

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 525

6  
7 S.P. 170

In Senate, February 1, 1983

8 Received by the Secretary of the Senate on February 1, 1983. Referred to  
9 the Committee on Labor, and ordered printed pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

Cosponsors: Senator Hayes of Penobscot and Representative Rolde of  
11 York.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Clarify the Negotiability of  
18 Pay Rates Under the State Employees Labor  
19 Relations Act.  
20

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

23 26 MRSA §979-D, sub-§1, ¶E, as enacted by PL  
24 1973, c. 774, is amended to read:

25 E.

26 (1) To confer and negotiate in good faith  
27 with respect to wages, hours, working condi-  
28 tions and contract grievance arbitration,  
29 except that by such obligation neither party  
30 shall be compelled to agree to a proposal or  
31 be required to make a concession. All mat-  
32 ters relating to the relationship between  
33 the employer and employees shall be the sub-

1           ject of collective bargaining, except those  
2 matters which are prescribed or controlled  
3 by public law. Such matters appropriate for  
4 collective bargaining to the extent they are  
5 not prescribed or controlled by public law  
6 include, but are not limited to:

7           (a) Wage and salary schedules to the  
8 extent they are inconsistent with rates  
9 prevailing in commerce and industry for  
10 comparable work within the State;

11           (b) Work schedules relating to  
12 assigned hours and days of the week;

13           (c) Use of vacation or sick leave, or  
14 both;

15           (d) General working conditions;

16           (e) Overtime practices; and

17           (f) Rules and regulations for person-  
18 nel administration, except the follow-  
19 ing: Rules and regulations relating to  
20 applicants for employment in state ser-  
21 vice and classified employees in an  
22 initial probationary status, including  
23 any extensions thereof, provided such  
24 the rules and regulations are not dis-  
25 criminatory by reason of an applicant's  
26 race, color, creed, sex or national  
27 origin.

28           Nothing in this chapter may be construed to  
29 exclude from the scope of mandatory subjects of  
30 bargaining rates of pay for particular job clas-  
31 sifications and classification of jobs.

32           (2) Paragraph E, subparagraph Subparagraph  
33 (1) shall not be construed to be in deroga-  
34 tion of or contravene the spirit and intent  
35 of the merit system principles and personnel  
36 laws.

37           (3) Cost items shall be submitted for  
38 inclusion in the Governor's next operating

1 budget within 10 days after the date on  
2 which the agreement is ratified by the par-  
3 ties. If the Legislature rejects any of the  
4 cost items submitted to it, all cost items  
5 submitted shall be returned to the parties  
6 for further bargaining.

7 STATEMENT OF FACT

8 Pay rates of particular jobs and classification  
9 of jobs for the purpose of determining pay rates of  
10 the jobs are basic subjects of collective bargaining.  
11 Employees naturally look to collective bargaining to  
12 present their concerns when they perceive that their  
13 rates of pay are lower than the rates of pay for  
14 employees in similar occupations outside state ser-  
15 vice or are out of line relative to positions in  
16 state service.

17 In enacting the State Employees Labor Relations  
18 Act, the Legislature recognized the appropriateness  
19 of such subjects for bargaining. That is evident,  
20 for example, in the language of the Act stating that  
21 "wage and salary rates to the extent they are incon-  
22 sistent with rates prevailing in commerce and indus-  
23 try for comparable work within the State" are appro-  
24 priate for bargaining. It is also evident, for  
25 example, in the language of the Act authorizing arbi-  
26 trators to consider comparison of wages of state  
27 employees with wages of "other employees performing  
28 similar services in public and private employment in  
29 other jurisdictions competing in the same labor  
30 market" and "conditions of employment in similar  
31 occupations outside State Government."

32 Nevertheless, the Maine Supreme Court has ruled  
33 pay rates and job classifications to be nonnegotiable  
34 because of a procedural time limit in the Personnel  
35 Law. This bill makes it clear that these subjects  
36 are mandatory subjects of bargaining for the future.

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