

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 THIRD SPECIAL SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2445

7
8 H.P. 1764

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

Presented by Representative Hickey of Augusta.

12 Cosponsored by Senator Dow of Kennebec, Representative Paradis of
Augusta and Representative Daggett of Manchester.

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 Maine
21 State Employees Association.
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, certain obligations and expenses inci-
27 dent to the operation of state collective bargaining
28 agreements will become due and payable immediately;
29 and

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

34 Whereas, in the judgment of the Legislature,
35 these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preser-
3 vation of the public peace, health and safety; now,
4 therefore,

5 Be it enacted by the People of the State of Maine as
6 follows:

7 **PART A**

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

9 There is appropriated from the General Fund to a special
10 compensation account the sum of \$4,100,634 for
11 the fiscal year ending June 30, 1987, to implement
12 the economic terms agreed to by the State and the
13 Maine State Employees Association for the Administra-
14 tive Services Bargaining Unit; Supervisory Services
15 Bargaining Unit; Professional and Technical Services
16 Bargaining Unit; Law Enforcement Services Bargaining
17 Unit; and the Operations, Maintenance and Support
18 Services Bargaining Unit.

19 **Sec. 2. Allocations from the Highway Fund.**

20 There is allocated from the Highway Fund to a special
21 compensation account the sum of \$2,426,292 to fund
22 salary and benefit changes for state employees repre-
23 sented by the Maine State Employees Association for
24 the Administrative Services Bargaining Unit; Supervi-
25 sory Services Bargaining Unit; Professional and Tech-
26 nical Services Bargaining Unit; Law Enforcement Ser-
27 vices Bargaining Unit; and the Operations, Mainte-
28 nance and Support Services Bargaining Unit.

29 **Sec. 3. Special account funding.** Funding pro-

30 vided by this Act shall be segregated into special
31 accounts to be made available as needed upon the rec-
32 ommendation of the State Budget Officer, with the ap-
33 proval of the Governor. Except for funds appropri-
34 ated and allocated to implement a section 4, funds
35 shall include retirement costs. Positions supported
36 from sources of funding other than the General Fund
37 and Highway Fund shall be funded whenever possible
38 from those other sources.

39 **Sec. 4. Lump sum payment.** A lump sum payment

40 equal to 4% of the employee's gross pay from the be-

1 ginning of the pay week commencing closest to July 1,
2 1986, to the end of the pay week ending closest to
3 January 1, 1987, shall be paid to each employee in-
4 cluded in the Administrative Services Bargaining
5 Unit; Professional and Technical Services Bargaining
6 Unit; Supervisory Services Bargaining Unit; Law En-
7 forcement Services Bargaining Unit; and the Oper-
8 ations, Maintenance and Support Services Bargaining
9 Unit, consistent with the terms of the collective
10 bargaining agreements. This sum shall not be consid-
11 ered earnable compensation under the Maine State Re-
12 tirement System except as follows. Any employee in
13 the bargaining units listed above who retires within
14 3 years of July 1, 1986, may pay to the Maine State
15 Retirement System the amount of the employer's and
16 the employee's contributions established by the Maine
17 Revised Statutes, Title 5, sections 1062 and 1095,
18 which would be payable on the 4% sum if it were earn-
19 able compensation. Upon payment of these amounts, in
20 accordance with the rules established by the board of
21 trustees, the employee shall be entitled to consider-
22 ation of the 4% sum for purposes of average final
23 compensation.

24 **Sec. 5. Adjustment of salary schedule for fiscal**
25 **year 1986-87.** Effective at the beginning of the pay
26 week commencing closest to January 1, 1987, the sala-
27 ry schedule for employees in the Administrative Ser-
28 vices Bargaining Unit; Supervisory Services Bargain-
29 ing Unit; Professional and Technical Services Bar-
30 gaining Unit; Law Enforcement Services Bargaining
31 Unit; and the Operations, Maintenance and Support
32 Services Bargaining Unit, shall be adjusted by 4%
33 consistent with the terms of the collective bargain-
34 ing contract.

