

MAINE STATE LEGISLATURE

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(EMERGENCY)

THIRD SPECIAL SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2477

H.P. 1875

House of Representatives, August 27, 1984

Received by the Clerk of the House on August 27, 1984. Referred to the Committee on Appropriations and Financial Affairs, and 1,600 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Carter of Winslow.

Cosponsored by Representative Paradis of Augusta, Senator Bustin of Kennebec and Representative Hickey of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Fund and Implement Certain
Collective Bargaining Agreements and to Offset
Salary and Benefit Costs for Employees of the
Maine Maritime Academy.

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

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

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch which require legislative action; and

1 bargaining agreement. This sum shall not be consid-
2 ered earnable compensation under the Maine State Re-
3 tirement System.

4 **Sec. 5. Lump sum payment.** A lump sum payment
5 equal to the increased compensation the employee
6 would have earned as of September 3, 1984, if the
7 salary schedule had been increased by 3 1/2% at the
8 beginning of the pay week commencing closest to March
9 1, 1984, and increased by 3 1/2% at the beginning of
10 the pay week commencing closest to July 1, 1984,
11 shall be paid to each employee in the bargaining unit
12 consistent with the terms of the collective bargain-
13 ing agreement. Notwithstanding any other provision
14 of law, payment pursuant to this section shall be
15 treated as part of base pay for retirement, overtime
16 and other such purposes.

17 **Sec. 6. Adjustment of salary schedule.** Effective
18 at the beginning of the pay week commencing closest
19 to September 3, 1984, the salary schedule for employ-
20 ees in the Maine State Troopers Bargaining Unit shall
21 be adjusted as if it had been increased 3 1/2%, at
22 the beginning of the pay week commencing closest to
23 March 1, 1984, and as if it had been increased by 3
24 1/2%, at the beginning of the pay week commencing
25 closest to July 1, 1984, consistent with the terms of
26 the collective bargaining agreement.

27 **Sec. 7. Group dental insurance for the Maine**
28 **State Troopers Bargaining Unit.** Effective as soon as
29 practicable after the signing of the contract, the
30 State shall pay up to \$8 a month toward individual
31 group dental insurance premiums for those employees
32 in the Maine State Troopers Bargaining Unit who en-
33 roll in the group dental insurance program provided
34 by the State, consistent with the terms of the col-
35 lective bargaining agreement.

36 **Sec. 8. New employees, similar and equitable**
37 **treatment.** Employees in classifications included in
38 the Maine State Troopers Bargaining Unit, but who are
39 excluded from collective bargaining pursuant to the
40 Revised Statutes, Title 26, section 979-A, subsection
41 6, paragraphs E and F, shall be given similar and eq-
42 uitable treatment on a pro rata basis to that given
43 employees covered by the agreement, except that

1 nonstatus employees in acting capacity, intermittent
2 or project positions shall not receive any lump sum
3 payment provided in section 4.

4 PART B

5 **Sec. 1. Appropriation from the General Fund.**

6 There is appropriated from the General Fund to a spe-
7 cial compensation account the sum of \$646,377 for the
8 fiscal year ending June 30, 1985, to implement the
9 economic terms agreed to for that period by the State
10 Board of Education and the Maine Teachers Associa-
11 tion, representing the Vocational-Technical Insti-
12 tutes Faculty Bargaining Unit.

13 **Sec. 2. Special account funding.** Funding pro-
14 vided by this Part shall be segregated into a special

15 account to be made available as needed upon the recom-
16 mendation of the State Budget Officer, with the ap-
17 proval of the Governor. Except for funds to implement
18 section 4, funds provided by this Part shall include
19 retirement costs. Positions supported from sources
20 of funding other than the General Fund shall be
21 funded whenever possible from those other sources.

