

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1833

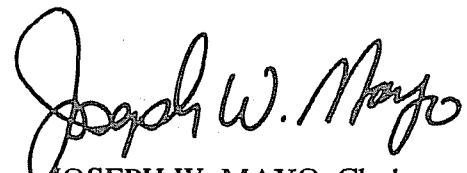
H.P. 1358

House of Representatives, February 3, 1994

An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MORRISON of Bangor.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: ADAMS of Portland, BRUNO of Raymond, CARROLL of Gray, CATHCART of Orono, FAIRCLOTH of Bangor, FITZPATRICK of Durham, GEAN of Alfred, GWADOSKY of Fairfield, MARTIN of Eagle Lake, NORTON of Winthrop, PARADIS of Augusta, SAXL of Bangor, SIMONDS of Cape Elizabeth, SULLIVAN of Bangor, WALKER of Blue Hill, Senators: BUSTIN of Kennebec, PARADIS of Aroostook.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 5 MRSA §7065, sub-§2-D** is enacted to read:

4 2-D. Recruitment and retention adjustments. Subject to
6 this subsection, the director, with the agreement of the
8 bargaining agent, if applicable, may approve payment of
10 recruitment and retention adjustments in connection with
12 occupations in the state mental health institutions when the
14 payment of a labor market adjustment is required to recruit and
16 retain an adequate work force.

18 A. Payment of a recruitment and retention adjustment may be
20 authorized only when justified by the following conditions.

22 (1) High turnover exists or long-term vacancies exist
24 within State Government in the relevant occupational
26 classifications or job series.

28 (2) The relevant occupational classification or job
30 series has a clear, geographically definable labor
32 market within which the State must compete.

34 (3) All appropriate recruitment and retention efforts
36 have been attempted and have proven ineffective at the
38 current levels of compensation.

40 (4) Comprehensive, verifiable documentation of labor
42 market compensation levels for the relevant occupation
44 has been compiled to determine competitive pay levels
46 within the defined labor market. This documentation
48 must demonstrate that a labor market disparity exists
50 and that the disparity represents a long-term, not
transitory or seasonal, problem.

B. The labor market adjustment must be reviewed at least
every 2 years and adjusted to changes in the labor market or
the overall relation of the standard pay policy to the
specialized labor market. If the subsequent review provided
in this paragraph results in the adjustment being decreased
or discontinued, an employee receiving the recruitment and
retention adjustment may not be subject to a reduction in
pay.

C. To assist the director in making a determination under
paragraphs A and B, a committee must be formed to evaluate
each request from an agency or bargaining agent for a
recruitment or retention adjustment. The committee must be
composed of a representative of the bureau, a representative
of the employing agency or agencies and a representative of

2 the bargaining agent, if applicable. The committee shall
3 evaluate the request against the criteria specified in
4 paragraphs A and B and shall conduct studies as the
5 committee considers necessary to evaluate the request. The
6 committee shall, by majority vote, provide the director, the
7 agency and the bargaining agent, if applicable, with a
8 report recommending and documenting adjustments authorized
9 under this subsection. The director, the agency and the
10 bargaining agent, if applicable, shall act on this report.
11 If a funding request is necessary to implement an approved
12 adjustment, the director shall submit the cost items for
13 inclusion in the Governor's next operating budget within 10
14 days after action on the report.

16 STATEMENT OF FACT

18 This bill authorizes the Director of the Bureau of Human
19 Resources to approve payment of recruitment and retention
20 adjustments for certain occupations in State Government in
21 connection with the state mental health institutions. The
22 provision is similar to the former Maine Revised Statutes, Title
23 5, section 7065, subsections 2-A, 2-B and 2-C.
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30 This document has not yet been reviewed to determine the
31 need for cross-reference, stylistic and other technical
32 amendments to conform existing law to current drafting standards.