

MAINE LABOR RELATIONS BOARD

AFSCME Council 93, )  
 )  
Petitioner ) Supplemental Response of the Town of Orono to  
 ) Petition for Administrative Unit Determination  
Town of Orono, ) and Bargaining Agent Election  
 )  
 )  
Respondent. )  
 )

Respondent, the Town of Orono (“Orono” or “Town”), hereby supplements its objections to the above-captioned Petition filed by Petitioner AFSCME Council 93 (“Union” or “Petitioner”). The Town supplement’s Paragraph’s 5 and 7 of its initial response and the attached **Exhibit A** (Employee List) because it and the Petitioners inadvertently omitted the number and names of all affected employees, and the discovery that, on information and belief, Petitioners may have included in its showing of majority sign-in interest a former probationary employee who is ineligible to submit a card.

**5. Respondent Challenges the Inclusion of Part-Time or Per Diem Employees for the Proposed Unit.**

The proposed unit includes at least five part-time, per diem employees: the Staff Accountant and four (4) Library Circulation Clerks. Respondent objects to the inclusion of any non-full-time employees proposed in the unit, particularly employees whose status is part-time or per diem. Such employees do not share a community of interest with the full-time employees.

Further, to the extent any part-time or per diem employees executed an authorization form, that form should be disregarded from purposes of a “majority sign-up” petition or from the analysis of the sufficiency of any showing of interest.

**7. Respondent Challenges the Sufficiency of the Showing of Interest Proffered by the Petitioner.**

Petition has listed twelve (12) classifications and/or positions it seeks to include in the proposed bargaining unit, and listed fifteen (15) persons covered under the proposed bargaining unit. The actual number of persons is seventeen (17). Pursuant to Chapter 11 § 11(1) of the MLRB rules, these listed positions are set forth in the attached Exhibit A.

Respondent does not know what date, lists or information Petitioner has submitted to the Executive Director to support its showing of interest upon which the Executive Director has determined the sufficiency of the proposed unit, or a majority sign-up.

The proposed unit covers four different Town departments: Town Office, Parks and Recreation, Library and IT. It also includes two (2) vacant positions: Assistant Clerk and Systems

Administrator, and three (3) positions that must be excluded from any bargaining unit: Code Enforcement Officer, Town Planner, and Town Assessor. None of these persons or positions should be eligible to be considered for sufficiency purposes. The Petitioner has also failed to include two other current part-time Library Circulation Clerks, who may or may not have submitted cards (by raising this objection, the Town does not concede that those persons should be in any proposed unit.)

Finally, on information and belief, the Petitioner may have submitted a card from a former probationary employee (Assistant Clerk) who no longer is employed by the town and who, by virtue of 26 M.R.S. § 962(6)(F), is not a “public employee.” Accordingly, the Respondent challenges the sufficiency of interest.

Accordingly, Respondents are challenging the showing of intent for a proposed 12 classification, 17-person unit.

Respondent requests that, in light of the above, the Executive Director review the showing of interest sufficiency and majority sign-up determination, in order to determine if the showing is sufficient based upon a correct identification of the individuals covered in the proposed units, and that a unit hearing be scheduled to resolve the other legal and functional disputes raised herein.

Dated: March 9, 2023



Matt Tarasevich, Esq.  
Attorney for the Town of Orono

### Exhibit A

- (1) Staff Accountant (PT): Robert Bass (should be excluded)
- (2) Circulation Clerk: Jessica Black
- (3) Administrative Assistant: Jessica Chadborne
- (4) Circulation Clerk: Brittney Cline
- (5) Bookkeeper: Patricia Davis
- (6) Town Planner: Kyle Drexler (should be excluded)
- (7) Code Enforcement Officer: Patrick Estey (should be excluded)
- (8) Library Circulation Manager: Cecilia Jolliffe (Professional Employee)
- (9) Parks and Recreation Programmer: Shawn Owens (Professional Employee)
- (10) Circulation Clerk: Michael Sabol
- (11) Assistant Clerk: Lori Speed
- (12) Library Youth Services Manager: Lindsay Varnum (Professional Employee)
- (13) Circulation Clerk: Katrina Wynn
- (14) Circulation Clerk: Peter Yezvkevich
- (15) Assistant Clerk: Vacant (former probationary employee Amy Millet)
- (16) Systems Administrator: Vacant (Professional Employee)
- (17) Assessors: Downeast Assessing and Real Estate Services (should be excluded)

**Certificate of Service**

I, Matt Tarasevich, certify that on the below date, I served a copy of this Petition for Administrative Unit Determination and Bargaining Agent Election on the following parties via simultaneous electronic mail and U.S. mail at the following addresses:

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Date: March 9, 2023



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