6-29-1979

Annual Report Maine Labor Relations Board Fiscal year, 1979

Maine Labor Relations Board

ANNUAL REPORT

MAINE LABOR RELATIONS BOARD

Fiscal Year 1979

Submitted by

Parker A. Denaco, Executive Director - July 2, 1979

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 marks the first time that the agency has completed a fiscal year in which comprehensive contracts have been negotiated and in force for all State employees eligible for collective bargaining rights under the State Employees Labor Relations Act and in which the first contract has been concluded for police and service and maintenance personnel under the University of Maine Labor Relations Act. In addition to the active administration of labor relations matters under the foregoing State Employees Labor Relations Act and the University of Maine Labor Relations Act, the Maine Labor Relations Board was also actively involved with the administration of labor relations matters under the Municipal Public Employees Labor Relations Act during the past fiscal year. While there were replacements of two primary members prior to the conclusion of the previous fiscal year, on April 27, 1979, the Attorney General of the State of Maine issued an opinion which indicated that seven of the nine members and alternates of the Maine Labor Relations Board were in a holdover status and eligible for immediate reappointment. According to that same opinion, Chairman Keith and Alternate Chairman Webber would enter a holdover status as of September 30, 1979. As of the preparation of this report, new appointees had not been named by Governor Brennan to fill any of the vacancies caused by holdover or resignation (the last category applying to Messrs. McGuire and Haney). Currently, the appointees to the Board consist of Chairman Edward H. Keith, Esquire, of Bangor; Alternate Chairman Donald W. Webber, Esquire, of Auburn; Employee Representative Michael Schoonjans of Old Orchard Beach; Alternate Employee Representative Roland E. Gorman of South Portland; Employer Representative Paul D. Emery of Auburn; and Alternate Employer Representatives Kenneth T. Winters of Brewer and Henry W. Mertens of Manchester.

The 109th Legislature, which adjourned on June 15, 1979, considered and passed several measures impacting the public sector labor laws and the activities of this agency. First, "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation" was enacted as Chapter 22 of the Public Laws of 1979. This legislation amended Sections 911-922 of Title 26 of the Maine Revised Statutes. It includes language to prohibit retaliation against any employee who shall have petitioned or sought the assistance of the Maine Board of Arbitration and Conciliation and also confers upon the Board the power to administer oaths and to require by subpoena the attendance and testimony of witnesses. Further, it establishes specific provisions for the publication of reports by the Maine Board of Arbitration and Conciliation at the discretion of the Governor or the Executive Director of the Maine Labor Relations Board and provides for either of them to refer the report of the Board of Arbitration and Conciliation to the Department of the Attorney General or elsewhere for action or compliance. This legislation also amends the provisions allowing for boards of inquiry and establishes the test of requiring a "substantial number of employees" to petition for such a proceeding. Lastly, the legislation reiterates the confidential nature of proceedings before the Maine Board of Arbitration and Conciliation and sets forth exclusions thereto if contained under the provisions of Section 916 or Section 917 of Title 26.

"An Act Relating to Negotiations Involving State Employees Under the Labor Laws" was initiated as L.D. 291 and became Chapter 125 of the Public Laws of 1979. This legislation, which amended the Municipal Public Employees Labor Relations Act, State Employees Labor Relations Act and University of Maine Labor Relations Act provided, in each instance, that either party to negotiations may publicize their initial written collective bargaining proposals and further provided that no proposal could be publicized until ten (10) days after both parties have made their initial proposals. This bill resulted from a compromise which started as a proposal that all negotiation sessions would be open and public. This agency opposed that original proposal not only because it would frustrate the bargaining process and make the bargaining process more time-consuming, but also because it would have adverse ramifications on the mediation process and the ability of mediators to obtain the confidence of the parties in order to attempt to effect a settlement through reasonable compromise.

"An Act to Clarify Unit Clarification Procedures Under the Municipal Labor Relations Act" was enacted as Chapter 199 of the Public Laws of 1979. This Act,

which amended only the Municipal Public Employees Labor Relations Act, provided that the 90-60 day rule found in Section 967 of the Municipal Public Employees Labor Relations Act would not apply to unit clarification petitions raised according to paragraph 3 of Section 966 of that Act. This legislative change would allow unit clarification petitions to be brought by a certified bargaining agent or management at any time during the collective bargaining relationship, instead of only during the 90-60 day period prior to the expiration of a collective bargaining agreement or when there is no such agreement in effect, as was the case prior to the enactment of this legislation. All legislation discussed in this report is of a "regular" nature and not an "emergency" enactment; therefore, it will become effective 90 days after the adjournment of the Legislature.

