

**Maine Labor Relations Board**  
Proposed change to proposed rulemaking  
January 29, 2020

*\*Changes from original proposed rulemaking in Chapter 11, section 12-A, highlighted below\**

§ 12-A. Response to Majority Sign-up Petition.

1. Notice to Employees. Once a majority sign-up petition has been properly filed, the executive director shall issue Notices to Employees of the filing. The notices must advise employees of the majority sign-up petition, generally describe the rights of employees and explain the legal effect of the filing. The notices must be distributed or posted by the employer in accordance with section 15 of this Chapter.
  
2. Objections. A party wishing to object to the filing of a majority sign-up petition must do so within 15 working days of the date the Board transmitted an official copy of the petition to the respondent. The permissible objections are limited to the following:
  - A. A party may object to the petition on the basis that one or more employees in the proposed or existing bargaining unit are currently represented by a bargaining agent.
  
  - B. A party may object to the petition on the basis that the executive director incorrectly determined that the petition was filed within the time frames established by section 6 of this Chapter. A party making such an objection must submit evidence supporting a reversal of the initial finding.
  
  - C. A party may object to the petition based upon a good faith doubt of the sufficiency of the employee authorization submitted. Any party making such an objection shall file with the objection an alphabetized list of the employees in the bargaining unit. The executive director will verify the contents of the list with the employer if it was submitted by a party other than the employer. If a party challenges the authenticity of the signatures, copies of the employees' signatures must be provided by the employer for comparison by the Board.
  
  - D. If there has not been any collective bargaining activity in the bargaining unit for 5 or more years, that is, there has been no contract in effect for over 5 years and no negotiation sessions or attempts to negotiate have occurred, the employer may respond to a majority sign-up petition by objecting to the continued appropriateness of the bargaining unit and requesting a unit determination hearing. If the bargaining unit has been inactive for less than 5 years and is unrepresented at the time the petition

is filed, the employer may respond by objecting to the appropriateness of the bargaining unit only if the employer alleges that there has been a substantial change in the circumstances since the expiration of the last collective bargaining agreement that warrants modification of the unit. The employer's response must include a description of the changed circumstances affecting the continued appropriateness of the bargaining unit and a description of the unit it considers appropriate.

3. Majority Support. If the executive director determines that the petition is sufficient, the executive director will examine the demonstration of support. If the executive director finds that a majority of the employees in a unit appropriate for bargaining have signed employee authorization forms designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board or the executive director shall certify the employees' organization as the bargaining agent.
4. Minority Support. If the valid employee authorization forms do not demonstrate majority support, but constitute at least a 30 percent demonstration of support, the executive director shall call an election, pursuant to this Chapter, to determine whether the organization represents a majority of the members in the bargaining unit. If the employee authorization forms represent less than a 30 percent demonstration of support, the executive director shall dismiss the petition.

## **SUMMARY**

This proposed change to the Board's proposed rulemaking would require employer posting of a Notice to Employees provided by the Board whenever a majority sign-up petition has been properly filed with the Board. It would also consecutively renumber adjacent subsections.