

STATE OF MAINE

Maine Labor Relations Board

TALLY OF MAJORITY SIGN-UP AUTHORIZATIONS

On February 13, 2023, the American Federation of State, County & Municipal Employees, Council 93 (AFSCME Council 93 or Union) filed with the Maine Labor Relations Board a Petition for Bargaining Agent Certification by Majority Sign-up (Petition) to represent certain employees of the Town of Orono (Employer) for the purposes of collective bargaining. The Employer initially objected to the proposed bargaining unit and the parties reached a final agreement on the composition of the bargaining unit on April 28, 2023. The agreed-upon bargaining unit is reflected below:

Included: Administrative Support Specialist-Community Development, Assistant Clerk, Bookkeeper, Circulation Clerk/Library Specialist, IT Systems Administrator, Library Circulation Manager, Library Youth Services Manager, Parks and Recreation Department Programmer, Staff Accountant

Excluded: Assessor, Code Enforcement Officer, Town Planner, employees regularly scheduled to work less than 16 hours per week, all other town employees, including per diem employees, temporary employees, and those employees not defined as public employees under the Municipal Public Employees Labor Relations Law.

With the petition, the Union submitted cards signed by certain individuals designating and authorizing the Union to serve as their bargaining agent. On March 1 and 9, 2023, the Employer provided a roster of the employees who encumber the positions that are included in the bargaining unit described above.

On May 1, 2023, the undersigned Executive Director of the Maine Labor Relations Board conducted a review of the authorization cards to determine if a majority of eligible employees in the proposed bargaining unit authorized the Union to serve as their bargaining agent. The Executive Director considered only those cards signed by individuals who were still employed by the Employer at the time of the May 1 tally and found the Union lacked authorizations from a majority of bargaining unit employees.

The Union appealed this finding to the Board and the Board conducted a related hearing. As part of the hearing, the Employer submitted a roster of former employees that indicated two individuals whose positions are in the agreed-upon bargaining unit were employed by the Town up until and including February 13, 2023. After hearing, the Board found that, for majority sign-up petitions, the Executive Director should consider all authorizations signed by bargaining unit employees who are employed at the time that the petition is filed, in this case February 13, 2023. See *AFSCME Council 93 and Town of Orono*, No. 23-UDA-04 (August 17, 2023). In part, the Board ordered the Executive Director to certify the Union as the bargaining agent for the agreed-upon unit. *Id.*

REVIEW OF SUBMITTED AUTHORIZATIONS

Number of employees in proposed bargaining unit as of February 13, 2023	<u>11</u>
Total number of signed authorizations submitted	<u>9</u>
Total number of signed authorizations from eligible bargaining unit employees as of February 13, 2023	<u>7</u>

ATTEST: Neil P. Daly
Neil P. Daly, Executive Director
Maine Labor Relations Board

CERTIFICATION

Having reviewed the signed authorization forms, I have determined that a majority of the employees in the agreed-upon bargaining unit designated AFSCME Council 93 as their exclusive agent for the purposes of collective bargaining. As a result, I, Neil P. Daly, Executive Director of the Maine Labor Relations Board, certify AFSCME Council 93 as the exclusive bargaining agent of the employees in the bargaining unit described above.

Dated: August 21, 2023

ATTEST: Neil P. Daly
Neil P. Daly, Executive Director
Maine Labor Relations Board