

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 (EMERGENCY)
2 THIRD SPECIAL SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2444

7
8 H.P. 1763 House of Representatives, October 16, 1986
9 Received by the Clerk of the House on October 15, 1986. Referred to the
10 Committee on Appropriations and Financial Affairs, and 1,600 ordered
printed pursuant to Joint Rule 14.

11 EDWIN H. PERT, Clerk

12 Presented by Representative Mayo of Thomaston.
Cosponsored by Senator Chalmers of Knox.

13 STATE OF MAINE
14

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

18 AN ACT to Fund and Implement a Collective
19 Bargaining Agreement with State
20 Employees Represented by the American
21 Federation of State, County and
22 Municipal Employees and to Fund and
23 Implement Benefits for Certain State
24 Employees Excluded from Bargaining.
25

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

29 Whereas, certain obligations and expenses inci-
30 dent to the operation of state collective bargaining
31 agreements will become due and payable immediately;
32 and

33 Whereas, it is the responsibility of the Legisla-
34 ture to act upon those portions of tentative collec-
35 tive bargaining agreements negotiated by the Execu-
36 tive Branch which require legislative action; and

1 Whereas, the Governor and the Legislature also
2 share a desire to address the needs of certain state
3 employees excluded from collective bargaining units
4 on a timely basis; 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 PART A

14 Sec. 1. Appropriation from the General Fund.

15 There is appropriated from the General Fund to a spe-
16 cial compensation account the sum of \$1,329,227 for
17 the fiscal year ending June 30, 1987, to implement
18 the economic terms agreed to by the State and the
19 American Federation of State, County and Municipal
20 Employees - Council #93 for the Institutional Ser-
21 vices Bargaining Unit.

22 Sec. 2. Special account funding. Funding pro-

23 vided by this Act shall be segregated into a special
24 account to be made available as needed upon the rec-
25 ommendation of the State Budget Officer, with the ap-
26 proval of the Governor. Except for funds appropri-
27 ated to implement section 3, funds shall include re-
28 tirement costs. Positions supported from sources of
29 funding other than the General Fund shall be funded
30 whenever possible from those other sources.

31 Sec. 3. Lump sum payment. A lump sum payment

32 equal to 4% of the employee's gross pay from the be-
33 ginning of the pay week commencing closest to July 1,
34 1986, to the end of the pay week ending closest to
35 January 1, 1987, shall be paid to each employee in-
36 cluded in the Institutional Services Bargaining Unit,
37 consistent with the terms of the collective bargain-
38 ing agreement. This sum shall not be considered
39 earnable compensation under the Maine State Retirement
40 System except as follows. Any employee in the
41 Institutional Services Bargaining Unit who retires

1 within 3 years of July 1, 1986, may pay the Maine
2 State Retirement System the amount of the employee's
3 contribution established by the Maine Revised Stat-
4 utes, Title 5, section 1095, subsection 9, plus the
5 amount of the employer's contribution which would be
6 payable on the 4% sum if it were earnable compensa-
7 tion. Upon payment of these amounts, in accordance
8 with the rules established by the board of trustees,
9 the employee shall be entitled to consideration of
10 the 4% sum for the purposes of average final compen-
11 sation.

12 **Sec. 4. Adjustment of salary schedule for fiscal**
13 **year 1986-87.** Effective at the beginning of the pay
14 week commencing closest to January 1, 1987, the sala-
15 ry schedule for employees in the Institutional Ser-
16 vices Bargaining Unit shall be adjusted by 4% con-
17 sistent with the terms of the collective bargaining
18 contract.

19 **Sec. 5. New employees, similar and equitable**
20 **treatment.** Employees in classifications included in
21 the Institutional Services Bargaining Unit, but ex-
22 cluded from collective bargaining pursuant to the
23 Maine Revised Statutes, Title 26, section 979-A, sub-
24 section 6, paragraphs E and F, shall be given similar
25 and equitable treatment on a pro rata basis to that
26 given employees covered by the contract, except that
27 nonstatus employees in acting capacity, intermittent
28 or project positions shall not receive any lump sum
29 payment provided in section 3.

30

PART B

31 **Sec. 1. Definition of confidential employees.**
32 For the purposes of this Act, confidential employees
33 are defined as those within the Executive Branch, in-
34 cluding probationary employees, who are excluded from
35 bargaining units pursuant to the Maine Revised Stat-
36 utes, Title 26, section 979-A, subsection 6, para-
37 graphs B, C, D, I and J, and those employees within
38 the Legislative Branch not subject to collective bar-
39 gaining, including constitutional officers and the
40 State Auditor.

41 **Sec. 2. Appropriation from the General Fund.**
42 There is appropriated from the General Fund to a spe-

1 cial compensation account the sum of \$560,210 for the
2 fiscal year ending June 30, 1987, to fund salary ben-
3 efit changes for confidential employees.

4 **Sec. 3. Allocations from the Highway Fund.**
5 There is allocated from the Highway Fund to a special
6 compensation account the sum of \$116,844 to fund sal-
7 ary and benefit changes for confidential employees.