"An Act to Amend the Municipal Public Employees Labor Relations Act" commenced as L.D. 1345 and was enacted as Chapter 501 of the Public Laws of 1979. This legislation was viewed primarily as a "housekeeping" measure to affect uniformity in the administration of the various laws handled by the Maine Labor Relations Board. It reinstituted the provisions of Chapter 553 of the Public Laws of 1977, to wit, it permitted the Maine Labor Relations Board to determine the salary for the Executive Director within the salary range (Range 86) established by the Legislature. This provision had inadvertently been returned to a prerogative of the Governor through omnibus legislation affecting Title 2 type personnel passed as Chapter 697 of the Public Laws of 1978. The bill continues to create uniformity for payment of mediation services rendered under the State Employees Labor Relations Act compared to both the Municipal Public Employees Labor Relations Act and the University of Maine Labor Relations Act. While there was no maximum number of days set in the State Employees Labor Relations Act, the new legislation sets forth, consistent with the other Acts, a maximum of three (3) mediation days per case to be underwritten by the Maine Labor Relations Board unless specific waiver is granted pursuant to Section 965, paragraph 2(C), of the Municipal Public Employees Labor Relations Act. Lastly, the legislation clarfies the impasse procedures contained in the University of Maine Labor Relations Act and makes provision in Section 1026, paragraph 5, thereof, for the fact finding process, noting in particular the requirement that fact finding costs must be appropriately shared by the parties to the proceeding. This was inadvertently omitted from the original draft of the University of Maine Labor Relations Act which did not contain fact finding in the impasse resolution procedure. When fact finding was

reinstituted, the cost provisions for it were inadvertently omitted from Section 1026, paragraph 5, of the University of Maine Labor Relations Act. This omission has been corrected through the enactment of Chapter 501 of the Public Laws of 1979.

Lastly, while not directly influenced or enforced by the Maine Labor Relations Board, we note that "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage," introduced as L.D. 552, was enacted as Chapter 516 of the Public Laws of 1979. This legislation provides a definition of public employees and further requires that they be paid at least the Federal minimum wage. This has been accomplished by enacting amendments to Sections 663 and 664 of Title 26. It further exempts the public employees so defined from overtime provisions consistent with other exemptions found in 26 M.R.S.A. Section 664.

As it was mentioned in last year's report, we believe it prudent to report that the Administrative Procedure Act, Chapter 551 of the Public Laws of 1977, has caused a minimal "bottleneck" with the functioning of the hearing process. While we projected that the Administrative Procedure Act might create extreme problems, it has not done so; however, it has produced problems in extremely long cases requiring transcripts. For example, a prohibited practice complaint case involving an alleged work stoppage/strike by certain members of the Sanford Public Works Department required a hearing which lasted five (5) days. The length of this hearing, which had to be transcribed for Superior Court usage, completely committed the one hearings reporter available to and hired by this agency for nearly a month. If there had been additional cases requiring transcripts during this period of time, it would have been impossible to satisfy multiple requirements. Since this agency and other state agencies are so minimally staffed with hearings reporter personnel, this requirement of the Administrative Procedure Act, in our opinion, deserves continued scrutiny.

During the past year, the Board has continued its policy to provide 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 made numerous appearances before various organizations or groups which sought additional information about the operations of the various labor relations acts administered by the Maine Labor Relations Board.

Specifically, he made presentations to the Annual Meeting of the Maine State Employees Association, in Bangor, and appeared before a program relating to the mediation process sponsored at the University of Maine in Orono. He participated in a seminar sponsored by the American Arbitration Association and also participated in their Advisory Council Meeting as a member thereof for the New England Region. He delivered speeches and training materials to trainees of the Maine Job Service and also to candidates for advanced degrees in education at Husson College (degrees to be awarded by another institution). The Board and the Executive Director participated in supporting the Community Dispute Mediation Project which, under the auspices of the Maine Council on Humanities and Public Policy, was concluded during the last fiscal year. There is an ongoing court mediation program which is now operating is a more restrictive geographical region (primarily Cumberland County) for which additional interim funding has been forthcoming from the judicial system.

