

MAINE STATE LEGISLATURE

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(New Draft of H.P. 534, L.D. 718)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1688

H.P. 1236 House of Representatives, May 29, 1987.
Reported by the Majority from the Committee on State and
Local Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative LACROIX of
Oakland. Cosponsored by Senator BUSTIN of Kennebec and
Representative NORTON of Winthrop.

STATE OF MAINE

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

1 AN ACT to Require that Job Classifications
2 and Specifications be Determined by
3 Collective Bargaining.
4

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

7 26 MRSA §979-D, sub-§1, ¶E, as amended by PL
8 1985, c. 785, Pt. B, §117, is further amended to
9 read:

10 E. To confer and negotiate in good faith:

11 (1) To confer and negotiate in good faith
12 with respect to wages, hours, working condi-
13 tions and contract grievance arbitration,

1 except that by such obligation neither party
2 shall be compelled to agree to a proposal or
3 be required to make a concession. All mat-
4 ters relating to the relationship between
5 the employer and employees shall be the sub-
6 ject of collective bargaining, except those
7 matters which are prescribed or controlled
8 by public law. Such matters appropriate for
9 collective bargaining to the extent they are
10 not prescribed or controlled by public law
11 include but are not limited to:

12 (a) Wage and salary schedules to the
13 extent they are inconsistent with rates
14 prevailing in commerce and industry for
15 comparable work within the State;

16 (b) Work schedules relating to as-
17 signed hours and days of the week;

18 (c) Use of vacation or sick leave, or
19 both;

20 (d) General working conditions;

21 (e) Overtime practices;

22 (f) Rules for personnel administra-
23 tion, except the following: Rules re-
24 lating to applicants for employment in
25 state service and classified employees
26 in an initial probationary status, in-
27 cluding any extensions thereof, pro-
28 vided such rules are not discriminatory
29 by reason of an applicant's race, col-
30 or, creed, sex or national origin;

31 (g) Compensation system for state em-
32 ployees, which is defined as:

33 (i) Guide charts, if any, and job
34 evaluation factors, including fac-
35 tor language and factor weights,
36 used to evaluate jobs for pay pur-
37 poses;

38 (ii) Job point to pay grade con-
39 version tables;

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(iii) The number of and spread between pay steps within pay grades;

(iv) The number of and spread between pay grades within the system; and

(v) Temporary payment of recruitment and retention stipends, provided the stipends are allowed under Civil Service Law; and

(vi) Standards for the preparation and updating of written job classification specifications that, at a minimum, shall result in specifications that are updated at least every 5 years and that accurately describe the duties and representative tasks of the job classification as well as other aspects of the job that are considered and evaluated under the compensation system and in specifications that distinguish each job classification within a job series.

(h) The nature of and procedures governing appeals of the allocation or re-allocation of job classifications to pay grades resulting from any revisions to the compensation system; and

(i) Implementation of any revisions to the compensation system.

(2) Subparagraph (1), shall not be construed to be in derogation of or contravene the spirit and intent of the merit system principles and personnel laws.

(3) Cost items shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the par-

1 ties. If the Legislature rejects any of the
2 cost items submitted to it, all cost items
3 submitted shall be returned to the parties
4 for further bargaining.

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

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

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

26 (c) During the periods of time de-
27 scribed in division (b), when the sub-
28 jects described in subparagraph (1),
29 divisions (g), (h) and (i), are not
30 mandatory subjects of bargaining, they
31 shall be permissive subjects of bar-
32 gaining.

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

1 (e) The labor representatives on the
2 committee shall consist of equal num-
3 bers of representatives from each of
4 the bargaining units recognized under
5 this chapter. Each bargaining unit
6 shall have one vote, regardless of the
7 number of representatives, on any mat-
8 ter addressed by the committee. The
9 labor position on any matter addressed
10 by the committee shall be established
11 by majority vote of the units recog-
12 nized under this chapter. A majority
13 vote of the units is necessary to ini-
14 tiate bargaining over the matters de-
15 scribed in subparagraph (l), divisions
16 (g), (h) and (i).

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

33 (g) Bargaining over the subjects de-
34 scribed in subparagraph (l), divisions
35 (g), (h) and (i), shall be subject to
36 the dispute resolution procedures of
37 subsections 2, 3 and 4. For purposes
38 of subsection 4, paragraph D, contro-
39 versies over the subjects described in
40 subparagraph (l), divisions (g), (h)
41 and (i), shall be deemed "controversies
42 over salaries."

43 (5) Nothing in this chapter may be con-
44 strued to exclude from the scope of collec-

