

Summary of MLRB and BAC proposed rulemaking for 2023

MLRB Rules

- Ch.10
 - Changes the effective date of the revised rules to July 1, 2023
 - Adds Board Members to list of individuals to whom electronic filings should not be addressed
 - Clarifies that hand delivery of documents to the Board's office should be made by prior arrangement
 - Clarifies that showing of interest and employee authorization forms may be filed with the Board by delivery service.
 - Clarifies that, except for a prohibited practice complaint or subpoena, service of a document may be effected exclusively by email
 - Clarifies service requirements for a prohibited practice complaint
 - Clarifies proof of service requirement for a prohibited practice complaint
 - Clarifies the process for a party to request an extension of time

- Ch.11
 - Clarifies that a petition to contest exclusionary designation may be filed when an individual has been alleged to be excluded from collective bargaining
 - Clarifies that majority sign-up petitions may only be used for employees that fall under the Municipal Public Employees Labor Relations Law.
 - Clarifies that showing of interest and employee authorization forms must be physically received by the Board before the corresponding petition is considered complete
 - Clarifies that a petition without adequate showing of interest or employee authorization forms may be dismissed only if they are required for the particular petition
 - Changes the executive director's time to transmit a copy of a completed petition to the respondent to within 1 business day instead of 24 hours
 - Makes other non-substantive changes to improve consistency

- Ch.12
 - Deletes reference to multiple hard copies of the prohibited practice complaint and relevant collective bargaining agreement being filed to reflect electronic filing
 - Changes term "delivered" to "served" for consistency
 - Clarifies prohibited practice complaint service requirements, with cross-reference
 - Clarifies when a prohibited practice complaint may be amended, with cross-references
 - Allows notification of prehearing conferences and hearings to parties by regular mail instead of by certified or registered mail

- Allows the executive director or prehearing officer to permit electronic documentary evidence in lieu of physical copies
- Allows the executive director to rule on requests to defer to arbitration
- Clarifies that oral argument concerning deferral to arbitration may be permitted at the discretion of the executive director or prehearing officer
- Allows the Board to meet remotely when determining whether to grant or deny a motion to defer to arbitration
- Makes non-substantive changes to delete duplicative language and improve clarity

BAC Rules

- Ch.1
 - Changes the effective date of the revised rules to July 1, 2023
 - Requires the electronic filing, by email to sbac@maine.gov, of all correspondence, motions, petitions, complaints and any other documents filed with the Board – parties who are unable to submit documents electronically may submit documents by mail, hand delivery or delivery service if the party certifies it was unable to submit the documents electronically and the Board in its discretion accepts the filing.
 - Clarifies that hand delivery of documents must be by prior arrangement with the office of the Maine Labor Relations Board
 - Clarifies that no arbitration request form will be processed unless accompanied by a copy of the grievance, contract, or other pertinent documents.
 - Clarifies that four physical copies of documentation must be filed with the Board prior to hearing unless the requirement is expressly waived
 - Allows for service of documents, other than an arbitration request form or subpoena, to be effected exclusively by email
 - Clarifies that service of an arbitration request form and accompanying documents will be considered complete on the date the materials were provided to the other party by email, so long as service by mail, hand delivery or delivery service occurred on the same calendar day
 - Clarifies that there may be a statutory exception to confidentiality
 - Clarifies that documentary evidence must be provided in 4 physical copies unless the requirement is expressly waived.
 - Clarifies that briefs must be provided in 4 physical copies, unless the requirement is expressly waived

- Ch.3
 - Establishes the procedural rules for the Logging Dispute Resolution Board.