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)



114th MAINE LEGISLATURE

FIRST SPECIAL SESSION - 1989

Legislative Document

No. 1797

S.P. 679

In Senate, August 21, 1989

Received by the Secretary of the Senate on August 17, 1989. Referred to the Committee on Appropriations and Financial Affairs and 1,400 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator PEARSON of Penobscot.

STATE OF MAINE

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

An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. 1. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$5,467,730 for the fiscal year ending June 30, 1990, and in the amount of \$13,484,470 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreements made by the State and the Maine State Employees Association for the administrative services bargaining unit, supervisory services bargaining unit, professional and technical services bargaining unit, law enforcement services bargaining unit and the operations, maintenance and support services bargaining unit.

Sec. 2. Costs to the Highway Fund. There is allocated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,371,800 for the fiscal year ending June 30, 1990, and in the amount of \$5,806,600 for the fiscal year ending June 30, 1991, to fund salary and benefit changes of the collective bargaining agreements made by the State and the Maine State Employees Association for the administrative services bargaining unit, supervisory services bargaining unit, professional and technical services bargaining unit, law enforcement services bargaining unit and the operations, maintenance and support services bargaining unit.

Sec. 3. Special account funding. Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those other sources.

2

4

б

R

10

12

14

16

18

20

22

24

26

28

30

32

34

36

38

40

42

44

46

48

50

- Sec. 4. Adjustment of salary schedules for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules for employees in the administrative services bargaining unit, supervisory services bargaining unit, professional and technical services bargaining unit, law enforcement services bargaining unit and the operations, maintenance and support services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules shall again be adjusted by 3% consistent with the terms of the collective bargaining agreements.
- Sec. 5. Adjustments of salary schedules for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules for employees in the administrative services bargaining unit, supervisory services bargaining unit, professional and technical services bargaining services law enforcement bargaining unit operations, maintenance and support services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreements. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules shall again be adjusted by 3% consistent with the terms of the collective bargaining agreements.
- Funding for fiscal year 1991-92. Funding implementation of the economic terms of the collective bargaining agreements between the State and the Maine State Employees Association representing the employees in the administrative services bargaining unit, supervisory services bargaining unit, professional technical services bargaining and unit, enforcement bargaining services unit and the operations, maintenance and support services bargaining unit for the fiscal year ending June 30, 1992, shall be subject to approval and appropriation of \$13,213,500 from the General Fund and allocation of \$5,735,200 from the Highway Fund by the First Regular Session of the 115th Legislature.
- Sec. 7. New employees; similar and equitable treatment. in classifications included in the administrative bargaining unit, supervisory services bargaining unit, professional technical services and bargaining unit,

enforcement services bargaining unit and the operations, maintenance and support services bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

PART B

Sec. 1. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$2,010,000 for the fiscal year ending June 30, 1990, and in the amount of \$4,731,000 for the fiscal year ending June 30, 1991, to implement the economic terms of the collective bargaining agreement made by the State and the American Federation of State, County and Municipal Employees - Council #93 for the institutional services bargaining unit.

- Sec. 2. Special account funding. Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement costs. Positions supported from sources of funding other than the General Fund shall be funded whenever possible from those other sources.
- Sec. 3. Adjustments of salary schedule for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedule for employees in the institutional services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1990, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.
- Sec. 4. Adjustments of salary schedule for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedule for employees in the institutional services bargaining unit shall be adjusted by 3% consistent with the terms of the collective bargaining agreement. Effective at the beginning of the pay week commencing closest to April 1, 1991, this salary schedule shall again be adjusted by 3% consistent with the terms of the collective bargaining agreement.

- Sec. 5. Funding for fiscal year 1991-92. Funding and implementation of the economic terms of the collective bargaining agreement between the State and the American Federation of State, County and Municipal Employees Council #93 representing employees in the institutional services bargaining unit for the fiscal year ending June 30, 1992, shall be subject to approval and appropriation of \$3,734,000 from the General Fund by the First Regular Session of the 115th Legislature.
- Sec. 6. New employees; similar and equitable treatment. Employees in classifications included in the institutional services bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements, except that nonstatus employees in acting capacity, intermittent or project positions shall receive pay increases provided by this Act prospectively only and shall not receive any retroactive payment.