8 **Sec. 4. Special account funding; retirement op-**
9 **tion.** Funding provided by this Act shall be segre-
10 gated into special accounts to be made available as
11 needed upon the recommendation of the State Budget
12 Officer, with the approval of the Governor. Except
13 for funds to implement section 5, funds shall include
14 retirement costs. Newly appointed confidential em-
15 ployees who are not required by law to participate in
16 the Maine State Retirement System may elect to re-
17 ceive a 5% salary increase in lieu of state payment
18 of their retirement contribution; this option shall
19 be exercised at the time of appointment. Positions
20 supported from sources of funding other than the Gen-
21 eral Fund and the Highway Fund shall be funded when-
22 ever possible from those other sources.

23 **Sec. 5. Lump sum payment.** A lump sum payment
24 equal to 4% of the employee's gross pay from the be-
25 ginning of the pay week commencing closest to July 1,
26 1986, to the end of the pay week ending closest to
27 January 1, 1987, shall be paid to each confidential
28 employee. This sum shall not be considered earnable
29 compensation under the Maine State Retirement System
30 except as follows. Any confidential employee who is
31 a member of the Maine State Retirement System who re-
32 tires within 3 years of July 1, 1986, may pay to the
33 Maine State Retirement System the amount of the
34 employee's contribution established by the Maine Re-
35 vised Statutes, Title 5, section 1095, subsection 9,
36 plus the amount of the employer's contribution which
37 would be payable on the 4% sum if it were earnable
38 compensation. Upon payment of these amounts, in ac-
39 cordance with the rules established by the board of
40 trustees, the employee shall be entitled to consider-
41 ation of the 4% sum for purposes of average final
42 compensation.

1 bor Relations Act. Part C authorizes reimbursement
2 to the Department of Administration, Bureau of Em-
3 ployee Relations, for costs of contract resolution.

4 Fiscal Note - Part A
5 Institutional Services Bargaining Unit

6 1986-87

7 General Fund Appropriation

8	Cash sum salary payment	\$584,062
9	for pay weeks from July 1986	
10	through December 1986.	
11	Salary schedule adjustment	713,854
12	beginning first full pay week	
13	of January 1987.	
14	Shift Differential	29,820
15	Major Medical	<u>1,491</u>
16	TOTAL	\$1,329,227

17 Fiscal Note - Part B
18 Employees Excluded from Collective Bargaining

19 1986-87

20 General Fund Appropriation

21	Cash sum salary payment	\$252,000
22	for pay weeks from July 1986	
23	through December 1986.	
24	Salary schedule adjustment	308,000
25	beginning first full pay week	
26	of January 1987.	
27	Major Medical	<u>210</u>
28	TOTAL	\$560,210

29 Highway Fund Allocation

30	Cash sum salary payment	\$52,560
----	-------------------------	----------

1	for pay weeks from July 1986	
2	through December 1986.	
3	Salary schedule adjustment	64,240
4	beginning first full pay week	
5	of January 1987.	
6	Major Medical	<u>44</u>
7	TOTAL	\$116,844

8 STATEMENT OF FACT

9 Part A provides funding and implementation of the
10 cost items in the collective bargaining agreement
11 reached between the State and the American Federation
12 of State, County and Municipal Employees - Council
13 #93 for the Institutional Services Bargaining Unit.

14 Section 1 provides an appropriation from the Gen-
15 eral Fund to fund the bargaining agreement.

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

18 Section 3 provides for a lump sum payment for
19 bargaining unit members for pay weeks which include
20 the period from July 1, 1986, to January 1, 1987.

21 Section 4 provides for the adjustment of salary
22 schedules, by an increase of 4% effective at the be-
23 ginning of the first pay week commencing after Janu-
24 ary 1, 1987, for bargaining unit members.

25 Section 5 provides for equitable treatment of
26 probationary and other employees in classifications
27 in the Institutional Services Bargaining Unit.

28 Part B provides for funding and implementation of
29 salary adjustments and benefits for Executive and
30 Legislative Branch employees excluded from collective
31 bargaining.

32 Section 1 defines confidential employees covered

1 by this Part.

2 Section 2 provides an appropriation from the Gen-
3 eral Fund to fund salary adjustments and benefits for
4 confidential employees.

5 Section 3 provides an allocation from the Highway
6 Fund to fund salary adjustments and benefits for con-
7 fidential employees.

8 Section 4 provides authorization for the approval
9 and use of funds.

10 Section 5 provides for a lump sum payment for
11 confidential employees covering the pay weeks which
12 include the period from July 1, 1986, to January 1,
13 1987.

14 Section 6 provides for the adjustment of salary
15 schedules, by an increase of 4% effective at the be-
16 ginning of the first pay week commencing after Janu-
17 ary 1, 1987, for confidential employees.

18 Section 7 authorizes the Governor to grant simi-
19 lar and equitable treatment to unclassified employees
20 whose salaries are subject to the Governor's adjust-
21 ment or approval.

22 Section 8 authorizes the Legislative Council to
23 approve salary and benefit increases for employees of
24 the Legislative Branch including constitutional offi-
25 cers and the State Auditor, not covered by collective
26 bargaining.

27 Part C provides reimbursement for the costs of
28 resolving collective bargaining agreements to the De-
29 partment of Administration, Bureau of Employee Rela-
30 tions.

31 7764101486