

MAINE STATE LEGISLATURE

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of S.

L.D. 1651

(Filing No. S- 291)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 589, L.D. 1651, Bill, "An Act to Clarify Negotiability of Recruitment and Retention Adjustments"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Modify the Recruitment and Retention Adjustment Process'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 5 MRSA §7065, sub-§2, as amended by PL 1987, c. 402, Pt. A, §§58 and 59, and c. 431, §§1 and 3, is repealed and the following enacted in its place:

2. Salary limits. No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsections 2-A and 2-B.

Sec. 2. 5 MRSA §7065, sub-§§2-A and 2-B, as enacted by PL 1987, c. 431, §§2 and 3, are repealed and the following enacted in their place:

2-A. Recruitment and retention adjustments. The director, with the agreement of the bargaining agent, if applicable, may approve payment of recruitment and retention adjustments for occupations in State Government when the payment of a labor market adjustment is required to recruit and retain an adequate work force. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions:

A. High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series;

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

C. All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation; and

D. Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

This subsection is repealed on July 1, 1991.

2-B. Limitations on recruitment and retention adjustment. The payment of recruitment and retention adjustments authorized under this section is subject to this subsection.

A. The labor market adjustment shall be reviewed at least every 2 years and shall be adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market.

B. If the subsequent review provided in paragraph A results in the adjustment being decreased or discontinued, no employee receiving the recruitment and retention adjustment may be subject to a reduction in pay.

This subsection is repealed on July 1, 1991.

Sec. 3. 5 MRSA §7065, sub-§2-C is enacted to read:

2-C. Recruitment and retention adjustment process. To assist the director in making a determination under subsections 2-A and 2-B, a committee shall be formed to evaluate each request from an agency or bargaining agent for a recruitment or retention adjustment. The committee shall be composed of 3 members: a representative of the Bureau of Human Resources, a representative of the employing agency or agencies and a representative of the bargaining agent, if applicable. The committee shall evaluate the request against the criteria specified in subsections 2-A and 2-B, and shall conduct studies as the committee considers necessary to evaluate the request. The committee shall, by majority vote, provide the director and the appropriate bargaining agent with a report recommending and documenting adjustments authorized under this section. The director and the bargaining agent shall act on this report. If a funding request

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1 is necessary to implement an approved adjustment, the director
2 shall submit the cost items for inclusion in the Governor's next
3 operating budget within 10 days after action on the report.

5 This subsection is repealed on July 1, 1991.

7 **Sec. 3. PL 1987, c. 431, §3 is repealed.'**

9 Further amend the bill by inserting after the emergency
11 clause and before the statement of fact the following:

13 **FISCAL NOTE**

15 The Bureau of Human Resources within the Department of
17 Administration will be able to implement this bill within
19 existing budgeted resources.'

21 **STATEMENT OF FACT**

23 This amendment establishes a recruitment and retention
25 procedure which allows for greater involvement of employees and
agencies than in the original bill.

Reported by Senator Berube for the Committee on State and
Local Government. Reproduced and Distributed Pursuant to
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(6/15/89)

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