

MAINE STATE LEGISLATURE

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

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1689

H.P. 1237 House of Representatives, May 29, 1987
Reported by the Minority 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 Amend the Civil Service Law to Set
2 Standards for the Creation of Job
3 Classification Specifications.
4

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

7 Sec. 1. 5 MRSA §7061, as enacted by PL 1985, c.
8 785, Pt. B, §38, is repealed and the following en-
9 acted in its place:

10 §7061. Classification plan

11 The director, in accordance with policies and
12 procedures established by the director and the Policy
13 Review Board and in accordance with this section,
14 shall record the duties and responsibilities of all

1 positions in state service and establish classes for
2 these positions. The titles of the positions and
3 classes shall be used in all personnel, accounting,
4 budget, appropriation and financial records of all
5 state departments, commissions and institutions.

6 1. Involvement of commissioners and directors.
7 In recording the duties and responsibilities of each
8 position, the commissioners and directors of the de-
9 partments and agencies of State Government shall be
10 involved to the greatest extent possible.

11 2. Development of job classifications. Job clas-
12 sifications created pursuant to this section shall be
13 developed to meet the needs of each department in the
14 most efficient and pertinent manner.

15 3. Collective bargaining. The provisions of this
16 section are subject to the requirements of Title 26,
17 section 979-D, subsection 1, paragraph E. In negotia-
18 tions over these subjects, the collective bargaining
19 parties shall endeavor to establish standards or mod-
20 ify standards established under this section, for the
21 preparation and updating of written job classifica-
22 tion specifications that, at a minimum, shall result
23 in specifications that accurately describe the duties
24 and representative tasks of the job classification as
25 well as other aspects of the job that are considered
26 and evaluated under the compensation system and in
27 specifications that distinguish each job classifica-
28 tion within a job series. The collective bargaining
29 parties, upon mutual agreement, may bargain over
30 these subjects in the separate negotiations over the
31 subjects described in Title 26, section 979-D, sub-
32 section 1, paragraph E, subparagraph (1), divisions
33 (g), (h) and (i), instead of in negotiations over all
34 other negotiable subjects.

35 4. Minimum requirements for job specifications.
36 All job specifications established pursuant to this
37 section shall follow a uniform format and shall con-
38 tain, at a minimum, the following:

39 A. An accurate description of the representative
40 duties and responsibilities of each job classifica-
41 tion;

1 B. The basic tasks that are to be evaluated in
2 the performance evaluation of each job classifi-
3 cation; and

4 C. Sufficient means to allow for employee cre-
5 ativity and motivation to make the job more in-
6 teresting and challenging and to alleviate the
7 factors that create job stress.

8 5. Procedure. The procedure established pursuant
9 to this section, at a minimum, shall:

10 A. Involve a significant sample of employees
11 within each job classification who shall provide
12 the bureau with a description of their current
13 duties and responsibilities as well as recommen-
14 dations for changes and improvements in each job
15 classification;

16 B. Make written explanations readily available
17 to state employees which describe the reasons for
18 the rejection of employee recommendations pursu-
19 ant to paragraph A. The bureau may synthesize the
20 same or similar recommendations into a concise
21 statement that accurately reflects the recommen-
22 dations that were made;

23 C. Provide for an appeals process for all em-
24 ployees prior to the implementation of the speci-
25 fications; and

26 D. Require the director of the Bureau of Human
27 Resources to consult with agencies of State Gov-
28 ernment with respect to the needs of state agen-
29 cies for specific job specifications.

30 6. Implementation. The procedure established
31 pursuant to this section shall be implemented by the
32 bureau in conjunction with state agencies. State
33 agencies shall provide sufficient employees and re-
34 sources to efficiently and effectively implement this
35 section.

36 A. The procedure shall provide for periodic up-
37 dating of job descriptions at least every 5 years
38 to accurately reflect current duties and respon-
39 sibilities of each job classification.

1 Sec. 2. 26 MRSA §979-D, sub-§1, ¶E, as amended
2 by PL 1985, c. 785, Pt. B, §117, is further amended
3 to read:

4 E. To confer and negotiate in good faith:

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

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

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

25 (c) Use of vacation or sick leave, or
26 both;

27 (d) General working conditions;

28 (e) Overtime practices;

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

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

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(i) Guide charts, if any, and job evaluation factors, including factor language and factor weights, used to evaluate jobs for pay purposes;

(ii) Job point to pay grade conversion tables;

(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.

