

MAINE STATE LEGISLATURE

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SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1843

S. P. 771

In Senate, January 9, 1968

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

JERROLD B. SPEERS, Secretary

Presented by Senator Stern of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT Establishing a State Employees Appeals Board.

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

Sec. 1. R. S., T. 5, c. 63, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 63, to read as follows:

CHAPTER 63

STATE EMPLOYEES APPEALS BOARD

§ 751. 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 Executive 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.

The board shall:

1. Administration. Administer this chapter. In exercising its administration, the board may promulgate operating policies, establish organizational and opera-

tional 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 facts and recommendations relating to the administration and needs of the board.

§ 752. Mediation authority

The board shall have the authority to mediate the final settlement of all grievances and disputes between individual state employees, both classified and unclassified, and their respective state agencies, except in matters of classification and compensation. 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. During the procedure for settlement, an employee may be represented at each step by his designated representative. 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.

§ 753. 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. Adjust dispute. 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.

2. Grievance in writing. 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. 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 classified employee is dissatisfied with the decision, following a meeting with the department head, he shall appeal

to the Director of Personnel who shall, within 3 working days, reply in writing, to the aggrieved employee and the department head involved in his decision, based on the state's personnel law and rules.

6. Submission to board. In the event the grievance shall not have been satisfactorily adjusted within 2 weeks under subsections 1 to 5, the dispute shall be submitted to the board which shall investigate the matters in controversy, shall hear all interested persons who come before it, and make a written decision thereof, which shall be binding on the parties involved. The board's written decision shall be issued within 60 days after the dispute is submitted, unless both parties agree that an extension of this time limit should be allowed.

Sec. 2. R. S., T. 5, § 678, repealed and replaced. Section 678 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 678. Dismissal and disciplinary action

An appointing authority may dismiss, suspend or otherwise discipline an employee for cause. This right is subject to the right of appeal and arbitration of grievances set forth in sections 751 to 753.

Sec. 3. Appropriation. There is appropriated from the General Fund to the State Employees Appeals Board the sum of \$1,800 for the fiscal year ending June 30, 1968 and the sum of \$3,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
STATE EMPLOYEES APPEALS BOARD		
All Other	\$1,800	\$3,000