

AFSCME COUNCIL 93,)	
)	
Petitioner,)	
)	
and)	UNIT DETERMINATION REPORT
)	
CITY OF SOUTH PORTLAND,)	
)	
Respondent.)	
)	

PROCEDURAL HISTORY

This unit determination proceeding was initiated on February 13, 2006, when Barbara Libby for the American Federation of State, County, and Municipal Employees Council 93 ("AFSCME Council 93" or "union") filed a petition for unit determination and bargaining agent election with the Maine Labor Relations Board ("Board"). The petition sought a determination whether a unit consisting of the following South Portland Library positions should be created: Library Aide, Library Page, Head of Circulation, Library Assistant II, Custodian, Young Adult Librarian, Head of Technical Services, Assistant to Children's Librarian, and Children's Librarian. The City of South Portland ("city" or "employer") filed a timely response to the petition, agreeing to most of the unit as proposed by the union, but arguing that the Head of Circulation, Children's Librarian, and Head of Technical Services should be excluded as managerial positions with supervisory authority over other positions in the proposed bargaining unit, within the meaning of 26 M.R.S.A. § 966(1).

A unit determination hearing notice was issued on March 7, 2006, for a hearing scheduled for April 4, 2006, and this notice

was posted for the benefit of affected employees. At the request of the union, the hearing was continued, and a new unit determination hearing notice was issued on March 31, 2006, for a hearing scheduled for April 26, 2006, and this notice was also posted for the benefit of affected employees.

An evidentiary hearing on the unit determination petition was conducted by the undersigned hearing examiner on April 26, 2006, at the Board's hearing room in Augusta, Maine. The union was represented by Erin Goodwin, Esq. The town was represented by Mary Kahl, Esq. The town presented as its witnesses: Marian Peterson, Executive Director of the library, and Kevin Davis, Branch Services Manager. The union presented as its witnesses: Marie Chenevert, Head of Circulation; Tom Werley, Children's Librarian; and Charlotte Spear, Head of Technical Services. The parties were afforded full opportunity to examine and cross-examine witnesses, to present evidence and to make argument. The parties presented oral argument at the conclusion of the hearing.

JURISDICTION

The jurisdiction of the hearing examiner to hear this matter and to make an appropriate unit determination lies in 26 M.R.S.A. § 966(1) and § 966(2). The subsequent references in this report are all to Title 26, Maine Revised Statutes Annotated.

STIPULATIONS

1. The American Federation of State, County and Municipal Employees ("AFSCME") is an employee organization within the meaning of 26 M.R.S.A. § 962(2).

2. The City of South Portland is a public employer within the meaning of 26 M.R.S.A. § 962(7).

3. There is neither a contract bar nor an election bar to AFSCME's petition.

4. All of the employees in the proposed unit are "public employees" as defined by 26 M.R.S.A. § 962(6).

5. The parties agree that the following positions share a community of interest and therefore comprise an appropriate unit for purposes of collective bargaining: Library Aide, Library Page, Library Assistant I, Library Assistant II, Custodian, Secretary II, and Outreach Librarian.

6. The parties agree that if the positions of Head of Circulation, Head of Technical Services, Children's Librarian, and Young Adult Librarian are found to be "supervisory positions" within the meaning of 26 M.R.S.A. § 966(1), the positions shall be placed in their own supervisory bargaining unit.

7. In the event that the positions of Head of Circulation, Head of Technical Services, Children's Librarian, and Young Adult Librarian are placed in their own supervisory bargaining unit, AFSCME wishes to participate in an election for that unit.

EXHIBITS

The following exhibits were offered by the city without objection by the union, and were admitted into the record:

<u>Exhibit No.</u>	<u>Title/Description</u>
City Exh. No. 1	South Portland Public Library Organization Chart
City Exh. No. 2	Job Description - Head of Circulation Dept.
City Exh. No. 3	Job Description - Library Assistant II-2
City Exh. No. 4	Job Description - Library Assistant II-1
City Exh. No. 5	Job Description - Library Aide
City Exh. No. 6	Job Description - Library Page
City Exh. No. 7	Job Description - Outreach Librarian
City Exh. No. 8	Job Description - Children's Librarian
City Exh. No. 9	Job Description - Library Assistant I Children's Room
City Exh. No. 10	Job Description - Head of Technical Services
City Exh. No. 11	Job Description - Library Assistant I - Technical Services Dept.
City Exh. No. 12	Job Description - Library Branch Manager

years.

