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FRATERNAL ORDER OF)

POLICE,)

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and,)

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TEAMSTERS LOCAL)

UNION NO. 340,)

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and,)

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TOWN OF LIVERMORE)

FALLS.)

_____)

DECISION AND ORDER
ON OBJECTION TO THE
TOWN OF LIVERMORE FALLS POLICE
DEPARTMENT UNIT ELECTION

I. Statement of the Case

Teamsters Local Union No. 340 (Teamsters) filed a letter of objection to an election that decertified the Teamsters as the bargaining agent for the Town of Livermore Falls Police Department bargaining unit and certified the Fraternal Order of Police as the new bargaining agent for the unit. The basis for the objection is the claim that the Teamsters did not receive proper notice of the election petition or of the election itself.

II. Procedural History

On April 25, 2024, a representative of the Fraternal Order of Police filed with the Board a Petition for Decertification and Bargaining Agent Election. The petition identified the incumbent union as the Teamsters and included a physical address and the name and email address of a point of contact for correspondence for the union. From the filing of the petition through the certification of the election results, the Board’s Executive Director addressed all correspondence to the Teamsters to the contact person listed in the petition, at the email address provided by the petition. Nothing in the record indicates that the Executive Director received a return email indicating that his emails to that address were undeliverable.

The Board’s Executive Director notified all parties of the petition, and provided a copy of the petition, by email on April 25, 2024. The petition was also posted on the Board’s website. On May 3, 2024, the Executive Director forwarded an email from the Town of Livermore Falls containing the roster of eligible voting employees, which included one employee, to the two unions, and provided all parties a letter regarding the upcoming election and a Notice of Election document by email that same day. The election notice was also posted on the Board’s website.

The Executive Director conducted the election tally on June 10, 2024. The result of the election was that the Teamsters were decertified as the bargaining agent for the unit and the Fraternal Order of Police was certified as the new bargaining agent. The Executive Director issued an Election Certification and transmitted it to the parties that same day.

On June 28, 2024, in response to a phone call from the Teamsters' Secretary-Treasurer and President, the Executive Director emailed the two Teamsters representatives the documentation and correspondence regarding the petition and election. The Secretary-Treasurer for the Teamsters filed a letter of objection to the election on July 25, 2024, based on alleged improper notice. The letter claimed that: the physical address for the Teamsters listed on the petition was incorrect, the email address provided for the Teamsters was not an official email address, no one with binding authority at the Teamsters was listed on the petition or received any correspondence from the Board regarding the petition and the Teamsters did not "find out about" the petition until well after the election results were certified. The Board met in Executive Session on August 6, 2024, to confer with its Board Counsel regarding the objection.

III. Analysis

Prior to considering conducting an evidentiary hearing for this matter, the issue of timeliness must be addressed. The Municipal Public Employees Labor Relations Law (Act) allows any party aggrieved by a ruling or determination of the Board's Executive Director or designee with respect to bargaining units or bargaining agents to appeal the matter to the Board within 15 days, except for objections to the conduct of an election or challenged ballots, in which case the time to appeal is 5 working days. 26 M.R.S.A. § 968(4). The bargaining agent election in this matter occurred and was certified on June 10, 2024. The Teamsters, the union decertified by that election, filed its objection with the Board on July 25, 2024, which is far outside the appeal period provided by the Act. Even if the Board were to consider the appeal period as not having begun to run until June 28, 2024, when the Teamsters Secretary-Treasurer and President spoke to and received the email correspondence from the Executive Director--a position not plainly compelled by the Act or Board Rules--the time to appeal this election has clearly lapsed. The objection must accordingly be dismissed.

IV. Conclusion

As discussed above, the time to file an objection to this election has passed and the objection must be dismissed. While the merits of the objection are not properly before the Board for adjudication, the Board will review its procedures in light of the potential notice issue raised by the objection and may make changes to the procedures as need be, either informally or through the formal rulemaking process, as appropriate.

V. Order

On the basis of the foregoing discussion, and by virtue of and pursuant to the powers granted to the Maine Labor Relations Board by 26 M.R.S.A. § 968(4), it is ORDERED:

1. That the objection of the Teamsters Local Union 340, dated July 25, 2024, and filed with the Maine Labor Relations Board on July 25, 2024, to the election of the Fraternal Order of Police be DISMISSED.

2. That the Certification of the Fraternal Order of Police as the bargaining agent for the Police Department bargaining unit, issued on June 10, 2024, be AFFIRMED.

Dated this day, August 9, 2024.

MAINE LABOR RELATIONS BOARD

/s/
Sheila Mayberry, Esq.
Board Chair

/s/
Michael Miles
Employer Representative

/s/
Roberta de Araujo, Esq.
Employee Representative

The parties are advised of their right pursuant to 26 MR.S.A. § 968(4) to seek a review of this decision and order by the Superior Court. To initiate such a review, an appealing party must file a complaint with the Superior Court within fifteen (15) days of the date of issuance of this decision and order, and otherwise comply with the requirements of Rule 80C of the Maine Rules of Civil Procedure.