35 **Sec. 6. New employees, similar and equitable**
36 **treatment.** Employees in classifications included in
37 the Administrative Services Bargaining Unit; Supervi-
38 sory Services Bargaining Unit; Professional and Tech-
39 nical Services Bargaining Unit; Law Enforcement Ser-
40 vices Bargaining Unit; and the Operations, Mainte-
41 nance and Support Services Bargaining Unit, but who
42 are excluded from collective bargaining pursuant to
43 the Maine Revised Statutes, Title 26, section 979-A,
44 subsection 6, paragraphs E and F, shall be given sim-
45 ilar and equitable treatment on a pro rata basis to

1 that given employees covered by the contract, except
2 that nonstatus employees in acting capacity, inter-
3 mittent or project positions shall not receive any
4 lump sum payment provided in section 4.

5 PART B

6 Authorization for reimbursement of costs associ-
7 ated with contract resolution. The Department of Ad-
8 ministration, Bureau of Employee Relations, may be
9 reimbursed from the special accounts funded by this
10 Act for the costs of mediation, fact-finding and ar-
11 bitration as required by the process of contract res-
12 olution and by impact negotiation procedures.

13 Emergency clause. In view of the emergency cited
14 in the preamble, this Act shall take effect when ap-
15 proved.

16 FISCAL NOTE

17 Part A of this bill provides funding and imple-
18 mentation of the cost items in the collective bar-
19 gaining agreement reached between the State and the
20 Maine State Employees Association for the Administra-
21 tive Services Bargaining Unit; Supervisory Services
22 Bargaining Unit; Professional and Technical Services
23 Bargaining Unit; Law Enforcement Services Bargaining
24 Unit; and the Operations, Maintenance and Support
25 Services Bargaining Unit. Part B authorizes reim-
26 bursement to the Bureau of Employee Relations for
27 costs of contract resolution.

28 PART A

29 Maine State Employees Association
30 Bargaining Units

31	<u>General Fund Appropriation</u>	<u>Fiscal Year 1987</u>
32	Cash sum salary payment for	\$1,818,414
33	pay weeks from July 1986	
34	through December 1986	

1	Salary schedule adjustment	2,222,506
2	beginning first full pay	
3	week of January 1987	
4	Meal reimbursement	32,311
5	Major medical	4,090
6	Eye exams	6,953
7	Boots/work clothing	10,430
8	Diving stipend/differential	5,930
9	TOTAL	<u>\$4,100,634</u>
10	<u>Highway Fund Appropriation</u>	
11	Cash sum salary payment for	\$1,075,932
12	pay week from July 1986	
13	through December 1986	
14	Salary schedule adjustment	1,315,028
15	beginning first full pay	
16	week of January 1987	
17	Meal reimbursement	19,118
18	Major medical	2,420
19	Eye exams	4,114
20	Boots/work clothing	6,171
21	Diving stipend/differential	3,509
22	TOTAL	<u>\$2,426,292</u>

23 STATEMENT OF FACT

24 PART A

25 Part A provides funding and implementation of the
 26 cost items in the collective bargaining agreement
 27 reached between the State and the Maine State Employ-
 28 ees Association for the Administrative Services Bar-
 29 gaining Unit; Supervisory Services Bargaining Unit;

1 Professional and Technical Services Bargaining Unit;
2 Law Enforcement Services Bargaining Unit; and the Op-
3 erations, Maintenance and Support Services Bargaining
4 Unit.

5 Section 1 provides an appropriation from the Gen-
6 eral Fund to fund the bargaining agreements.

7 Section 2 provides an allocation from the Highway
8 Fund to fund the bargaining agreements.

9 Section 3 provides authorization for the approval
10 and use of funds.

11 Section 4 provides for a lump sum payment for
12 bargaining unit members for pay weeks which include
13 the period from July 1, 1986, to January 1, 1987.

14 Section 5 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 bargaining unit members.

18 Section 6 provides for equitable treatment of
19 probationary and other employees in classifications
20 in the Administrative Services Bargaining Unit; Su-
21 pervisory Services Bargaining Unit; Professional and
22 Technical Services Bargaining Unit; Law Enforcement
23 Services Bargaining Unit; and the Operations, Mainte-
24 nance and Support Services Bargaining Unit.

25 PART B

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

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