22 **Sec. 3. Funding for fiscal year 1986.** Funding
23 and implementation of the economic terms of the col-
24 lective bargaining agreement between the State Board
25 of Education and the Maine Teachers Association,
26 representing the Vocational-Technical Institutes Fac-
27 ulty Bargaining Unit, for the fiscal year ending June
28 30, 1986, shall be subject to approval and appropria-
29 tion of \$737,226 from the General Fund by the First
30 Regular Session of the 112th Legislature.

31 **Sec. 4. Lump sum payment.** A lump sum payment
32 equal to 3 1/2% of the employee's base pay from the
33 beginning of the pay week commencing closest to July
34 1, 1983, to the beginning of the pay week commencing
35 closest to September 3, 1984, shall be paid to each
36 employee of the Vocational-Technical Institute Facul-
37 ty Bargaining Unit, consistent with the terms of the
38 collective bargaining agreement. This sum shall not
39 be considered earnable compensation under the Maine
40 State Retirement System.

1 **Sec. 5. Lump sum payment.** A lump sum payment
2 equal to the increased compensation the employee
3 would have earned as of September 3, 1984, if the
4 salary schedule had been increased by 3 1/2% at the
5 beginning of the pay week commencing closest to July
6 1, 1984, shall be paid to each employee in the bar-
7 gaining unit, consistent with the terms of the col-
8 lective bargaining agreement. Notwithstanding any
9 other provision of law, payment pursuant to this sec-
10 tion shall be treated as part of base pay for retire-
11 ment and other such purposes.

12 **Sec. 6. Adjustment of salary schedule, fiscal**
13 **year 1985.** The salary schedule for
14 vocational-technical institute faculty shall be ad-
15 justed as if it had been increased by 3 1/2% at the
16 beginning of the pay week commencing closest to July
17 1, 1984, and further adjusted as if it had been in-
18 creased by 3 1/2%, at the beginning of the pay week
19 commencing closest to September 3, 1984, consistent
20 with the terms of the collective bargaining agree-
21 ment.

22 **Sec. 7. Basic group life insurance.** Effective at
23 the beginning of the pay week commencing closest to
24 September 3, 1984, the State shall pay basic group
25 life insurance premiums for employees in the
26 Vocational-Technical Institute Faculty Bargaining
27 Unit who are participants in the state's basic group
28 plan on September 3, 1984. The State shall pay basic
29 group life insurance premiums for bargaining unit em-
30 ployees who enroll through established procedures on
31 or after September 3, 1984. The State shall hold an
32 open enrollment period for the month of October,
33 1984, for all bargaining unit employees who wish to
34 participate in the state's basic group life insurance
35 plan. The State shall pay the premiums of basic group
36 life insurance for employees enrolled during this
37 open enrollment period and the coverage shall be ef-
38 fective November 1, 1984. This provision does not di-
39 minish the right of employees to carry additional in-
40 surance on themselves or dependents.

41 **Sec. 8. New employees, similar and equitable**
42 **treatment.** Employees in classifications included in
43 the Vocational-Technical Institute Faculty Bargaining
44 Unit, but who are excluded from collective bargaining

1 pursuant to the Revised Statutes, Title 26, section
2 979-A, subsection 6, paragraphs E and F, shall be
3 given similar and equitable treatment on a pro rata
4 basis to that given employees covered by the con-
5 tract, except that nonstatus employees in acting ca-
6 pacity, intermittent or project positions shall not
7 receive any lump sum payment provided in section 4.

8 PART C

9 **Sec. 1. Appropriation from the General Fund.**
10 There is appropriated from the General Fund to a spe-
11 cial compensation account the sum of \$8,785,855 for
12 the fiscal year ending June 30, 1985, to implement
13 the economic terms for that period of collective bar-
14 gaining agreements agreed to by the State and the
15 Maine State Employees Association, representing the
16 employees in the Administrative Services; Profession-
17 al and Technical Services; Operations, Maintenance
18 and Support Services; Law Enforcement Services; and
19 Supervisory Services Bargaining Units.

