



## **ORONO TOWN COUNCIL STATEMENT**

### **Addressing Community Concerns Related to Town Administrative Clerical and Professional Employees Unionization Effort**

**March 6, 2023**

Orono Town Councilors have a responsibility **to not comment** in favor of, or in opposition to, the formation of a union by town employees. Maine labor law is clear on this: all Town employees have the right to join *or not join* a union, free from coercion or intimidation of any kind. However, Council can discuss the process itself. Council has received feedback from community members on this topic, and it's clear from the content of these messages that there has been miscommunication or misunderstanding of what has happened, and why. Most importantly, there appears to be a mistaken belief circulating that the Town has filed a petition with the Maine Labor Relations Board to prevent Town employees from forming a union, or that the Town is opposing that union.

This is simply not the case.

The American Federation of State, County, and Municipal Employees (AFSCME) filed a petition on behalf of a number of Town employees who want to form a union. The makeup of a union—of any union—is guided by State statute and any gray areas are negotiated. This is standard labor relations practice. When a petition like this is filed, the Town is required to respond within a reasonable amount of time, otherwise it forfeits the right to negotiate any aspect of the petition. This particular petition contained several discrepancies that did not align with State law, specifically around what positions can and cannot be included, and whether or not the petitioners had enough community of interest to be included in the same bargaining unit.

The narrative circulating in the community paints the picture of Council ignoring its responsibilities or being left out of the loop, while staff hired an attorney for the

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express purpose of stopping this union from forming. This is just not the case. The Town's response was not only standard practice, but we routinely receive legal advice around labor relations, as the Town already includes two other unions.

Legally, Council has no role to play in this stage of the process whatsoever. We do not vote on whether or not to support the formation of a union because, again, we must protect our workers' rights by remaining neutral and non-coercive. And the Council also doesn't have the right to intrude on employment and personnel issues; that is outlined in our Town Charter. But most importantly, the Town itself cannot prevent its employees from forming a union; it can only respond to the petition and attempt to negotiate how the union is formed. Ultimately, it will not be the Town Manager or the attorney or the Town Council who decide whether this union exists; it is the decision of the Town's covered employees and the Maine Labor Relations Board. The Council cannot be involved in this until a union actually exists, at which point it would have a role in the normal bargaining process, as it already does with police and fire.

Finally, there have been accusations from members of the public that our Town Manager is operating in bad faith, attempting to prevent the formation of this union, without Council's knowledge or consent. **This emphatically is not true.** We have hired our Town Manager to follow the law; deciding whether or not to follow the law should not be up for a Council vote. The manager's actions are in keeping with the law and with the job that Council has hired her to do. Furthermore, had the Town Manager *not* challenged the parts of the petition that don't align with State statute, she wouldn't have been doing her job. The narrative that has been circulating is absolutely unfair to her, and the accusations are categorically false.

We believe that people in this community are reasonable. Please do let your voice be heard and your opinions about these important issues be known; but let's please also engage in thoughtful, reasonable discourse. Let us be respectful of one another, and give each other the grace to allow this process to play out. Most importantly: Let us give each other the benefit of the doubt, that we are all people who care deeply about this community and want what's best for it.

Signed by a Majority of the Orono Town Council