

Maine Labor Relations Board
Summary of Proposed Rulemaking
2020

- **Chapter 10: General Rules**

- This proposed rule change would require **electronic filing** of documents with the Board by email to a designated Board email address, mlrb@maine.gov. (§7)
 - Documents will generally be considered filed when received electronically.
 - Parties who are unable to submit documents electronically may still submit documents by mail or hand delivery, but must include a statement certifying that the party was unable to transmit the documents electronically. The Board may reject any such filing that it finds could have been submitted electronically.
 - Original showing of interest forms and employee authorization forms must still be physically filed.
 - The proposed rule would also specify the acceptable hours for hand delivery of documents for filing at the Board office as between the hours of 8:30 a.m. and 4:30 p.m.
- The proposed rule would consider **service of documents by electronic means** to be complete as long as service by mail, hand delivery or delivery via a delivery service occurred on the same day. (§8)
- It would eliminate the role of the Board’s hearing reporter in producing **official hearing transcripts** in light of the Board’s outsourcing of this service to a private court reporter. (§9)
- It also would update and correct repealed and erroneous **statutory references** (§2) and make miscellaneous non-substantive changes. (*passim*)

- **Chapter 11: Bargaining Unit Composition and Representation Matters**

- This proposed rule change implements Public Law 2019, chapter 135, which established the “**majority sign-up**” process for certifying a collective bargaining agent for bargaining unit employees that fall under the Municipal Public Employees Labor Relations Law. (§§12-A, 8, 1(1-A), 5(1-A), 7(11-A), etc.) (*Note: the 5-day response deadline for employers under the Board’s current guidance is changed to 15 days in the proposed rules in order to match the response time for unit determination petitions, as unit composition is foreseen to be the most likely point of objection for an employer.*)
- It eliminates the requirement to have a petition signed before a **notary public** in order to facilitate electronic communication. (§4)

- It incorporates the electronic filing requirements proposed in Chapter 10 in order to facilitate electronic communication. (**passim**)
 - It eliminates the need to file certain **paper copies** with the Board in order to facilitate electronic filing and communication. (§§7, 26, 30)
 - It corrects erroneous internal cross references. (§§ 9(4), 17(3))
 - It eliminates the requirement for the Board to physically post copies of petitions and notices on a **bulletin board**, instead only requiring posting on the Board’s website. (§§ 10, 16, 17(6), 21)
 - It makes changes to improve consistency of provisions regarding **Board hearings**. (§23)
 - It makes changes regarding the procurement of **official hearing transcripts**, consistent with changes proposed in Chapter 10. (§24)
 - It provides for a potential earlier deadline for employer submission of the **voter list** of employees eligible to vote in an election in order to streamline the election process. (§44)
 - It also updates certain **statutory references** (§§ 22, 40(7), 43, 55) and makes miscellaneous non-substantive changes. (**passim**)
- **Chapter 12: Prohibited Practice Complaints; Interpretive Rulings**
 - This proposed rule change would clarify that a **prohibited practice complaint may include attachments**, but they may only be relied on to support factual allegations already made in the complaint. (§5)
 - It eliminates the requirement to have a petition signed before a **notary public** in order to facilitate electronic communication. (§4)
 - It incorporates the **electronic filing** requirements proposed in Chapter 10 in order to facilitate electronic communication. (**passim**)
 - It eliminates the need to file certain **paper copies** with the Board in order to facilitate electronic filing and communication. (§§4, 5, 9, 16, 18)
 - It allows for an email that includes the date and the email address to which it was sent to suffice as **proof of service**. (§6)
 - It **streamlines the prohibited practice complaint process** by requiring a respondent to file any motion regarding insufficiency within the same 20-day period for providing an answer to the complaint. (§§8, 9)

- It clarifies that a party may file an **amended complaint, by right**, once before the respondent has filed an answer and once after receiving a notice of errors and insufficiencies from the executive director. (§8(2))
 - It eliminates the requirement for the Board to physically post copies of petitions and notices on a **bulletin board**, instead only requiring posting on the Board’s website. (§§ 12, 41(3), 41(6))
 - It makes changes regarding the procurement of **official hearing transcripts**, consistent with changes proposed in Chapter 10. (§14)
 - It also updates certain statutory references (§§2, 26) and makes miscellaneous non-substantive changes. (**passim**)
- **Chapter 13: Resolution of Contract Negotiation Disputes**
 - This proposed rule change would establish the parties’ share of the estimated cost for **mediation services** at \$750, and directs a filing party to submit this payment, in order to streamline the provision of mediation services. (§4)
 - The proposed rule would also eliminate the prohibition on employees or subcontractors of public management associations or public employee associations from serving as **private fact finders** in order to broaden the pool of individuals eligible to serve as fact finders. (§26)
 - It incorporates the **electronic filing** requirements proposed in Chapter 10 in order to facilitate electronic communication. (§23)
 - It eliminates the need to file certain **paper copies** with the Board in order to facilitate electronic filing and communication. (§23)
 - It also makes miscellaneous non-substantive changes. (**passim**)