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

5 (3) Cost items shall be submitted for in-
6 clusion in the Governor's next operating
7 budget within 10 days after the date on
8 which the agreement is ratified by the par-
9 ties. If the Legislature rejects any of the
10 cost items submitted to it, all cost items
11 submitted shall be returned to the parties
12 for further bargaining.

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

17 (a) Subparagraph (1), division (g),
18 shall not be construed to authorize any
19 more than one system for evaluating
20 jobs of state employees in bargaining
21 units recognized under this chapter.

22 (b) Either the public employer or the
23 bargaining agents may compel the other
24 party to bargain collectively over the
25 subjects described in subparagraph (1),
26 divisions (g), (h) and (i), provided
27 that bargaining over those subjects may
28 not be compelled by either the public
29 employer or the bargaining agents soon-
30 er than 10 years after the parties'
31 last agreement to revise the compensa-
32 tion system made pursuant to a demand
33 to bargain.

34 (c) During the periods of time de-
35 scribed in division (b), when the sub-
36 jects described in subparagraph (1),
37 divisions (g), (h) and (i), are not
38 mandatory subjects of bargaining, they
39 shall be permissive subjects of bar-
40 gaining.

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(d) Bargaining over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be conducted separately and apart from bargaining with individual bargaining agents over all other negotiable subjects and shall be conducted within a committee composed of representatives of management and of the bargaining units recognized under this chapter.

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(e) The labor representatives on the committee shall consist of equal numbers of representatives from each of the bargaining units recognized under this chapter. Each bargaining unit shall have one vote, regardless of the number of representatives, on any matter addressed by the committee. The labor position on any matter addressed by the committee shall be established by majority vote of the units recognized under this chapter. A majority vote of the units is necessary to initiate bargaining over the matters described in subparagraph (1), divisions (g), (h) and (i).

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(f) Notwithstanding the time frame provided in subparagraph (3), cost items resulting from revisions to the compensation system may only be submitted to the Legislature for funding after all appeals from the allocation or reallocation of job classifications under the revised system have been finally decided. The cost items relating to an individual bargaining unit shall be submitted to the Legislature for funding as part of the next legislation submitted pursuant to subparagraph (3) to fund a collective bargaining agreement between the State and that bargaining unit.

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(g) Bargaining over the subjects described in subparagraph (1), divisions

1 (g), (h) and (i); shall be subject to
2 the dispute resolution procedures of
3 subsections 2, 3 and 4. For purposes
4 of subsection 4, paragraph D, contro-
5 versies over the subjects described in
6 subparagraph (1), divisions (g), (h)
7 and (i), shall be deemed "controversies
8 over salaries."

9 (5) Nothing in this chapter may be con-
10 strued to exclude from the scope of collec-
11 tive bargaining the subjects described in
12 subparagraph (1), divisions (g), (h) and
13 (i).

14 STATEMENT OF FACT

15 This new draft establishes, by law, a minimum
16 procedure by which job specifications will be deter-
17 mined and updated to maintain a modern, accurate and
18 flexible job classification system for state employ-
19 ees. The formulation of job specifications and clas-
20 sifications are the product of collective bargaining
21 agreements and are required to meet minimum criteria
22 in the law.

23 The minimum requirements include:

24 1. Employee participation in the preparation and
25 review of job descriptions;

26 2. An accurate description of the duties and re-
27 sponsibilities of each job classification;

28 3. Specification of the basic tasks to be evalu-
29 ated in performance evaluation; and

30 4. A goal of updating job classifications every
31 5 years.

32 Specifications for each job classification are
33 aimed to allow state employees to make their job
34 challenging and motivating and at the same time en-
35 hance the operation of the state agency. Specifica-

1 tions for each job classification are aimed to alle-
2 viate factors that create job stress.

3 In 1986, the 112th Legislature undertook a major
4 reform of the civil service law. The reform was di-
5 rected in part at improving the utilization of career
6 ladders within state service. This new draft directs
7 the State and employee bargaining agents, in bargain-
8 ing over written job classification specifications,
9 to endeavor to establish certain minimum standards
10 for the preparation and updating of specifications,
11 so as to improve the utilization of career ladders,
12 as well as facilitate evaluation of job classifica-
13 tions under the compensation system.

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