

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 435, L.D. 1202)  
2 (New Title)  
3 FIRST REGULAR SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
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7 Legislative Document

No. 1559

8  
9 S.P. 594

In Senate, May 17, 1985

10 Reported by Senator Kany of Kennebec from the Committee on State  
11 Government and printed under Joint Rule 2. Original bill sponsored by  
12 President Pray of Penobscot. Cosponsored by Representative Diamond of  
Bangor, Senator Perkins of Hancock and Representative Murphy of  
Kennebunk.

JOY J. O'BRIEN, Secretary of the Senate

13  
14 STATE OF MAINE  
15

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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-FIVE  
18

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19 AN ACT Relating to Collective Bargaining over  
20 the Compensation System for State  
21 Employees.  
22

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

25 26 MRSA §979-D, sub-§1, ¶¶C, D and E, as enacted  
26 by PL 1973, c. 774, are amended to read:

27 C. To execute in writing any agreements arrived  
28 at, the term of any such agreement to be subject  
29 to negotiation but shall not exceed 2 years; **and**

30 D. To participate in good faith in the media-  
31 tion, fact finding and arbitration procedures re-  
32 quired by this section; and

33 E. To confer and negotiate in good faith with  
34 respect to:

1           (1) ~~To confer and negotiate in good faith~~  
2 ~~with respect to wages~~ Wages, hours, working  
3 conditions and contract grievance arbitration,  
4 except that by such obligation neither  
5 party shall be compelled to agree to a proposal  
6 or be required to make a concession.  
7 All matters relating to the relationship between  
8 the employer and employees shall be  
9 the subject of collective bargaining, except  
10 those matters which are prescribed or controlled  
11 by public law. Such matters appropriate  
12 for collective bargaining to the extent they are not  
13 prescribed or controlled by public law include but are not limited  
14 to:  
15

16           (a) Wage and salary schedules to the  
17 extent they are inconsistent with rates  
18 prevailing in commerce and industry for  
19 comparable work within the State;

20           (b) Work schedules relating to assigned  
21 hours and days of the week;

22           (c) Use of vacation or sick leave, or  
23 both;

24           (d) General working conditions;

25           (e) Overtime practices;

26           (f) Rules and regulations for personnel  
27 administration, except the following: Rules and regulations relating to  
28 applicants for employment in state service and classified employees in an  
29 initial probationary status, including any extensions thereof, provided such  
30 rules and regulations are not discriminatory by reason of an applicant's  
31 race, color, creed, sex or national origin;  
32  
33  
34  
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36

37           (g) Compensation system for state employees, which is defined as:  
38

- 1                                    (i) Guide charts, if any, and job  
2                                    evaluation factors, including fac-  
3                                    tor language and factor weights,  
4                                    used to evaluate jobs for pay pur-  
5                                    poses;
- 6                                    (ii) Job point to pay grade con-  
7                                    version tables;
- 8                                    (iii) The number of and spread  
9                                    between pay steps within pay  
10                                   grades;
- 11                                   (iv) The number of and spread be-  
12                                   tween pay grades within the sys-  
13                                   tem; and
- 14                                   (v) Temporary payment of recruit-  
15                                   ment and retention stipends, pro-  
16                                   vided the stipends are allowed un-  
17                                   der Personnel Law;
- 18                                   (h) The nature of and procedures gov-  
19                                   erning appeals of the allocation or re-  
20                                   allocation of job classifications to  
21                                   pay grades resulting from any revisions  
22                                   to the compensation system; and
- 23                                   (i) Implementation of any revisions to  
24                                   the compensation system.
- 25                                   (2) Paragraph E subparagraph Subparagraph  
26                                   (1), shall not be construed to be in derogation  
27                                   of or contravene the spirit and intent  
28                                   of the merit system principles and personnel  
29                                   laws.
- 30                                   (3) Cost items shall be submitted for inclusion  
31                                   in the Governor's next operating  
32                                   budget within 10 days after the date on  
33                                   which the agreement is ratified by the parties.  
34                                   If the Legislature rejects any of the  
35                                   cost items submitted to it, all cost items  
36                                   submitted shall be returned to the parties  
37                                   for further bargaining.