20 **Sec. 2. Allocation from the Highway Fund.** There
21 is allocated from the Highway Fund to a special com-
22 pensation account the sum of \$5,737,988 for the fis-
23 cal year ending June 30, 1985, to fund salary and
24 benefit changes for the Administrative Services; Pro-
25 fessional and Technical Services; Operations, Mainte-
26 nance and Support Services; Law Enforcement Services;
27 and Supervisory Services Bargaining Units, as agreed
28 between the State and the Maine State Employees Asso-
29 ciation.

30 **Sec. 3. Special account funding.** Funding pro-
31 vided by this Part shall be segregated into a special
32 account to be made available as needed upon the rec-
33 ommendation of the State Budget Officer, with the ap-
34 proval of the Governor. Except for funds appropriated
35 to implement section 5, funds provided by this Part
36 shall include retirement costs. Positions supported
37 from sources of funding other than the General Fund
38 shall be funded whenever possible from those other
39 sources.

40 **Sec. 4. Funding for fiscal year 1986.** Funding
41 and implementation of the economic terms of the col-
42 lective bargaining agreements between the State and

1 the Maine State Employees Association representing
2 the employees in the Administrative Services; Profes-
3 sional and Technical Services; Operations, Mainte-
4 nance and Support Services; Law Enforcement Services;
5 and Supervisory Services Bargaining Units, for the
6 fiscal year ending June 30, 1986, shall be subject to
7 approval and appropriation of \$9,988,804 from the
8 General Fund and allocation of \$6,548,782 from the
9 Highway Fund by the First Regular Session of the
10 112th Legislature.

11 **Sec. 5. Lump sum payment.** A lump sum payment
12 equal to 3 1/2% of the employee's base pay from the
13 beginning of the pay week commencing closest to July
14 1, 1983, to the end of the pay week commencing clos-
15 est to February 29, 1984, or \$400, whichever is
16 greater, shall be paid to each employee included in
17 the Administrative Services; Professional and Techni-
18 cal Services; Operations, Maintenance and Support
19 Services; Law Enforcement Services; and Supervisory
20 Services Bargaining Units, consistent with the terms
21 of the collective bargaining agreements. This sum
22 shall not be considered earnable compensation under
23 the Maine State Retirement System, except for the
24 following: Any bargaining unit employee who retires
25 within 3 years of July 1, 1983, may pay to the Maine
26 State Retirement System the amount of the employee's
27 contribution established by the Revised Statutes, Ti-
28 tle 5, section 1095, plus the amount of the state's
29 contribution, which would be payable on the 3 1/2%
30 sum if it were earnable compensation. Upon payment of
31 these amounts, in accordance with the rules estab-
32 lished by the board of trustees, the employee shall
33 be entitled to consideration of the 3 1/2% sum for
34 purposes of average final compensation.

35 **Sec. 6. Lump sum payment.** A lump sum payment
36 equal to the increased compensation the employee
37 would have earned as of September 3, 1984, if the
38 salary schedules had been increased across-the-board
39 by 3 1/2% at the beginning of the pay week commencing
40 closest to March 1, 1984, and across-the-board by an-
41 other 3 1/2% at the beginning of the pay week com-
42 mencing closest to July 1, 1984, shall be paid to
43 each employee included in the Administrative Ser-
44 vices; Professional and Technical Services; Opera-
45 tions, Maintenance and Support Services; Law Enforce-

1 ment Services; and Supervisory Services Bargaining
2 Units, consistent with the terms of the collective
3 bargaining agreements. Notwithstanding any other pro-
4 vision of law, payment pursuant to this section shall
5 be treated as part of base pay for retirement, over-
6 time and other such purposes.