7. The Head of Circulation works 37.5 hours per week (full time). She supervises 11 circulation desk employees: two full-time Library Assistant II's, four half-time Library Aide I's, three Library Pages (working 11 hours per week each), one Outreach Librarian (working 12 hours per week), and one Custodian.

8. The Head of Circulation is responsible to develop and conduct a complete program of library services for adult library patrons. She administers circulation department procedures, supervises staff, and develops policies and rules as needed to assure smooth operation of all loaning. She trains and prepares employees who work at the circulation desk.

9. The Head of Circulation writes the yearly employment evaluation of all the circulation desk employees whom she supervises. The Executive Director reviews and signs the yearly evaluations, thereby giving them final approval. Employees who are given satisfactory employment evaluations are moved up one step within their pay grade, pursuant to the City's personnel policies.

10. The Head of Circulation oversees the day-to-day functioning of the circulation desk during the hours that she works. The circulation desk employees require minimal supervision.

11. The circulation desk employees have generally assigned tasks. For instance, the Library Assistant II's handle the checking in and out of material. One of the Library Assistant II's particularly deals with overdue materials; one of the Library Assistant II's particularly deals with computer and technology issues for patrons. The Library Aide I's handle the checking in and out of material, return materials within the library, process mail, and answer the telephone. The Library Pages return materials within the library. The Outreach

Librarian contacts and takes materials to shut-ins.

12. The Head of Circulation spends a significant part of her work hours performing the same or similar duties as the employees whom she supervises perform.

13. The Head of Circulation oversees scheduling for the circulation desk employees. This is a "set" schedule which changes when the library institutes summer hours, and then changes again for winter hours. The Head of Circulation approves vacation time for circulation desk employees. She calls in substitute employees, or has other employees call them, when there are unexpected absences that cannot be covered by regular library employees.

14. The Head of Circulation has never disciplined an employee. She has sometimes informally mediated conflicts between employees. It is unclear what her role is, if any, in meting out discipline pursuant to the City's personnel policies. The Head of Circulation would refer any serious discipline issue to the Executive Director, if such ever occurred.

15. The Children's Librarian has been employed by the library in that position for 12 years.

16. The Children's Librarian works 37.5 hours per week (full-time). He supervises the only other children's section employee, a Library Assistant I (working 37.5 hours per week). Their work hours in the children's section largely overlap.

17. The children's section is a separate section of the main branch of the library. The Children's Librarian and the Library Assistant I each maintain a separate desk in the children's section. They do not check materials in or out, as all circulation is done through the main circulation desk.

18. The Children's Librarian is responsible to provide and promote library services and programs especially geared to the interests of children, and to maintain a welcoming environment for patrons in the children's section of the library.

19. The Children's Librarian and the Library Assistant I (who has been employed by the library longer than the Children's Librarian) have generally divided the tasks of maintaining the collection and programming in the children's section. For instance, they each oversee a separate part of the collection. They each oversee certain aspects of the children's section programming (story time, puppet shows, etc.), and also perform some programming together.

20. The Children's Librarian writes the yearly employment evaluation of the Library Assistant I whom he supervises. The Executive Director reviews and signs the yearly evaluation, thereby giving it final approval.

21. The Children's Librarian oversees the day-to-day functioning of the children's section of the library. The Library Assistant I requires minimal supervision.

22. The Children's Librarian and the Library Assistant I have worked the same schedule for the 12 years that the Children's Librarian has been employed. There has been no need for the Children's Librarian to "set" a work schedule, *per se*. The Library Assistant I checks with the Children's Librarian when she wishes to take vacation time. If there is not enough coverage for the children's section, the Children's Librarian will check with the Head of Circulation to see if circulation desk employees can cover the section.

23. The Children's Librarian has never disciplined the Library Assistant I. It is unclear what his role is, if any, in meting out discipline pursuant to the City's personnel policies. The Children's Librarian would refer any serious discipline issue to the Executive Director, if such ever occurred.

24. The Children's Librarian spends a significant part of his work hours performing the same or similar duties as the Library Assistant I.

25. The Head of Technical Services has been employed by the library for 21 years. She has held the position of Head of Technical Services for the past 13 years.