Last Fall, the Executive Director spoke on public sector labor relations and the impact of statutory changes extending collective bargaining rights to Federal Civil Service employees and the elimination of the provisions of Executive Order 11491. These comments were delivered to Federal and Military Supervisors at the invitation of the 21st Air Force at McGuire Air Force Base, New Jersey. In addition, the Executive Director spoke on dispute resolution techniques, namely, mediation and fact finding, to the Annual Meeting of the National Public Employer Labor Relations Association and participated as a speaker in an interest arbitration program sponsored jointly by the American Arbitration Association and the Federal Mediation and Conciliation Service in Washington last March. Lastly, the Executive Director participated as a speaker on a program involving Public Sector Dispute Settlement at the University of Massachusetts in Amherst in April and he and Attorney/Examiner Whitney spoke to a School Law Seminar sponsored by the Maine Bar Association in Waterville in May.

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 been named the Co-Chairman of the Labor Law Committee of the Maine Bar Association. Both he and Dispute Resolution Specialist Robert Goldman,

of the agency, have been active in their liaison endeavors with the New England Consortium of State Labor Relations Agencies which is seeking to upgrade the caliber and level of expertise of labor relations professionals who serve as neutrals in the public sector. This is being accomplished through a regional grant from IPA in which all six of the New England states are participating. Mr. Goldman has been named as the Project Director for a training program sponsored by the New England Consortium of State Labor Relations Agencies intended for mediation, fact finding and arbitration personnel.

The Maine Labor Relations Board has continued to maintain its affiliation with national agencies. Agency activity has continued to increase with respect of the Association of Labor Relations Agencies, formerly the Association of Labor Mediation Agencies. Currently, the Executive Director is President of that Association which is 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. The Executive Director has maintained charter membership status in the Society of Professionals in Dispute Resolution (SPIDR) and is a member of the Industrial Relations Research Association (IRRA). During the past year, he has also served as a Director for the Academic Collective Bargaining Information Services (ACBIS).

The Maine Labor Relations Board is cooperating 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 these various agencies. Since the PERS project is in the process of establishing a national compilation which will consist of a master index for state labor relations agency decisions, the Executive Director has participated in the formulation of the topics for such an index. Additionally, he has written a chapter for a public sector labor relations manual to be published by the Public Employment Employment Relations Services and has served as a member of the Board of Directors for this overall project. It should also be noted that former Board Chairman Walter Corey, Esquire, and Professor S. Teachout published a joint article on the court mediation experiment here in Maine which was published by the "PERS Newsletter" and also by the "Maine Bar Bulletin," a publication of the Maine Bar Association.

While the remainder of this report will emphasize the public sector statistics

generated through the functions of the Maine Labor Relations Board, at this juncture it is interesting to note that, during the past fiscal year, staff personnel at the Maine Labor Relations Board have become involved in additional duties involving private sector cases in cooperation with the Federal Mediation and Conciliation Service, the Maine Board of Arbitration and Conciliation, and personnel from the State Panel of Mediators. Specifically, the usage of conciliation and/or mediation personnel has been employed in private sector cases involving Norman Lincoln-Mercury and the Industrial Union of Marine and Shipbuilding Workers, Great Northern Paper Company, the Maplewood Poultry Company dispute with the Amalgamated Meat Cutters and Butcher Workmen, the Lipman Poultry dispute with the Amalgamated Meat Cutters and Butcher Workmen, Brown Chrysler-Plymouth in its dispute with Local 6 of the Industrial Union of Marine Shipbuilding Workers of America, the Maplewood Poultry Company dispute with the Teamsters Local No. 340, Lincoln Pulp and Paper Company, the Maremont Corporation in its dispute with the Textile Workers of America, Chaplin Cadillac-Olds, Inc. in its dispute with the Industrial Union of Marine and Shipbuilding Workers, the Pine Tree Legal Corporation in its dispute with Counsel No. 74, American Federation of State, County and Municipal Employees, the Southworth Machine Company dispute with the International Association of Machinists Local 385 and the St. Regis Paper Company. Through the assistance of personnel from the Maine Labor Relations Board and the abilities of members of the State Panel of Mediators, those of the foregoing situations which involved strikes all resulted in fruitful and amicable settlements.