7 **Sec. 7. Adjustment of salary schedule for fiscal**
8 **year 1985.** Effective at the beginning of the pay week
9 commencing closest to September 3, 1984, the salary
10 schedules for employees in the Administrative Ser-
11 vices; Professional and Technical Services; Opera-
12 tions, Maintenance and Support Services; Law Enforce-
13 ment Services; and Supervisory Services Bargaining
14 Units shall be adjusted as if they had been increased
15 by 3 1/2%, at the beginning of the pay week closest
16 to March 1, 1984, and increased by 3 1/2% at the be-
17 ginning of the pay week commencing closest to July 1,
18 1984, consistent with the terms of the collective
19 bargaining agreements.

20 **Sec. 8. Group dental insurance.** Effective as
21 soon as practicable after the signing of the agree-
22 ments, the State shall pay up to \$8 per month toward
23 individual group dental insurance premiums for those
24 employees in the Administrative Services; Profession-
25 al and Technical Services; Operations, Maintenance
26 and Support Services; Law Enforcement Services; and
27 Supervisory Services Bargaining Units who enroll in
28 the group dental insurance program provided by the
29 State, consistent with the terms of the collective
30 bargaining agreements.

31 **Sec. 9. New employees, similar and equitable**
32 **treatment.** Employees in classifications included in
33 the Administrative Services; Professional and Techni-
34 cal Services; Operations, Maintenance and Support
35 Services; Law Enforcement Services; and Supervisory
36 Services Bargaining Units, but who are excluded from
37 collective bargaining pursuant to the Revised Stat-
38 utes, Title 26, section 979-A, subsection 6, para-
39 graphs E and F, shall be given similar and equitable
40 treatment on a pro rata basis to that given employees
41 covered by the contract, except that nonstatus em-
42 ployees in acting capacity, intermittent or project
43 positions shall not receive any lump sum payment pro-
44 vided in section 5.

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PART D

Appropriation from the General Fund. There is appropriated from the General Fund to the Maine Maritime Academy the sum of \$232,275 for the fiscal year ending June 30, 1985, to offset fiscal year 1984 and fiscal year 1985 salary and benefit costs for Maine Maritime Academy employees.

PART E

Sec. 1. Carrying clause. Any balances remaining from special accounts established by this Act, Parts B and C, shall not lapse but shall be carried forward to June 30, 1986 to be expended for state employee salary increases.

Sec. 2. Authorization for reimbursement of costs associated with contract resolution. The Governor's Office of Employee Relations shall be reimbursed from these special accounts for the costs of mediation, fact-finding and arbitration as required by the process of contract resolution and by the impact negotiation procedures.

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

FISCAL NOTE

Part A of this bill provides funding and implementation for the biennium of the cost items in the collective bargaining agreement reached between the State and the Maine State Troopers Association representing the employees in the Maine State Troopers Bargaining Unit.

Part B of this bill provides funding and implementation for the biennium of the cost items for that period in the collective bargaining agreement between the State Board of Education and the Maine Teachers Association representing the Vocational-Technical Institutes Faculty Bargaining Unit.

1 Part C of this bill provides funding and imple-
2 mentation for the biennium of the cost items for that
3 period in the collective bargaining agreement between
4 the State and the Maine State Employees Association
5 representing the employees in the Administrative Ser-
6 vices; Professional and Technical Services; Opera-
7 tions, Maintenance and Support Services; Law Enforce-
8 ment Services; and Supervisory Services Bargaining
9 Units.

10 Part D of this bill provides funding to offset
11 the costs of salary increases and benefits for em-
12 ployees at the Maine Maritime Academy.

13 Part E provides that funding for Parts B and C
14 shall not lapse and that the Governor's Office of Em-
15 ployee Relations will be reimbursed for costs of con-
16 tract resolution and impact negotiations.