26. The Head of Technical Services works 37.5 hours per week (full time). She supervises the only other technical services employee, a Library Assistant I (working 30 hours per week). Their work hours largely overlap.

27. The Head of Technical Services is responsible to catalog all materials and media in the main and the branch library, to order all books and media selected by the relevant committee or employee, and to plan for computer technology needed by the library.

28. The Head of Technical Services and the Library Assistant I have generally divided the tasks of cataloging. The Head of Technical Services catalogs all non-fiction and media; the Library Assistant catalogs all fiction.

29. The Head of Technical Services writes the yearly employment evaluation of the Library Assistant I whom she supervises. The Executive Director reviews and signs the yearly evaluation, thereby giving it final approval.

30. The Head of Technical Services oversees the day-to-day functioning of the technical services section of the library. The Library Assistant I requires minimal supervision.

31. The Head of Technical Services and the Library Assistant I have worked the same schedule for several years without significant variation. There has been no need for the Head of Technical Services to "set" a work schedule, *per se*. The Library Assistant I checks with the Head of Technical Services when she wishes to take vacation time.

32. The Head of Technical Services has never disciplined the Library Assistant I. It is unclear what her role is, if any, in meting out discipline pursuant to the City's personnel

policies. The Head of Technical Services would refer any serious discipline issue to the Executive Director, if such ever occurred.

33. The Head of Technical Services spends a significant part of her work hours performing the same or similar duties as the Library Assistant I.

34. In the library's organizational chart, the Young Adult Librarian is placed on the same "level" as the Head of Circulation, the Children's Librarian, and the Head of Technical Services. The Young Adult Librarian works 22 hours per week. She oversees the library collection geared towards this age group. She also oversees programming for numerous middle school students who frequent the library from after school until 5:00 p.m. each day. She does not supervise any employees.

35. A hiring committee is convened when a library position needs to be filled. The Executive Director always sits on the hiring committee, usually joined by two other employees. The hiring committee interviews candidates and makes recommendations for hire. The Executive Director has final hiring authority. The Executive Director usually accepts the recommendation of the hiring committee, but is not required to do so. For instance, the Executive Director did not accept the hiring committee's recommendation when selecting the incumbent for the Branch Services Manager position.

36. In the event that a library employee were to be discharged, the Executive Director would make this recommendation to the City Manager, who has final authority regarding employee discharge.

DISCUSSION

The primary issue presented by this case is whether three library positions--the Head of Circulation, the Children's

Librarian, and the Head of Technical Services--exercise sufficient supervisory authority over other library employees, as defined in 26 M.R.S.A. § 966(1), that they should be excluded from the proposed bargaining unit described in Stipulation Number 5.¹ In addition, the hearing examiner will consider whether a community of interest exists among these three supervisory positions and the employees in the proposed unit.

Unlike the National Labor Relations Act, the Municipal Public Employees Labor Relations Law ("MPELRL") grants supervisors collective bargaining rights and permits the inclusion of supervisors in bargaining units of subordinate employees in certain circumstances. In Penobscot Valley Hospital and Maine Federation of Nurses and Health Care Professionals, No. 85-A-01, slip op. at 8 (MLRB Feb. 6, 1985), the Board stated:

Section 966(1) does not require the exclusion of supervisory employees from bargaining units composed of the employees whom they supervise but relegates the decision of the supervisory employee's unit status to the sound discretion of the hearing examiner. MSAD No. 14 and East Grand Teachers Association, MLRB No. 83-A-09, at 12 (Aug. 24, 1983). Except in instances where the resulting one- or two-member supervisory unit would contravene our policy of discouraging the proliferation, through fragmentation, of small bargaining units, we have approved the creation of such

¹The city argued that a fourth position, the Young Adult Librarian, should also be excluded from the proposed bargaining unit due to her supervisory duties, although the city did not raise this argument in its response to the petition. The city presented minimal evidence and testimony regarding this position. There was no dispute, however, that this position does not supervise any employees. Because of this, it is impossible to conclude that the principal functions of the position are characterized by performing supervisory duties, as described in § 966(1). The fact that this position is at the same "level" in the library organizational chart as the other three positions at issue does not make the position a supervisory one. Therefore, the hearing examiner finds that the Young Adult Librarian should not be excluded from the proposed bargaining unit on the basis that she exerts supervisory authority over bargaining unit employees, within the meaning of § 966(1).

separate supervisory units. . . . The purpose of creating separate supervisory employee bargaining units is to minimize potential conflicts of interest within bargaining units, between supervisors and their subordinate employees, as well as to lessen conflicts of loyalty for supervisors between duty to their employer and allegiance to fellow unit employees.