PART C

- Sec. 1. Definition of confidential employees. For the purpose of this Act, "confidential employees" means those employees within the executive branch, including probationary employees, who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.
- Sec. 2. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$783,000 for the fiscal year ending June 30, 1990, and in the amount of \$1,895,000 for the fiscal year ending June 30, 1991, to fund salary and benefit changes for confidential employees.
- Sec. 3. Costs to the Highway Fund. There is allocated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$126,000 for the fiscal year ending June 30, 1990, and in the amount of \$300,000 for the fiscal year ending June 30, 1991, to fund salary and benefit changes for confidential employees.
 - Sec. 4. Special account funding. Funding provided by this Act shall be segregated into a special account to be made available as needed upon the recommendation of the State Budget Officer with the approval of the Governor. The funds shall include retirement

costs. Positions supported from sources of funding other than the General Fund and Highway Fund shall be funded whenever possible from those sources.

Sec. 5. Provision for temporary disability. The appointing

- authority shall provide continued salary benefits to a confidential employee in the event of that employee's temporary disability in accordance with this section.
- 1. Any confidential employee employed by the State in that position for more than 6 months who becomes totally disabled shall receive a benefit payment while the employee remains totally disabled and under the care of a licensed physician if:
 - A. The employee incurs a loss of time from work as a result of the disability, including sickness or accidental bodily injury; and
 - B. The disability prevents the employee from performing the duties of that employee's occupation.
 - 2. The benefit payment shall commence on the day immediately following exhaustion of the employee's accumulated sick leave or 30 days of continuous total disability, whichever occurs last. It shall continue until whichever occurs first:
 - A. The day before the day the employee returns to any gainful occupation;
- B. The balance of a 365-day period of continuous disability; or
 - C. The first day the employee is eligible for a disability retirement allowance under the Maine Revised Statutes, Title 5, chapter 423, subchapter V, article 3.
 - 3. The benefit payment shall equal 2/3 of the employee's weekly salary at the date of disablement. Any state retirement allowance shall be deducted from the benefit payment. No payment may be made if the employee's disability is compensable under the Maine Revised Statutes, Title 39.
 - 4. An employee who is provided temporary compensation under this section shall continue to receive the benefits that were provided immediately before the first date of disability.
 - Sec. 6. Retirement option. Newly appointed confidential employees who are not required by law to participate in the Maine State Retirement System may elect to receive a 5% salary increase in lieu of state payment of their retirement contribution. This option shall be exercised at the time of appointment.

б

Sec. 7. Payment of health insurance costs. Effective on an employee's first payday following September 1, 1989, the State shall pay 60% of the total cost of the health insurance premiums of the employee's spouse or dependents or both. This shall be in addition to continuance by the State of payment of the full cost of the premium for the individual employee's health insurance coverage.

Sec. 8. Adjustment of salary schedules for fiscal year 1989-90. Effective at the beginning of the pay week commencing closest to July 1, 1989, the salary schedules for confidential employees shall be adjusted by 3%. Effective at the beginning of the pay week commencing closest to April 1, 1990, these salary schedules shall again be adjusted by 3%.

Sec. 9. Adjustments of salary schedules for fiscal year 1990-91. Effective at the beginning of the pay week commencing closest to October 1, 1990, the salary schedules for confidential employees shall be adjusted by 3%. Effective at the beginning of the pay week commencing closest to April 1, 1991, these salary schedules shall again be adjusted by 3%.

Sec. 10. Funding for fiscal year 1991-92. Funding of benefit and salary changes to continue to treat confidential employees similarly to employees in the supervisory services bargaining unit for the fiscal year ending June 30, 1992, shall be subject to approval and appropriation of \$1,452,000 from the General Fund and allocation of \$337,400 from the Highway Fund by the First Regular Session of the 115th Legislature.

