

# MAINE STATE LEGISLATURE

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# 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.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

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)





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

10           **Sec. 4. Adjustment of salary schedules for fiscal year 1989-90.**  
Effective at the beginning of the pay week commencing closest to  
12 July 1, 1989, the salary schedules for employees in the  
administrative services bargaining unit, supervisory services  
14 bargaining unit, professional and technical services bargaining  
unit, law enforcement services bargaining unit and the  
16 operations, maintenance and support services bargaining unit  
shall be adjusted by 3% consistent with the terms of the  
18 collective bargaining agreements. Effective at the beginning of  
the pay week commencing closest to April 1, 1990, these salary  
20 schedules shall again be adjusted by 3% consistent with the terms  
of the collective bargaining agreements.

22           **Sec. 5. Adjustments of salary schedules for fiscal year 1990-91.**  
Effective at the beginning of the pay week commencing closest to  
24 October 1, 1990, the salary schedules for employees in the  
administrative services bargaining unit, supervisory services  
26 bargaining unit, professional and technical services bargaining  
unit, law enforcement services bargaining unit and the  
28 operations, maintenance and support services bargaining unit  
shall be adjusted by 3% consistent with the terms of the  
30 collective bargaining agreements. Effective at the beginning of  
the pay week commencing closest to April 1, 1991, these salary  
32 schedules shall again be adjusted by 3% consistent with the terms  
of the collective bargaining agreements.  
34

36           **Sec. 6. Funding for fiscal year 1991-92.** Funding and  
implementation of the economic terms of the collective bargaining  
38 agreements between the State and the Maine State Employees  
Association representing the employees in the administrative  
40 services bargaining unit, supervisory services bargaining unit,  
professional and technical services bargaining unit, law  
42 enforcement services bargaining unit and the operations,  
maintenance and support services bargaining unit for the fiscal  
44 year ending June 30, 1992, shall be subject to approval and  
appropriation of \$13,213,500 from the General Fund and allocation  
46 of \$5,735,200 from the Highway Fund by the First Regular Session  
of the 115th Legislature.

48           **Sec. 7. New employees; similar and equitable treatment.** Employees  
50 in classifications included in the administrative services  
bargaining unit, supervisory services bargaining unit,  
52 professional and technical services bargaining unit, law

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

## 12 PART B

13  
14 **Sec. 1. Costs to the General Fund.** There is appropriated in  
15 Part E of this Act funding sufficient when combined with other  
16 available funds to cover the costs to the General Fund in the  
17 amount of \$2,010,000 for the fiscal year ending June 30, 1990,  
18 and in the amount of \$4,731,000 for the fiscal year ending June  
19 30, 1991, to implement the economic terms of the collective  
20 bargaining agreement made by the State and the American  
21 Federation of State, County and Municipal Employees - Council #93  
22 for the institutional services bargaining unit.

23  
24 **Sec. 2. Special account funding.** Funding provided by this Act  
25 shall be segregated into a special account to be made available  
26 as needed upon the recommendation of the State Budget Officer  
27 with the approval of the Governor. The funds shall include  
28 retirement costs. Positions supported from sources of funding  
29 other than the General Fund shall be funded whenever possible  
30 from those other sources.

31  
32 **Sec. 3. Adjustments of salary schedule for fiscal year 1989-90.**  
33 Effective at the beginning of the pay week commencing closest to  
34 July 1, 1989, the salary schedule for employees in the  
35 institutional services bargaining unit shall be adjusted by 3%  
36 consistent with the terms of the collective bargaining  
37 agreement. Effective at the beginning of the pay week commencing  
38 closest to April 1, 1990, this salary schedule shall again be  
39 adjusted by 3% consistent with the terms of the collective  
40 bargaining agreement.

41  
42 **Sec. 4. Adjustments of salary schedule for fiscal year 1990-91.**  
43 Effective at the beginning of the pay week commencing closest to  
44 October 1, 1990, the salary schedule for employees in the  
45 institutional services bargaining unit shall be adjusted by 3%  
46 consistent with the terms of the collective bargaining  
47 agreement. Effective at the beginning of the pay week commencing  
48 closest to April 1, 1991, this salary schedule shall again be  
49 adjusted by 3% consistent with the terms of the collective  
50 bargaining agreement.



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.





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  
E of this Act to the Highway Fund \$357,500 for the fiscal year  
6 ending June 30, 1990, and \$840,500 for the fiscal year ending  
June 30, 1991.