Section 966(1) gives guidance to the hearing examiner in identifying situations where conflicting interests and loyalties may arise. The relevant portion of § 966(1) states:

In determining whether a supervisory position should be excluded from the proposed bargaining unit, the executive director or his designee shall consider, among other criteria, if the principal functions of the position are characterized by performing such management control duties as scheduling, assigning or overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards.

The focus of this three-part test is to determine whether the supervisor exercises a level of control over employment-related issues that would likely result in a conflict of interest. See Richmond Employees Ass'n and Town of Richmond, No. 94-UD-09, slip op. at 30 (MLRB Apr. 26, 1994).

Under the first prong of the test outlined in § 966(1), the hearing examiner must evaluate whether the principal functions of the three positions at issue involve scheduling, assigning, overseeing or reviewing the work of the employees supervised. Of the three positions, the Head of Circulation supervises by far the most employees--she supervises 11 employees, while the other two positions only supervise one employee each. The Head of

Circulation is in charge of scheduling the circulation desk employees. This is, by and large, a perfunctory task utilizing a long-standing schedule. She approves vacation time, though this seems to be the source of little conflict. The Head of Circulation assigns and oversees the work of the circulation desk employees. This does not entail, however, a tremendous amount of time or vigilance on the part of the Head of Circulation, according to her credible testimony. This may be due to a variety of factors, including the fact that some of the tasks performed by the positions are routine and the fact that certain circulation desk positions have taken on discrete and autonomous tasks (such as the Library Assistant II who deals with computer problems, an area in which the Head of Circulation has little expertise). The Head of Circulation writes and signs the annual evaluations for the circulation desk employees. It is noteworthy, however, that the Executive Director signs and gives final authorization to all annual evaluations.

The Head of Circulation exercises the kind of supervisory authority mentioned in the first prong of § 966(1), all of which may lead to conflicts between her and the circulation desk employees. However, the issue remains whether these supervisory duties constitute the *principal* function of her position. One gauge of whether supervisory duties are the principal function of a position is the amount of time the supervisor spends on such duties. The more time a supervisor spends actively assigning and overseeing work of subordinates, the more likely it is that conflicts may arise. See, e.g., Richmond Employees Ass'n and Town of Richmond, No. 94-UD-09, slip op. at 31 (MLRB Apr. 26, 1994) (highway foreman performs duties similar to subordinates during "majority of his workday"); AFSCME Council 93 and City of Saco, No. 93-UC-02, slip op. at 19 (MLRB Dec. 10, 1992) (recycling foreman spends eighty percent of workday performing work identical to subordinates); and Teamsters Local No. 48 and

Town of Pittsfield, No. 81-UD-09, slip op. at 2 (MLRB Jan. 15, 1981) ("vast majority" of police sergeant's time devoted to regular patrol work). The Head of Circulation spends the majority, perhaps the vast majority, of her work day performing the same type of work as the other circulation desk employees. She spends little time actively assigning and overseeing the work of her subordinates, most of whom work in an independent and/or routine fashion. While the writing of yearly evaluations can be the source of supervisor-supervisee conflict, the final authorization of the evaluation is given by the Executive Director.² Considering both the type of supervisory functions the Head of Circulation performs and the amount of time she spends performing them, the **principal** function of the position is not the performing of supervisory tasks as outlined in the first prong of § 966(1).