During the past fiscal year (and its seventh year of operation), the Maine Labor Relations Board accepted thirty (30) voluntary agreements on the establishment of collective bargaining units. There were 29 such filings in the prior fiscal year and 24 in the year previous. In addition to the foregoing, a voluntary agreement was filed for the Professional and Administrative staff unit of the University of Maine. The agreement was reached after informal hearings called by the Board at which the parties were able to come to substantial agreement concerning the composition of that unit. Pursuant to the agreement, a mail ballot election was conducted by the Board for the employees in this unit in which the petitioning labor organization won a majority of the votes and was certified by the Executive Director as the bargaining agent for the employees in the unit. There was also one voluntary agreement filed by the parties to clarify an existing unit, rather than to establish a new unit. Overall, voluntary agreements as to

bargaining units involved the communities and entities of:

Auburn
Bangor
Bucksport
East Corinth
Edgecomb
Falmouth
Harmony
Houlton
Jay
Kittery
Kennebunkport
Lisbon
Livermore Falls
Orono
Portland
Rumford
Saco
Sanford
Thomaston
Waterboro
Waterville
Wells
Yarmouth

University of Maine: Professional and Administrative Staff

In instances where parties could not agree on the composition of the bargaining unit, parties filed for unit determination hearings. Thirty-three petitions had been filed through the preparation of this report. Seventeen additional unit matters were carried over from the previous year for a total of 50 unit questions which either were pending or initiated before the Board during the fiscal year. Hearings have been held in a total of 24 of the unit matters filed in fiscal year 1979, and hearings were also held in 13 of the 17 matters that were pending during FY 1979 although filed in the prior fiscal year. The remaining matters are pending completion, arrangement of hearings, or other action. One matter, Baker Bus Service, Inc. was initiated by the filing of a unit petition in fiscal 1977. As reported in the Annual Report for FY 1978, a hearing examiner for the Board determined that the Company, though a private concern, was subject to the Act under the special facts of the case. The unit determination of the hearing examiner was appealed to and heard by the full Board. The Board upheld the jurisdictional finding of the hearing examiner, and the Board's ruling was appealed by the employer to the Superior Court of Kennebec County where it is currently pending.

Unit hearings were held during the fiscal year in such widely separated areas of the state as Kittery and Ogunquit, Houlton and Limestone in the North, and from Machias to Rumford. Unit determinations or clarifications during the past fiscal year involved the following communities:

Auburn
Bangor
Biddeford
Brewer
Bucksport
Fairfield
Fort Kent
Houlton
Kittery
Lewiston
Lewiston-Auburn Water
Polution District
Limestone
Lincoln
Machias
Ogunquit Village
Portland
Portland Water District
Rangeley
Rumford
Thomaston
Turner

Auburn Public Library Corporation

University of Maine: Faculty

Once the scope and composition of the bargaining unit is set, whether by voluntary agreement or after hearing, the next step in the process is usually that of establishing the identity of the bargaining agent for the employees in the unit. This is done voluntarily through agreement of the parties or by an election conducted by the Executive Director. During fiscal 1979 there were 16 instances in which the petitioning labor organization and the public employer agreed upon the identity of the bargaining agent without the necessity of a representation election. Public employers who accorded voluntary recognition were:

Auburn
Bucksport
East Corinth
Edgecomb
Harmony
Jay
Kittery
Kennebunkport
Lisbon
Livermore Falls
Orono
Saco
Sanford
Thomaston
Waterboro
Wells

Where the parties are not able to reach agreement as to voluntary recognition of the bargaining agent by the employer, an election is held by the Executive Director to determine the employees' desires on the question. Forty-seven requests for bargaining agent elections were received during fiscal year 1979, compared with forty-three in FY 1978 and only 22 in the previous year. As observed in the Annual Report for FY 1978, the remarkable jump in requests for representation elections in the past two years reflects intensive activity among municipal employees in areas other than education. Of the 47 requests received, 36 resulted in elections

being held or scheduled prior to the end of the fiscal year; 2 were withdrawn; 2 resulted in voluntary recognition after the election request was received (one of these being in the Professional and Administrative Staff unit of employees at the University of Maine); one was eliminated by a finding that the employees involved were not public employees; and the remainder are awaiting action.