8 **Sec. 3. Special account funding.** Funding provided by this Part  
shall be segregated into a special account to be set aside to  
10 fund any future salary and benefit changes of collective  
12 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:

	1989-90	1990-91
<b>FINANCE, DEPARTMENT OF</b>		
<b>State Contingency Account - Finance</b>		
Unallocated	(\$4,736,337)	(\$10,265,489)
<b>Salary Plan</b>		
Personal Services	5,675,656	11,620,989
<b>DEPARTMENT OF FINANCE</b>		
<b>TOTAL</b>	<u>\$939,319</u>	<u>\$1,355,500</u>

38 **Sec. 2. Allocations from the Highway Fund.** There are allocated  
from the Highway Fund to the departments listed the following  
40 sums:

	1989-90	1990-91
<b>FINANCE, DEPARTMENT OF</b>		
<b>Salary Plan</b>		
Personal Services	\$496,284	\$1,180,282



## STATEMENT OF FACT

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### 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 services bargaining unit, supervisory services bargaining unit,  
professional and technical services bargaining unit, law  
10 enforcement services bargaining unit and the operations,  
maintenance and support services bargaining unit.

12

14 Section 1 reflects the costs from the General Fund to fund  
the bargaining agreements.

16

18 Section 2 reflects the costs from the Highway Fund to fund  
the bargaining agreements.

18

20 Section 3 provides authorization for the approval and use of  
those funds.

20

22 Section 4 provides for the adjustment of salary schedules in  
fiscal year 1989-90 for bargaining unit members.

22

24

26 Section 5 provides for the adjustment of salary schedules in  
fiscal year 1990-91 for bargaining unit members.

26

28 Section 6 provides that the funding and implementation of  
the economic terms of the collective bargaining agreements for  
30 fiscal year 1991-92 for the administrative services bargaining  
unit, supervisory services bargaining unit, professional and  
32 technical services bargaining unit, law enforcement services  
bargaining unit and the operations, maintenance and support  
34 services bargaining unit are subject to approval and  
appropriation by the 115th Legislature.

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38 Section 7 provides for similar and equitable treatment of  
probationary and other employees in classifications in the  
administrative services bargaining unit, supervisory services  
40 bargaining unit, professional and technical services bargaining  
unit, law enforcement services bargaining unit and the  
42 operations, maintenance and support services bargaining unit.

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### PART B

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48 Part B of this bill identifies and implements the cost items  
of the collective bargaining agreement reached between the State  
and the American Federation of State, County and Municipal  
Employees - Council #93 for the institutional services bargaining  
50 unit.

48

50

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 Section 3 provides for the adjustment of the salary schedule  
8 in fiscal year 1989-90 for bargaining unit members.

10 Section 4 provides for the adjustment of the salary schedule  
12 in fiscal year 1990-91 for bargaining unit members.

14 Section 5 provides that the funding and implementation of  
the economic terms of the collective bargaining agreement for  
16 fiscal year 1991-92 are subject to approval and appropriation by  
the 115th Legislature.

18 Section 6 provides for similar and equitable treatment of  
probationary and other employees in classifications in the  
20 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 Section 2 reflects the costs to the General Fund to fund  
32 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 Section 4 provides authorization for the approval and use of  
38 those funds.

40 Section 5 provides for a change in disability benefits for  
confidential employees.

42 Section 6 provides for the 5% salary option for newly  
44 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 share of spouse and dependent health insurance coverage received  
by bargaining unit employees.

50 Section 8 provides for the adjustment of the salary schedule  
52 for confidential employees in fiscal year 1989-90.

2 Section 9 provides for the adjustment of the salary schedule  
4 for confidential employees in fiscal year 1990-91.

6 Section 10 provides that the funding and implementation of  
8 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.

10 Section 11 authorizes the Governor to grant similar and  
12 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  
16 salary and benefit increases for employees of the legislative  
branch, including constitutional officers and the State Auditor,  
18 not covered by collective bargaining.

#### 20 PART D

22 Part D of this bill identifies funding for a future  
24 collective bargaining agreement between the State and the Maine  
State Troopers Association for the Maine State Troopers  
bargaining unit.

26 Section 1 appropriates funds to the General Fund to fund a  
future bargaining agreement.

28 Section 2 allocates funds to the Highway Fund to fund a  
30 future bargaining agreement.

32 Section 3 provides authority to set aside funding in  
34 sections 1 and 2 into special accounts for future contracts.

#### 36 PART E

38 Part E of this bill provides for appropriations from the  
General Fund and allocations from the Highway Fund for Parts A to  
40 D of this Act.

#### 42 PART F

44 Part F of this bill provides for funds appropriated under  
46 this Act to carry over until June 30, 1991, and provides for  
reimbursement to the Department of Administration and the  
Department of Finance for costs incurred in the process of  
48 collective bargaining, contract administration and related costs.

50 The bill provides that this Act shall take effect when  
approved.