

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 1446, L.D. 2040)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2362

8
9 H.P. 1676 House of Representatives, April 10, 1986
10 Reported by Representative Boutilier from the Committee on State
11 Government and printed under Joint Rule 2. Original bill sponsored by
12 Representative Cote of Auburn. Cosponsored by Representative Descoteaux
of Biddeford, Senator Bustin of Kennebec and Representative Paradis of
Augusta.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

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

19 AN ACT to Authorize the Payment of Retention
20 and Recruitment Stipends in State
21 Government.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, there are many job classifications with-
27 in State Government for which there are recruitment
28 and retention problems; and

29 Whereas, some of these recruitment and retention
30 problems are the result of labor market conditions
31 which have established higher wages and salaries in
32 the private sector for the same job classification
33 that in State Government is paid a lower wage or sal-
34 ary; and

1 Whereas, some state agencies are experiencing a
2 crisis with respect to filling a number of essential
3 positions which has seriously affected the ability of
4 these agencies to operate; and

5 Whereas, in the judgment of the Legislature,
6 these facts create an emergency within the meaning of
7 the Constitution of Maine and require the following
8 legislation as immediately necessary for the preser-
9 vation of the public peace, health and safety; now,
10 therefore,

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

13 5 MRSA §634, as amended by PL 1977, c. 564, §§18,
14 19 and 20, is further amended to read:

15 §634. Compensation plan

16 The commissioner shall, as soon as practicable
17 after the adoption of the classification plan, submit
18 to the Legislature a proposed plan of compensation
19 showing for each class of position in the classified
20 service minimum and maximum salary rates and such in-
21 termediate rates as he deems desirable.

22 When the compensation plan has become effective
23 through its adoption by the Legislature, it shall
24 constitute the official schedule of salaries for all
25 classes of positions in the classified service, ex-
26 cept that if the adoption of a compensation plan re-
27 sults in the reduction of salary of an employee, the
28 Commissioner of Personnel shall certify to the proper
29 fiscal officer of the State that the employee's sala-
30 ry shall not be subject to any reduction for a period
31 of one year from the effective date of adoption of
32 said plan. No position ~~shall~~ may be assigned a sala-
33 ry greater than the maximum or less than the minimum
34 rates fixed in the compensation plan, except as pro-
35 vided in this section. Salaries of persons holding
36 positions in the classified service shall not be ap-
37 proved by paying authorities unless such salaries
38 conform to the adopted compensation plan.

1 1. Recruitment and retention adjustments. Sub-
2 ject to Title 26, section 979-D, subsection 1, para-
3 graph E, the director may approve payment of recruit-
4 ment and retention adjustments for occupations in
5 State Government when the payment of a labor market
6 adjustment is required to recruit and retain an ade-
7 quate work force. Payment of a recruitment and reten-
8 tion adjustment may be authorized only when justified
9 by the following conditions:

10 A. High turnover exists or long-term vacancies
11 exist within State Government in the relevant oc-
12 cupational classifications or job series;

13 B. The relevant occupational classification or
14 job series has a clear, geographically definable
15 labor market within which the State must compete;

16 C. All appropriate recruitment and retention ef-
17 forts have been attempted and have proven inef-
18 fective at the current levels of compensation;
19 and

20 D. Comprehensive, verifiable documentation of
21 labor market compensation levels for the relevant
22 occupation has been compiled to determine compet-
23 itive pay levels within the defined labor market.
24 This documentation must demonstrate that a labor
25 market disparity exists and that the disparity
26 represents a long-term, not transitory or season-
27 al, problem.

28 2. Limitations on recruitment and retention ad-
29 justments. The payment of recruitment and retention
30 adjustments authorized under this subsection shall be
31 subject to the following provisions.

32 A. The labor market adjustment shall be reviewed
33 no less frequently than once every 2 years and
34 shall be adjusted to changes in the labor market
35 or the overall relation of the standard pay poli-
36 cy to the specialized labor market.

37 B. If the subsequent review provided in para-
38 graph A results in the adjustment being de-
39 creased or discontinued, no employee receiving
40 the recruitment and retention adjustment may be
41 subject to a reduction in pay.