Although the election process for State employees was completed during the prior fiscal year, representation activity among University of Maine employees is still in process. In FY 1978, the staff of the Maine Labor Relations Board completed elections among employees in the Faculty and Service and Maintenance bargaining units of the University. As indicated in the Annual Report for the prior fiscal year, those elections brought an additional 1700 employees under the protection of the public employee labor relations statutes. As indicated earlier in this report, the University and the petitioning union agreed to the holding of an election among employees in the Professional and Administrative Staff bargaining unit. A mail ballot election was held by the Board for these employees during March of 1979. Approximately 1000 mail ballots were distributed in that election. The result of that election was that approximately 1000 more University employees were added to those covered by the labor relations statutes. At this juncture, four of the six legislatively prescribed units in the University of Maine Labor Relations Act have completed the representation process and have entered into the bargaining phase of the relationship. There remain two statutory units under the University Act which, as of the date of this report, have not been the subject of any formal activity with respect to representation petitions before the Board. These units are the Clerical, Office, Laboratory and Technical bargaining unit and the Supervisory Classified unit. Note should be taken as well that the employees of the Maine Maritime Academy have not been the subject of any representation petitions thus far. The Academy employees have been granted collective bargaining rights under the University of Maine statute.

Municipalities and entities involved with representational election requests or services during fiscal year 1979 were:

Augusta
Bangor
Biddeford
Bucksport
Cumberland
Falmouth
Fairfield
Fort Kent
Livermore Falls
Machias
Millinocket
Ogunquit
Portland
Rangeley
Rumford
Rockland

Houlton
Jay
Kennebunkport
Lewiston
Lewiston-Auburn Water Polution Control Authority
Lincoln
Limestone
Saco
Sanford
Thomaston
Watervoro
Waterville
Unity
Yarmouth

There were 14 decertification election petitions filed during the past fiscal year. Effective June 30, 1978, the Board adopted a new rule authorizing the holding of a decertification election on the question of whether the incumbent union will remain as collective bargaining agent simultaneously with a determination whether the challenging petitioner should be certified as bargaining agent in its stead, or whether the employees opt for "no representation." In the past, the Board conducted separate elections which sometimes caused undue delay in determining the ultimate desires of the employees in the unit. Of the 14 decertification requests filed during the past fiscal year, elections were completed in 13 units; one is still pending. Of the 13 elections held, 9 resulted in incumbents being decertified and challenging unions being certified. In 4 instances, the incumbent retained its position as the bargaining agent. Since 11 of the matters involved decertification and certification elections held simultaneously, they are recorded in the election segment of this report as well.

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

Augusta
Biddeford
Falmouth
Jay
Livermore Falls
Millinocket
Portland
Rockland
Sanford
Unity

The activities and accomplishments of the Panel of Mediators for the fiscal year are more fully reported in the Annual Report of the Panel of Mediators submitted to the Governor pursuant to § 965, ¶ 2, of Title 26, Maine Revised Statutes. That report reflects the leveling off of mediation requests over the past several years at approximately 80 to 100 referrals per fiscal year. The level of new requests received over the past six years is: fiscal 1979, 81 requests; fiscal 1978, 82; fiscal 1977, 92; fiscal 1976, 106; fiscal 1978, 92. The leveling off of requests over the past two years is deceiving. Actually, during fiscal 1979, a

record number of mediation-man-days (e.g., the number of days devoted by a single mediator to actual mediation in a particular matter) was recorded. A total of 134 mediation-man-days were devoted to the 61 matters in which the mediation process had been concluded, and the average number of man-days devoted to each case reached a new high, i.e., 2.2 man-days per case. These two figures are notable in themselves for, as pointed out in the Panel of Mediators' Annual Report, this intensity of concentration on mediation apparently contributed to the remarkable achievement of the mediation process during FY 1979 - a success rate of 67 percent, a rate which far exceeded that of other years. As the Annual Report points out, there were protracted bargaining standoffs in both the private and public sectors which involved State mediators in arduous and extended efforts to dissolve difficult impasse situations and encourage the parties to return to conscientious bargaining. The increased expenditure of man-days per case would appear to reflect not only the intensified use of mediation in selected cases, but an increased acceptance of the mediation process as an effective dispute resolution mechanism.

In the coming fiscal year, it can be reasonably predicted that the fiscal restraint considerations which affect government at all levels will place additional stress on the mediation and the impasse resolution mechanisms and on the resourcefulness of the individual mediators.

Fact-finding continues as an important aspect in impasse resolution. The number of new fact finding requests received in FY 1979 was 34. This figure is down from the 43 filed during the prior fiscal year, FY 1978. However, for the first time, University of Maine units were the subject of fact-finding petitions, while State employee units comprising several thousand state employees were the subject of a monumental fact-finding endeavor which resulted in a 198 page fact finding report.

