

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1255

H. P. 847

House of Representatives, March 1, 1967

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented jointly by Mr. Ever of Bangor and Mr. Binnette of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Establishing a Grievance Procedure and Appeals Board for State Employees.

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

Sec. 1. R. S., T. 5, § 678, amended. Section 678 of Title 5 of the Revised Statutes is amended to read as follows:

§ 678. Dismissal and disciplinary action

An appointing authority may, **subject to approval of the State Employees Appeals Board**, dismiss, suspend or otherwise discipline a classified employee for cause. In every case of such dismissal, suspension or other disciplinary action, at the request of the employee, the ~~board~~ **State Employees Appeals Board** shall investigate the circumstances relating to the action, and the fairness thereof, and if it shall find the charges unwarranted, the ~~board~~ **State Employees Appeals Board** shall order the immediate reinstatement of the affected employee to his former position with no loss of pay, seniority or other rights and benefits resulting from the dismissal or disciplinary action. At the request of the employee the ~~board~~ **State Employees Appeals Board** may recommend the transfer of the employee to the same or similar class of position in another department or institution. Such transfer shall be made to such department or institution only with the approval of the appointing authority thereof.

At the request of the employee, the ~~board~~ **State Employees Appeals Board** shall investigate the circumstances relating to an action of an appointing authority which lays off, demotes or otherwise deprives an employee of rights established by chapters 51 to 61 or by rules prescribed in section 592, subsection 2, and if it shall find the action to be contrary to chapters 51 to 61

and rules, the ~~board~~ **State Employees Appeals Board** shall order the immediate reinstatement of the employee to his former position with no loss of pay, seniority or other rights or benefits resulting from such action.

Sec. 2. R. S., T. 5, c. 60, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 60 to read as follows:

CHAPTER 60

STATE EMPLOYEES APPEALS BOARD

§ 726. State Employees Appeals Board

There is established an impartial board of arbitration to be known as the State Employees Appeals Board which shall consist of 3 members to be appointed by the Governor, with the advice and consent of the Council, from persons not employed by the State of Maine and who have established background positively indicating a capacity to mediate grievances between management and labor, one of whom shall be an attorney admitted to practice law in this State. Of those members first appointed, one shall be appointed for a term of one year, one for 2 years and one for 3 years. Their successors shall be appointed for 3 years. The compensation of the members of the board shall be fixed by the Governor and Council. The members of the board shall receive their necessary expenses.

§ 727. Powers and duties; appeals board

The board shall have the following powers and duties:

1. Administration. Administer the provisions of this chapter. In exercising its administration, the board may promulgate operating policies, establish organizational and operational procedures, and exercise general supervision. The board shall employ, subject to the Personnel Law, such assistants as may be necessary to carry out the purposes of this chapter.
2. Rules and regulations. Promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.
3. Report. Report biennially to the Governor and Legislature, no later than November 1st of each calendar year, facts and recommendations relating to the administration and needs of the board.

§ 728. Mediation authority

The board shall have the authority to arbitrate the final settlement of all grievances and disputes between individual state employees and their respective state agencies. All complaints between a state employee and the state agency by which he is employed shall be made and heard in the manner provided by this chapter for the mediation and settlement of such complaints. The decision of the board shall be final and binding upon the state agency and state employees involved in the dispute, and shall supersede any prior action taken by the state agency with reference to the employment and working conditions of such employees.

§ 729. Procedure for settlement

A grievance or dispute between a state employee and the agency of the State by whom he is employed shall be entertained by the board upon the application

of the employee, providing there shall have been compliance with the following requirements:

1. Appeal to immediate supervisor. That the employee aggrieved by the dispute and the employee or his representative, or both, shall have attempted to adjust the dispute with the employee's immediate supervisor, immediately.

2. Appeal to supervisor. If the employee is dissatisfied with the oral decision of his immediate supervisor, he may present the grievance to his supervisor again, this time in written form. The supervisor is then required to make his decision in writing and present it to the employee within 3 working days.

3. Appeal to department head. If the employee is dissatisfied with the supervisor's written decision, he then may appeal, in writing, to the department head. Within 3 working days, the employee shall receive, in writing, the department head's decision.

4. Meeting of department head, employee and representative. If the employee is dissatisfied with the department head's written decision, the department head shall meet with the employee or his representative, or both, and attempt to adjust the dispute. At least one day prior to such meeting, the employee's representative, if any, shall have access to the work location of the employee involved during the working hours for the purpose of investigating the causes of the grievance.

5. Appeal to Director of Personnel. If the employee is dissatisfied with the decision, following a meeting with the department head, he shall appeal to the Director of Personnel who shall, within 6 working days, reply in writing.

6. Appeal to State Employees Appeals Board. In the event the grievance shall not have been satisfactorily adjusted within 2 weeks under subsections 1 to 3, the dispute shall be submitted to the appeals board which shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision within 30 calendar days thereof, which shall be binding on the parties involved.

Sec. 3. Appropriation. There is appropriated from the General Fund to the State Employees Appeals Board the sum of \$1,900 for the fiscal year ending June 30, 1968 and the sum of \$3,100 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

STATE EMPLOYEES APPEALS BOARD

	1967-68	1968-69
Personal Services	\$1,600	\$2,600
	300	500
	<hr/>	<hr/>
	\$1,900	\$3,100