Sec. 11. Employees whose salaries are subject to the Governor's adjustment or approval; salaries in the range 80 and 90 statutory series. The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval, except that salary changes for those employees or for other employees whose salaries are statutorily set within the 80 or 90 salary range series shall not include changes that are applicable to employees in the supervisory services bargaining unit, but not to employees in other bargaining units.

Sec. 12. Employees of the legislative branch. The Legislative Council may approve salary and benefit increases for employees within the legislative branch, including constitutional officers and the State Auditor, not subject to collective bargaining.

PART D

Sec. 1. Costs to the General Fund. There is appropriated in Part E of this Act to the General Fund \$357,500 for the fiscal

2	year ending June 30, 1990, and \$840,500 for the fiscal year ending June 30, 1991.
4	Sec. 2. Costs to the Highway Fund. There is allocated in Part
6	E of this Act to the Highway Fund \$357,500 for the fiscal year ending June 30, 1990, and \$840,500 for the fiscal year ending June 30, 1991.
8	
10	Sec. 3. Special account funding. Funding provided by this Part shall be segregated into a special account to be set aside to
12	fund any future salary and benefit changes of collective bargaining agreements made by the State and the Maine State Troopers Association for the Maine State Troopers bargaining
14	unit. Approval of cost items will require legislative approval.
16	PART E
18	Sec. 1. Appropriations from the General Fund. There are
20	appropriated from the General Fund to the departments listed the following sums:
22	1989-90 1990-91
24	FINANCE, DEPARTMENT OF
26	
28	State Contingency Account - Finance
30	Unallocated (\$4,736,337) (\$10,265,489)
2.2	Salary Plan
32	Personal Services 5,675,656 11,620,989
34	DEPARTMENT OF FINANCE
36	TOTAL \$939,319 \$1,355,500
38	Sec. 2. Allocations from the Highway Fund. There are allocated from the Highway Fund to the departments listed the following
40	sums:
42	1989-90 1990-91
44	FINANCE, DEPARTMENT OF
46	Salary Plan
48	Personal Services \$496,284 \$1,180,282
50 .	

PARTF

2	
4	

Sec. 1. Carrying clause. Any balances remaining from special accounts established by this Act shall not lapse but shall be carried forward to June 30, 1991.

6

8

10

12

Sec. 2. Authorization for reimbursement of costs associated with contract resolution. The Department of Administration and the Department of Finance may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration and implementation and other costs required by the process of collective bargaining and by negotiation procedures.

14

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

16

FISCAL NOTE

18

20		1989-90	1990-91
22	משומו או א מש בשומושום		
24	GENERAL FUND		
24	PART A	\$5,467,730	\$13,484,470
26	PART B	2,010,000	4,731,000
20	PART C		
2.0	_	783,000	1,895,000
28	PART D	357,500	840,500
30	TOTAL	\$8,618,230	\$20,950,970
32	APPROPRIATIONS, PART E	5,675,656	11,620,989
34	Balance from current salary plan	\$2,942,574	\$9,329,981
36			
	HIGHWAY FUND		
38			
	PART A	\$2,371,800	\$5,806,600
40	PART C	126,000	300,000
	PART D	357,500	840,500
42		,	420,400
	TOTAL	\$2,855,300	\$6,947,100
44			
	ALLOCATIONS, PART E	496,284	1,180,282
46			
	Balance from current salary plan	\$2,359,016	\$5,766,818
48			