In addition to the 34 new requests received in FY 1979, there were 13 carry-over requests which were holdovers from the prior fiscal year. All of the holdovers were assigned and disposed of during the current fiscal year. In the prior fiscal year, only 2 holdover fact finding petitions were carried over from the previous year. The total of 47 matters - current and holdover petitions - approximates closely the 45 matters (43 current petitions and 2 holdovers) processed in FY 1978.

interestingly enough, 43 fact-finding requests were also filed in FY 1977. Of the matters filed during FY 1979, seven were withdrawn, while one matter was withdrawn as the parties opted to go directly to arbitration. Of the fact finding cases received during the year, all have been completed or have been assigned as of the close of the year, except one which is awaiting assignment. Of the 13 holdover cases from the prior fiscal year, 10 were assigned and completed, and 3 were withdrawn.

The following communities and entities were involved in fact finding during the past fiscal year (including carry-over cases):

Ashville
Auburn
Bangor
Bethel
Blue Hill
Boothbay-Boothbay Harbor
Brewer
Brooksville
Cape Elizabeth
Dover-Foxcroft
Easton
Farmington
Hampden
Howland
Jay
Kittery
Lewiston
Limestone
Lincoln
Mexico
Millinocket
Mount Desert Island
Oakland
Old Orchard
Portland
Rumford
Saco
Sanford
Sabattus
South Portland
Turner
Waterboro

State of Maine
University of Maine

The number of prohibited practice complaints filed with this Board during the past fiscal year escalated dramatically to a high of 71 new complaints, a figure that lacked one case of doubling the number of filings in the prior fiscal year. In fiscal 1977, the prior record year, 46 prohibited practice complaints were filed. A partial explanation for this quantum leap is found in the coming on line of the final State units and the certification of bargaining agents in two of the larger University units - the Faculty bargaining unit and the Operations and Maintenance unit. Four of the new complaints involved the State of Maine as the employer; 5 were filed against the University; two were filed with respect to V.T.I. units. However, even discounting the State and University related complaints, the number of new complaints filed far exceeds the former record figure. As pointed out in the Annual Report for FY 1978, the rapidly escalating figures of matters brought

to the Board over the past three years illustrate the increasing strains on the Board staff and resources. As noted, the filing and processing of prohibited practice complaints involves considerable time, planning and effort, including the processing of complaints, preparation for pre-hearings and hearings, constant research, conducting hearings, recording and transcribing hearing records, Board deliberations, and decision writing. The dramatically increased workload caused by the escalating number of prohibited practice complaints being filed along with the increasing number of filings in other areas of the Board's jurisdiction, as compared with the first few years of the Board's existence, continues to illustrate the growth in demand for Board services. In addition to the new case workload, there were 19 holdover prohibited practice complaints from prior years which required hearings, decisions or court action during the fiscal year.

Of the 71 new prohibited practice complaint cases, 37 had either proceeded to pre-hearing conference, had been scheduled for hearing or had been heard by the Board at the compilation of this report; 17 matters had been heard and either decisions or interim decisions had been issued by the Board; two matters were the subject of procedural decisions by the Board; and one was awaiting assignment to pre-hearing. Fourteen matters had been withdrawn either before or after pre-hearing. Of the 19 carry-over matters, 9 were decided by the Board and resulted in the issuance of Decisions and Orders by the Board. Two carry-overs were awaiting decision by the Supreme Judicial Court; 6 were either dismissed by stipulation or withdrawn; one matter was granted a stay by the Board upon the request of a party. One matter remained for disposition.

Forty-two matters, or 60 percent of the prohibited practice caseload, involved the public education sector. In the past two fiscal years there has been a rather dramatic shift in the percentile of cases representing the education sector. In FY 1978, only 53 percent of the cases filed represented the public education sector. In FY 1977 and prior years, education cases represented upwards of 75 percent of the matters filed with the Board. As reported in the Annual Report for FY 1978, the shift in emphasis away from the public education sector is an indication that other groups of public employees who are eligible for collective bargaining representation under State laws have been the subject of increased organizational and representation activity on the part of employee organizations.