17 The emergency clause provides that the bill take
18 effect when approved.

19 Fiscal Note - Part A
20 Maine State Troopers Bargaining Unit

21	<u>General Fund Appropriation</u>	<u>Fiscal Year 1985</u>
22	Lump sum payment 7/1/83 - 3/1/84	\$ 39,037
23	Salary schedule adjustment 3/1/84	111,289
24	Contract printing	1,000
25	Salary schedule adjustment 7/1/84	88,117
26	Availability pay	43,120
27	Wages, including uniform and	
28	clothing allowances 7/1/84	4,829
29	Dental insurance - as soon as	
30	practicable	<u>8,120</u>
31	TOTAL	\$295,512
32	<u>Highway Fund Allocation</u>	<u>Fiscal Year 1985</u>

1	TOTAL	\$646,377	\$737,226
2	*Subject to appropriation by the 112th Legisla-		
3	ture at its First Regular Session		
4	<u>Fiscal Note-Part C</u>		
5	Administrative Services; Profession and Technical		
6	Services; Operations, Maintenance and Support Services;		
7	Law Enforcement Services; and		
8	Supervisory Services Bargaining Units		
9	<u>General Fund Appropriation</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
10		<u>1985</u>	<u>1986*</u>
11	Lump Sum Payment for Peri-		
12	od Covering 7/1/83 through		
13	2/29/84	\$1,658,090	-----
14	Lump Sum Payment for Peri-		
15	od Covering 3/1/84 through		
16	7/1/84	901,850	-----
17	Salary Schedule Adjustment		
18	7/1/84	5,626,850	\$5,739,387
19	Contract, job bulletin and		
20	salary schedule printing,		
21	data processing for pay-		
22	ment authorization; con-		
23	tract resolution costs	33,750	-----
24	Wages, including Medica-		
25	tion, Boots, Shift, Tool		
26	Allowance and Overtime af-		
27	ter 8		
28	hours	175,039	175,039
29	Dental Insurance	390,276	390,276
30	Salary Schedule Adjustment		
31	7/1/85	-----	3,015,342
32	Salary Schedule Adjustment		
33	1/1/86	-----	668,760
34	TOTAL	\$8,785,855	\$9,988,804

1 *Subject to appropriation by the 112th Legisla-
2 ture at its First Regular Session.

3	<u>Highway Fund Allocation</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
4		<u>1985</u>	<u>1986*</u>
5	Lump Sum Payment for Peri-		
6	od Covering 7/1/83 through		
7	2/29/84	\$1,087,064	-----
8	Lump Sum Payment for Peri-		
9	od Covering 3/1/84 through		
10	7/1/84	591,264	-----
11	Salary Schedule Adjustment		
12	7/1/84	3,689,032	\$3,762,812
13	Wages Including Medica-		
14	tion, Boots, Shift, Tool		
15	Allowance and Overtime af-		
16	ter 8		
17	hours	114,758	114,758
18	Dental Insurance	255,870	255,870
19	Salary Schedule Adjustment		
20	7/1/85	-----	1,976,895
21	Salary Schedule Adjustment		
22	1/1/86	-----	<u>438,447</u>
23	TOTAL	\$5,737,988	\$6,548,782

24 *Subject to allocation by the 112th Legislature
25 at its First Regular Session.

1 monthly toward group dental insurance provided by the
2 State effective as soon as practicable after signing
3 of contract for bargaining unit members.

4 Section 8 provides for equitable treatment of
5 probationary and other employees in classifications
6 in the Maine State Troopers Bargaining Unit.

7 Part B provides for funding and implementation of
8 the cost items for fiscal year 1985 in the collective
9 bargaining agreement reached between the State Board
10 of Education and Maine Teachers Association for the
11 Vocational-Technical Institutes Faculty Bargaining
12 Unit.

13 Section 1 provides an appropriation from the Gen-
14 eral Fund to fund the bargaining agreement for fiscal
15 year 1985.

16 Section 2 provides authorization for the approval
17 and use of funds.

18 Section 3 provides that funding of costs, salary
19 increase of 3 1/2% on July 1, 1985, and an increase
20 of 1 1/2% on January 1, 1986, for fiscal year 1986 is
21 subject to approval and appropriation by the First
22 Regular Session of the 112th Legislature.