_	STATEMENT OF FACT
2	PART A
4 6	Part A of this bill identifies and implements the cost items of the collective bargaining agreements reached between the State and the Maine State Employees Association for the administrative
8 10	services bargaining unit, supervisory services bargaining unit professional and technical services bargaining unit, larenforcement services bargaining unit and the operations maintenance and support services bargaining unit.
12 14	Section 1 reflects the costs from the General Fund to funthe bargaining agreements.
16	Section 2 reflects the costs from the Highway Fund to funt the bargaining agreements.
18 20	Section 3 provides authorization for the approval and use of those funds.
22	Section 4 provides for the adjustment of salary schedules in fiscal year 1989-90 for bargaining unit members.
24 26	Section 5 provides for the adjustment of salary schedules in fiscal year 1990-91 for bargaining unit members.
28	Section 6 provides that the funding and implementation o the economic terms of the collective bargaining agreements fo
30	fiscal year 1991-92 for the administrative services bargainin unit, supervisory services bargaining unit, professional an
32	technical services bargaining unit, law enforcement service bargaining unit and the operations, maintenance and suppor
34	services bargaining unit are subject to approval an appropriation by the 115th Legislature.
36	Section 7 provides for similar and equitable treatment o
38	probationary and other employees in classifications in the administrative services bargaining unit, supervisory service
40	bargaining unit, professional and technical services bargainin unit, law enforcement services bargaining unit and th
42	operations, maintenance and support services bargaining unit.
44	PART B
46	Part B of this bill identifies and implements the cost item of the collective bargaining agreement reached between the Stat
48	and the American Federation of State, County and Municipa Employees - Council #93 for the institutional services bargainin
50	unit.

2	Section 1 reflects the costs from the General Fund to fund the bargaining agreement.
4	Section 2 provides authorization for the approval and use of those funds.
6	
8	Section 3 provides for the adjustment of the salary schedule in fiscal year 1989-90 for bargaining unit members.
10	Section 4 provides for the adjustment of the salary schedule in fiscal year 1990-91 for bargaining unit members.
12	
14	Section 5 provides that the funding and implementation of the economic terms of the collective bargaining agreement for fiscal year 1991-92 are subject to approval and appropriation by
16	the 115th Legislature.
18 20	Section 6 provides for similar and equitable treatment of probationary and other employees in classifications in the institutional services bargaining unit.
22	PART C
24	Part C of this bill identifies and implements salary and benefit adjustments for executive and legislative branch
26	employees excluded from collective bargaining.
28	Section 1 defines confidential employees covered by this Part.
30	
32	Section 2 reflects the costs to the General Fund to fund salary adjustments and benefits for confidential employees.
34	Section 3 reflects the costs from the Highway Fund to fund salary adjustments and benefits for confidential employees.
36	
38	Section 4 provides authorization for the approval and use of those funds.
40	Section 5 provides for a change in disability benefits for confidential employees.
42	• •
44	Section 6 provides for the 5% salary option for newly appointed confidential employees not required by law to participate in the Maine State Retirement System.
46	Section 7 provides for the same increase in the State's
48	<u>-</u>
	share of spouse and dependent health insurance coverage received by bargaining unit employees.
50	

4	for confidential employees in fiscal year 1990-91.
6	Section 10 provides that the funding and implementation of salary changes and benefits for fiscal year 1991-92 to treat confidential employees similarly to supervisory employees are subject to approval and appropriation by the 115th Legislature.
LO L2	Section 11 authorizes the Governor to grant similar and equitable treatment to unclassified employees whose salaries are subject to the Governor's adjustment or approval.
14	Section 12 authorizes the Legislative Council to approve salary and benefit increases for employees of the legislative branch, including constitutional officers and the State Auditor, not covered by collective bargaining.
18	PART D
20	Part D of this bill identifies funding for a future collective bargaining agreement between the State and the Maine State Troopers Association for the Maine State Troopers
24	State Troopers Association for the Maine State Troopers bargaining unit.
26 28	Section 1 appropriates funds to the General Fund to fund a future bargaining agreement.
30	Section 2 allocates funds to the Highway Fund to fund a future bargaining agreement.
32	Section 3 provides authority to set aside funding in sections 1 and 2 into special accounts for future contracts.
	PART E
36	Part E of this bill provides for appropriations from the General Fund and allocations from the Highway Fund for Parts A to D of this Act.
40 .	PART F
42	
44	Part F of this bill provides for funds appropriated under this Act to carry over until June 30, 1991, and provides for reimbursement to the Department of Administration and the
46	Department of Finance for costs incurred in the process of collective bargaining, contract administration and related costs.
48	The bill provides that this Act shall take effect when
50	approved.