The communities and entities involved in the filing of prohibited practice complaints during fiscal year 1978 were the following:

Ashville
Auburn
Augusta
Bangor
Bar Mills
Bath
Cape Elizabeth
Caribou
Dover-Foxcroft
East Millinocket
Easton
Falmouth
Fairfield
Hampden
Jay
Lewiston
Limestone
Lincoln
Livermore Falls
Machias
Manchester
Mexico
Mount Vernon
Millinocket
Oakland
Rangeley
Rumford
Sabattus
Sanford
Thomaston
Waterville
Van Buren

Baker Bus Service
Erskine Academy
Lewiston-Auburn Water Pollution Control Authority
Southern Maine Vocational Technical Institute
State of Maine
University of Maine

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

	Fiscal Year 1976	Fiscal Year 1977	Fiscal Year 1978	Fiscal Year 1979
Unit Determination Requests				
Filed in Fiscal Year	down 47%	up 50%	up 124%	down 33%
Total Pending			up 90%	unchanged
Bargaining Agent Election Requests	up 100%	up 69%	up 86%	up 9%
Decertification Election Requests	up 75%	up 64%	down 14%	up 14%
Mediation Requests	unchanged	down 13%	down 11%	unchanged
Fact Finding Requests				
Filed in Fiscal Year	up 120%	down 14%	unchanged	down 25%
Total Pending				unchanged
Prohibited Practice Complaints	up 28%	up 100%	down 22%	up 97%

As reported in the Annual Report for FY 1978, the increases in use of the Board's processes and services, where they have occurred, tend to be dramatic and appear to reflect an expansion of activity among public employees which have more recently entered the collective bargaining arena, including the non-educational municipal employee sector and state and university employee units. The level of Board activity in all aspects is dramatically higher than the level of four or five years ago and reflects the growing awareness and competence of the Board clientele in the use of the processes contained in the public employee labor relations statutes. While there have been a very few public sector strikes or work stoppages, the Board and the Courts have provided the forums and mechanisms for dealing with these manifestations of breakdown in collective bargaining in a manner consistent with the public policy objectives behind the labor relations statutes. Although the tensions inherent in employee work stoppages are disturbing to many and unacceptable to some, the processes contained in the public sector labor laws provide mechanisms to resolve such matters through lawful and rational means. During the past fiscal year, the Board dealt with alleged violations of the anti-strike and anti-slowdown provisions of the respective Acts it administers in the Vocational-Technical Institute case and in the communities of Mexico, Rumford and Sanford.

In conclusion, this agency is gratified by the statistical summary on page 15 of this report. The figures contained therein indicate an increased sophistication in the administration of labor relations matters on behalf of many of the practitioners before the Board. Concurrently, the same statistics indicate that the practitioners and clientele of this agency view the Maine Labor Relations Board as an effective entity for the resolution of their disputes, be they involved with negotiations or the alleged commission of an unfair labor practice. As for the projections for FY 80, we anticipate that unit determination matters, bargaining agent election requests and decertification election requests will remain at approximately the same levels experienced in fiscal years 1978 and 1979. As for services involving impasse, we anticipate that mediation requests will remain in the 80-100 case area and that fact finding requests will be in the 35-45 range. This would reflect a slight increase over the past two years for fact finding as the result of the cyclical expiration of collective bargaining agreements. Lastly, while we cannot be assured of it, we would hope that the level of prohibited practice complaint filings will decrease in the coming fiscal year. This desire

is based upon two factors: (1) the immense amount of time devoted to the handling and scheduling of prohibited practice complaint matters, and (2) the increased sophistication of the litigants both as to the issues raised and the need for protracted appelate review proceedings in the Superior Court and Law Court levels, all of which is extremely time-consuming. Our overall evaluation of the foregoing statistics as well as the nature of the services sought by clientele using this agency leads us to believe that we will have a relatively steady growth rate in the broad range of services offered through the Maine Labor Relations Board over the next two to four years. Thereafter, there may be stabilization in unit determination matters because of organizational saturation. This should result in a diminution of unit determination requests, an increase in unit clarification cases, and a change in perspective from bargaining agent elections to decertification elections and tests of incumbancy. These needs and trends notwithstanding, the current status of the substantive provisions of the Municipal Public Employees Labor Relations Act, State Employees Labor Relations Act and University of Maine Labor Relations Act indicate a broad framework for the efficient and effective administration of labor-management relations which are suited to meet the demand for such services as are sought by the people of this state.

Dated at Augusta, Maine, this 29th day of June, 1979.

Parker A. Denaco, Executive Director
Maine Labor Relations Board