23 Section 4 provides the basis for calculating a
24 lump sum payment for bargaining unit members.

25 Section 5 provides for a lump sum payment for
26 bargaining unit members equal to the increase they
27 would have earned as of September 3, 1984, if the
28 salary schedule had been adjusted by 3 1/2% at the
29 beginning of the pay week commencing closest to July
30 1, 1984.

31 Section 6 provides for salary schedules to be ad-
32 justed effective September 3, 1984, as if they had
33 been increased by 3 1/2% at the beginning of the pay
34 week commencing closest to July 1, 1984, for bargain-
35 ing unit members and further adjusted as if increased
36 by 3 1/2% at the beginning of the pay week closest to
37 September 3, 1984.

38 Section 7 provides for the State to pay state ba-

1 sic group life insurance premiums for bargaining unit
2 members and provides an open enrollment period for
3 bargaining unit members to enroll in the state basic
4 group life plan.

5 Section 8 provides for equitable treatment of
6 probationary and other employees in classifications
7 in the Vocational-Technical Institutes Faculty Bar-
8 gaining Unit.

9 Part C provides for funding and implementation of
10 the cost items for fiscal year 1985 in the collective
11 bargaining agreements reached between the State and
12 Maine State Employees Association for the Administra-
13 tive Services; Professional and Technical Services;
14 Operations, Maintenance and Support Services; Law En-
15 forcement Services; and Supervisory Services Bargain-
16 ing Units.

17 Section 1 provides an appropriation from the Gen-
18 eral Fund to fund the bargaining agreements for fis-
19 cal year 1985.

20 Section 2 provides an allocation from the Highway
21 Fund to fund the bargaining agreements for fiscal
22 year 1985.

23 Section 3 provides authorization for the approval
24 and use of funds.

25 Section 4 provides that funding for the fiscal
26 year 1986 costs, salary increase of 3 1/2% on July 1,
27 1985, and an increase of 1 1/2% on January 1, 1986,
28 for fiscal year 1986 is subject to approval and ap-
29 propriation by the First Regular Session of the 112th
30 Legislature.

31 Section 5 provides the basis for calculating a
32 lump sum payment for bargaining unit members and pro-
33 vides a retirement buy-back option for employees who
34 retire between July 1, 1983 and July 1, 1986.

35 Section 6 provides for a lump sum payment for
36 bargaining unit members equal to the increase they
37 would have earned if the salary schedule had been ad-
38 justed by 3 1/2% at the beginning of the pay week
39 commencing closest to March 1, 1984, and if the sala-

1 ry schedule had been adjusted by 3 1/2% at the begin-
2 ning of the pay week commencing closest to July 1,
3 1984.

4 Section 7 provides for salary schedules to be ad-
5 justed effective September 3, 1984, as if they had
6 been increased by 3 1/2% at the beginning of the pay
7 week commencing closest to March 1, 1984 and in-
8 creased by 3 1/2% at the beginning of the pay week
9 closest to July 1, 1984.

10 Section 8 provides for state payment of up to \$8
11 monthly for group dental insurance provided by the
12 State effective July 1, 1984, for bargaining unit em-
13 ployees.

14 Section 9 provides for equitable treatment of
15 probationary and other employees in classifications
16 in the bargaining units.

17 Part D provides for funding to offset salary and
18 benefit costs for employees at the Maine Maritime
19 Academy.

20 Part D also provides an appropriation from the
21 General Fund to fund salary adjustments and benefits
22 for Maine Maritime Academy employees.

23 Part E provides for funds appropriated under
24 Parts B and C to carry over until June 30, 1986; pro-
25 vides for reimbursement to the Governor's Office of
26 Employee Relations for costs incurred in the process
27 of contract resolution.

28 The emergency clause provides that this Act shall
29 take effect when approved.

30

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