous five years, and percent change from year to year:

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Unit Determination/ Clarification Requests Number filed--	13	-7.7% 12	+33% 16	-37.5% 10	-20% 8	+50% 12
Agreements on Bargaining Unit (MLRB Form #1) Number filed--	15	+106.7% 31	+16% 36	-41.7% 21	+33% 28	-32% 19
Voluntary Recognitions (MLRB Form #3) Number filed--	2	+550% 13	+61.5% 13	-46% 7	-28.6% 5	+14% 12
Bargaining Agent Election Requests Number filed--	13	-15.4% 11	0% 11	-37.5% 8	+125% 18	-38.9% 11
Decertification Election Requests Number filed--	0	0% 0	+400% 4	+50% 6	-83.3% 1	+400% 5
Decert./Certification Election Requests Number filed--	4	0% 4	+37.5% 19	-26% 14	-78.6% 3	-- 3
Mediation Requests Number filed--	39	+64% 64	-15.6% 54	+27.8% 69	-33.3% 46	+10.9% 51
Fact-Finding Requests Number filed--	9	+55.6% 14	-14.3% 12	+91.7% 23	-13% 20	-16% 17

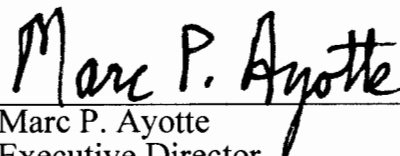
Prohibited Practice Complaints		-6.2%	+17%	+33.3%	-37.5%	+106%
Number filed--	16	15	18	24	15	31

The above table indicates that the demand for the Board's different services generally increased during the fiscal year. The agency's leading business indicator, the level of demand for interest mediation, together with the high number of fact-findings, reflect the difficulty in concluding agreements in the current economic climate. For the past several years we have been predicting that public sector organizational activity may be nearing the point of saturation, given that the Board has been in existence since 1969 and many units, particularly education and firefighter units, predated the establishment of the agency. Consistent with these predictions, there was an decrease in organizational activity for new bargaining units this year.

During FY 14, public sector labor-management relations in Maine continued to mature, with parties relying on the statutory dispute processes to settle their differences. The development of more mature labor relations is evidenced by the strong demand for mediation services and the continued willingness by the parties to settle prohibited practice complaint cases. In sum, the Board's dispute resolution services fostered public sector labor peace during this very difficult and challenging year.

Dated at Augusta, Maine, this 1st day of July, 2014.

Respectfully submitted,



Marc P. Ayotte
Executive Director
Maine Labor Relations Board