

MAINE STATE LEGISLATURE

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MEMORANDUM

TO: Senator Mary R. Cathcart, Chair
Representative Joseph C. Brannigan, Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

FROM: Rebecca Wyke, Commissioner
Department of Administrative and Financial Services 

DATE: February 4, 2004

SUBJECT: Bargaining Unit Clarification Decisions

Some years ago the State Labor Relations Act was amended to exclude from bargaining units employees who “substantially participate in the formulation and effectuation of policy.” Since then both the State and the Maine State Employees Association have submitted petitions to the Maine Labor Relations Board seeking to exclude positions from bargaining units or to include them in bargaining units. Because there are costs associated with the pick-up of retirement costs for positions determined to be excluded, the Legislature enacted PL 1995 Chapter 395, Part F, Section G-12. That section provided for funding options for these costs. It also requires the Commissioner of Administrative and Financial Services to report on “the number of cases that have been settled or are expected to be settled and the cost of any settlement, segregated by funding source.” The following information satisfies this year’s reporting requirements.

In the past year only four positions at the Department of Economic and Community Development were resolved by agreement. Those positions remained excluded and there was no financial impact. However, the Board has now put both the State and MSEA on notice that we will be proceeding at an accelerated schedule. Four more positions at the Department of Economic and Community Development were resolved this January, again with no financial impact. The State Planning Office and the Public Utilities Commission will be the next departments to be considered. After that we will proceed to hear the four largest departments. We are expecting to begin hearing the large departments by summer at the latest.

If you require further information, please let me know.

cc: Grant Pennoyer
Jim Dionne
Keith Todd