The same is even more easily concluded regarding the Children's Librarian and the Head of Technical Services positions. The supervisory duties of these positions are very similar to those of the Head of Circulation: utilizing a set work schedule, dividing work tasks with subordinates, exerting relatively minimal supervision, and signing yearly evaluations without final approval. In the case of these two positions, however, the time spent supervising is even less than that spent by the Head of Circulation, as both the Children's Librarian and the Head of Technical Services supervise only one employee each. The principal function of their positions is not performing supervisory tasks. Just like the Head of Circulation, these supervisors are very akin to a "line foreman" or a "working supervisor," the kind of position that the Board has long found

²Indeed, as will be further discussed in the remainder of the report, all three of the supervisory employees perceive and conduct themselves as if the Executive Director is the "true" supervisor of all of the library employees.

may be included in the same bargaining unit as subordinates.³

The second prong of the test in § 966(1) requires that the hearing examiner evaluate whether the Head of Circulation, the Children's Librarian, and the Head of Technical Services perform duties that are "distinct and dissimilar" from the duties performed by the employees whom they supervise. This requirement has been described as:

[D]uties contemplated by the 'distinct and dissimilar' criterion include those in connection with hiring (or making recommendations), transfers, layoffs and recalls, and promotions - duties that substantially align the interests of the supervisor with the interests of the employer and cause conflicts of interest [with other employees].

State of Maine and MSEA, No. 91-UC-04, slip op. at 15 (MLRB Apr. 17, 1991). All three of the positions at issue are eligible to sit upon hiring committees (usually made up of the Executive Director and two other employees), but these committees are not made up exclusively of supervisors. Further, the committee only makes a recommendation, while the Executive Director makes the final decision. Other hearing examiners have found that having input in hiring decisions is not sufficient to create supervisory conflict under this second prong of § 966(1). Teamsters Local No. 340 and Town of Boothbay Harbor, No. 99-UD-03, 05, slip op. at 38-30 (MLRB Jan. 20, 1999)(public works foreman's participation in hiring process, budgeting, purchasing, and preparing bids do not create the type of conflict contemplated by this provision).

³See Teamsters Local Union No. 48 and Van Buren Light and Power District, No. 85-UD-14 (MLRB Jan. 25, 1985)(duties of line foreman who assigns, oversees and reviews work of employees determined as a whole not to be so distinct and dissimilar from those performed by supervised employees to warrant exclusion from proposed unit); Teamsters Local Union No. 48 and Town of Pittsfield, supra (sergeant position found to be "working supervisor" where supervisory duties were limited and undemanding and where majority of time was devoted to regular patrol work).

There was no evidence that any of the three positions at issue has any authority at all regarding employee promotions, transfers, layoffs, or recalls. Therefore, none of the three positions perform the type of distinct and dissimilar duties which require that they be placed in a separate bargaining unit.

As to the third prong of the test outlined in § 966(1), the Head of Circulation, the Children's Librarian, and the Head of Technical Services have no role in adjusting employee grievances, applying personnel policies, or taking corrective measures to implement performance standards. None of the three employees are familiar with their role, if any, under the city's personnel policies or disciplinary procedures. None has ever administered any discipline to an employee. All believe that such matters would have to be "handled" by the Executive Director. All three employees have a *de facto* role in establishing performance standards for employees (i.e., setting up or participating in setting up expectations for their particular area of the library). Without more, however, these supervisors do not have the type of authority as described in the third prong that leads to undue supervisory conflict.

In summary, an evaluation of the criteria of § 966(1) shows that the Head of Circulation, the Children's Librarian, and the Head of Technical Services exercise only a limited amount of supervisory authority that could place them in conflict with the employees whom they supervise. They spend relatively little time performing these functions. They exercise little or no authority in many areas (such as hiring and discharging, meting out discipline, and adjusting grievances) that would lead to conflict. While this conclusion is a somewhat "closer case" for the Head of Circulation, due to her supervision of 11 employees, the hearing examiner concludes that none of the three positions at issue exerts such extensive supervisory authority to warrant their placement in a separate bargaining unit.

This conclusion is supported strongly by the Board's policy against the proliferation of small bargaining units, particularly the formation of small supervisory units. The Board's policy has rather been to "include supervisor positions in rank-and-file units rather than establish small, separate supervisory bargaining units." MSAD No. 43 and MSAD No. 43 Teachers Ass'n, No. 84-A-05, slip op. at 4 (MLRB May 30, 1984). The rationale underlying the Board's policy against non-proliferation is as follows:

Small bargaining units must be bargained for and serviced just as do large bargaining units. The State is obligated to provide under 26 M.R.S.A. § 965 the same mediation and arbitration services for small units as are provided for large units. The formation of small bargaining units among employees in the same department can thus result in the employer, the union, and the State expending an amount of time, energy and money all out of proportion to the number of persons served.