1           (4) Collective bargaining over the subjects  
2 described in subparagraph (1), divisions  
3 (g), (h) and (i), is subject to the follow-  
4 ing.

5           (a) Subparagraph (1), division (g),  
6 shall not be construed to authorize any  
7 more than one system for evaluating  
8 jobs of state employees in bargaining  
9 units recognized under this chapter.

10           (b) Either the public employer or the  
11 bargaining agents may compel the other  
12 party to bargain collectively over the  
13 subjects described in subparagraph (1),  
14 divisions (g), (h) and (i), provided  
15 that bargaining over those subjects may  
16 not be compelled by either the public  
17 employer or the bargaining agents soon-  
18 er than 10 years after the parties'  
19 last agreement to revise the compensa-  
20 tion system made pursuant to a demand  
21 to bargain.

22           (c) During the periods of time de-  
23 scribed in division (b), when the sub-  
24 jects described in subparagraph (1),  
25 divisions (h) and (i), are not mandato-  
26 ry subjects of bargaining, they shall  
27 be permissive subjects of bargaining.

28           (d) Bargaining over the subjects de-  
29 scribed in subparagraph (1), divisions  
30 (g), (h) and (i), shall be conducted  
31 separately and apart from bargaining  
32 with individual bargaining agents over  
33 all other negotiable subjects and shall  
34 be conducted within a committee com-  
35 posed of representatives of management  
36 and of the bargaining units recognized  
37 under this chapter.

38           (e) The labor representatives on the  
39 committee shall consist of equal num-  
40 bers of representatives from each of  
41 the bargaining units recognized under  
42 this chapter. Each bargaining unit

1 shall have one vote, regardless of the  
2 number of representatives, on any mat-  
3 ter addressed by the committee. The  
4 labor position on any matter addressed  
5 by the committee shall be established  
6 by majority vote of the units recog-  
7 nized under this chapter. A majority  
8 vote of the units are necessary to ini-  
9 tiate bargaining over the matters de-  
10 scribed in subparagraph (1), divisions  
11 (g), (h) and (i).

12 (f) Notwithstanding the time frame  
13 provided in subparagraph (3), cost  
14 items resulting from revisions to the  
15 compensation system may only be submit-  
16 ted to the Legislature for funding af-  
17 ter all appeals from the allocation or  
18 reallocation of job classifications un-  
19 der the revised system have been final-  
20 ly decided. The cost items relating to  
21 an individual bargaining unit shall be  
22 submitted to the Legislature for fund-  
23 ing as part of the next legislation  
24 submitted pursuant to subparagraph (3)  
25 to fund a collective bargaining agree-  
26 ment between the State and that bar-  
27 gaining unit.

28 (g) Bargaining over the subjects de-  
29 scribed in subparagraph (1), divisions  
30 (g), (h) and (i), shall be subject to  
31 the dispute resolution procedures of  
32 subsections 2, 3 and 4. For purposes  
33 of subsection 4, paragraph D, contro-  
34 versies over the subjects described in  
35 subparagraph (1), divisions (g), (h)  
36 and (i), shall be deemed "controversies  
37 over salaries."

38 (5) Nothing in this chapter may be con-  
39 strued to exclude from the scope of collec-  
40 tive bargaining the subjects described in  
41 subparagraph (1), divisions (g), (h) and  
42 (i).

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STATEMENT OF FACT

2           This new draft addresses collective bargaining  
3 over the compensation system for state employees in  
4 bargaining units recognized under the State Employees  
5 Labor Relations Act, the Maine Revised Statutes, Title  
6 26, section 979. The compensation system was last  
7 revised with the implementation of the Hay System in  
8 1976, pursuant to Private and Special Law 1975, chapter  
9 147.

10           This new draft provides a methodology, forum and  
11 time frames for bargaining over the compensation system.  
12 The new draft ensures that all bargaining units  
13 covered under the State Employees Labor Relations Act  
14 shall be covered by one job evaluation system. It  
15 also provides that bargaining over the compensation  
16 system will involve representatives of each of those  
17 bargaining units. The new draft is not intended to  
18 diminish or expand the rights and duties of the collective  
19 bargaining parties under other provisions of  
20 the State Employees Labor Relations Act or under other  
21 laws.

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