

MAINE STATE LEGISLATURE

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(Governor's Bill)
(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1644

H. P. 1445

House of Representatives, May 30, 1979.

Referred to the Committee on Appropriations and Financial Affairs. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

Cosponsor: Mr. Morton of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Provide Compensation and Benefits Agreed to by the State and Council
74, American Federation of State, County and Municipal Employees,
(AFSCME) for Employees in the Institutional Services Bargaining Unit.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Appropriations and allocation. There is appropriated from the General Fund to a special compensation account the sums of \$2,089,000 for the fiscal year ending June 30, 1980, and \$3,121,000 for the fiscal year ending June 30, 1981, to implement the economic terms agreed to by the State and Council 74, American Federation of State, County and Municipal Employees for the Institutional Services Bargaining Unit.

Sec. 2. Funding. The funding provided by this Act shall include retirement costs and shall be available for all employees covered by this agreement between the State and Council 74, American Federation of State, County and Municipal Employees, except that employees supported from sources of funding other than the General Fund shall be funded whenever possible from those sources.

Sec. 3. Special account. The funding provided shall be segregated into a special compensation account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor.

Sec. 4. Salary schedule revision. The current state salary plan for employees in this bargaining unit shall be adjusted on July 1, 1979, and July 1, 1980, to reflect the salary provisions of this negotiated agreement.

Sec. 5. Effect. Notwithstanding any other provision of law, the provisions of the agreement between the State and Council 74, American Federation of State, County and Municipal Employees shall prevail.

Notwithstanding the Revised Statutes, Title 5, section 11, the State Controller is authorized to implement the salary benefits that become effective July 1, 1979, and July 1, 1980.

Sec. 6. Carrying clause. Any balances remaining from previous salary accounts and any balances remaining from salary accounts established by this Act shall not lapse but shall carry forward to June 30, 1981.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This bill provides funding and implementation of the agreement reached between the State and the American Federation of State, County and Municipal Employees, Council 74, for the Institutional Services Unit.

Members of Council 74 have ratified the tentative agreement reached recently with the Executive Branch. The agreement will run from July 1, 1979, through June 30, 1981.

The economic features of this agreement include: An increase in the salary schedule of \$20 per week effective July 1, 1979, and 6% effective July 1, 1980. Additionally, effective July 1, 1979, employees who work on shifts starting

between 2 p.m. and 3 a.m. will receive a premium of 10¢ per hour. Employees who work split shifts will receive a weekly premium of \$6 and a premium of \$4 per week will be paid to certain employees possessing special certification required for the administration of medication to residents. Employees in this unit will be reimbursed for the use of personal vehicles at the rate of 18¢ a mile effective July 1, 1979, and funds are included for the acquisition of blazers for training school counsellors and correctional officers at the Maine Youth Center and Maine Correctional Center and for the provision of new uniforms as needed for guards at the Maine State Prison.

Section 5 of this bill provides that the agreements between the State and AFSCME shall prevail in the result of any conflict with provision of the law. Some areas of the negotiated agreement impact on existing law, including provisions dealing with payroll deductions, vacations, sick leave, reclassifications and reallocations, grievance procedures, bereavement leave and dues deductions. This agreement includes a provision that provides for the maintenance of membership of current union members for the life of the agreement with an "escape clause" covering a period commencing 60 days and ending 30 days before the expiration of the agreement. Nonmembers may make direct payment to AFSCME for services provided for representation in grievances and arbitration.

The agreement provides for reopened negotiations on retirement contribution, life insurance and promotional procedures to be effective in the 2nd year. Other provisions remain in full force and effect.