MSAD No. 43, supra, slip op. at 4, 5. Based upon this non-proliferation policy, supervisors have been included in a bargaining unit with their subordinates who exercise far greater supervisory authority than the three positions at issue here exercise. See, e.g., MSAD No. 14 and East Grand Teachers Ass'n, No. 83-A-09 (MLRB Aug. 24, 1983) (including principal in unit of certified teachers); Lubec Education Ass'n and MSAD No. 19 Board of Directors, No. 83-UD-17 (MLRB Apr. 13, 1983) (including head bus driver with significant supervisory authority in unit with educational support staff). Considering both the provisions of § 966(1) and the Board's non-proliferation policy, the Head of Circulation, the Children's Librarian, and the Head of Technical Services should not be excluded from the bargaining unit consisting of the library employees.

Finally, the issue of whether the four positions--the Head of Circulation, the Children's Librarian, the Head of Technical

Services and the Young Adult Librarian (previously found to have no supervisory duties warranting exclusion)--share a community of interest with the other non-salaried library employees must be briefly addressed. While the parties would not stipulate to the existence of a community of interest, no evidence was provided to undermine the natural conclusion that all four of these positions share a commonality with the positions in the agreed-to bargaining unit.

In determining whether employees share the requisite community of interest in matters subject to collective bargaining, the following factors, at a minimum, must be considered: (1) similarity in the kind of work performed; (2) common supervision and determination of labor relations policy; (3) similarity in the scale and manner of determining earnings; (4) similarity in employment benefits, hours of work and other terms and conditions of employment; (5) similarity in the qualifications, skills and training among the employees; (6) frequency of contact or interchange among the employees; (7) geographic proximity; (8) history of collective bargaining; (9) desires of the affected employees; (10) extent of union organization; and (11) the employer's organizational structure. See Chap. 11, § 22(3) of the Board Rules.

Bearing in mind that the parties have already stipulated that the majority of the library positions at both the main and the branch libraries, both full and part-time, share a community of interest, it is easily concluded that the four positions at issue share a community of interest with the unit as well. As previously described, the four positions spend a majority of their time performing the same work as other library employees. All of the positions in the proposed unit are ultimately supervised by the Executive Director. All positions are paid hourly, work similar hours, and are provided similar employment benefits (as near as can be determined from the evidence

provided). The positions require a variety of qualifications, skills and training--a fact not unusual in a "wall-to-wall" unit. See Granite City Employees and City of Hallowell, No. 01-UD-04, slip op. 34-36 (MLRB May 23, 2001)(discussing the common function of positions in wall-to-wall units). The positions work in two physical locations but, especially in each location, have significant opportunity for interchange. The three employees testifying at the hearing expressed a desire to be in the same bargaining unit as the employees whom they supervise. In the library's organizational structure, the proposed unit would encompass all non-salaried library employees (all employees except the Executive Director and the Branch Services Manager).

For all of these reasons, the hearing examiner concludes that the positions of Head of Circulation, Children's Librarian, Young Adult Librarian, and Head of Technical Services share a community of interest with the remainder of the non-salaried library employees and should be included in a bargaining unit with them.

CONCLUSION

On the basis of the foregoing facts and discussion and pursuant to the provisions of 26 M.R.S.A. § 966, the petition for unit determination filed on February 13, 2006, by Barbara Libby on behalf on AFSCME Council 93 is granted. The following described unit is held to be appropriate for purposes of collective bargaining:

INCLUDED: Head of Circulation, Children's Librarian, Young Adult Librarian, Head of Technical Services, Library Aide, Library Page, Library Assistant I, Library Assistant II, Custodian, Secretary II, and Outreach Librarian.

EXCLUDED: All other employees of the South Portland Public Library.

A bargaining agent election for this unit will be conducted forthwith.

Dated at Augusta, Maine, this 12th day of June, 2006.

MAINE LABOR RELATIONS BOARD

Dyan M. Dyttmer
Hearing Examiner

The parties are hereby advised of their right, pursuant to 26 M.R.S.A. § 968(4), to appeal this report to the Maine Labor Relations Board. To initiate such an appeal, the party seeking appellate review must file a notice of appeal with the Board within fifteen (15) days of the date of issuance of this report. See Chapter 10 and Chap. 11 § 30 of the Board Rules.