MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 471

H.P. 348

House of Representatives, January 23, 1997

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

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Speaker MITCHELL of Vassalboro. (GOVERNOR'S BILL) Cosponsored by Senator DAGGETT of Kennebec and

Representatives: KERR of Old Orchard Beach, MADORE of Augusta, O'BRIEN of Augusta,

Senators: HALL of Piscataquis, LAWRENCE of York, MICHAUD of Penobscot.

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

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

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

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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

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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:

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PART A

28 Sec. A-1. Costs to the General Fund. There is appropriated in Part E of this Act funding sufficient when combined with other 30 available funds to cover the costs to the General Fund in the amount of \$2,273,115 for the fiscal year ending June 30, 1997; in the amount of \$2,562,433 for the fiscal year ending June 30, 32 1998; and in the amount of \$5,086,291 for the fiscal year ending 34 June 30, 1999 to implement the economic terms of the collective bargaining agreements made by the State and the Maine State 36 Employees Association for the administrative services bargaining unit, the operations, maintenance and support services unit, the 38 professional and technical services unit and the supervisory services unit.

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Sec. A-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 \$1,405,886 for the fiscal year ending June 30, 1997; in the amount of \$1,617,465 for the fiscal year ending June 30, 1998; and in the amount of \$3,314,040 for the fiscal year ending June 30, 1999 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, the operations, maintenance and support services

unit, the professional and technical services unit and the supervisory services unit.

Sec. A-3. Special account funding. Funding provided by this Act must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

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- Sec. A-4. Lump sum payment. A lump sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit, consistent with the terms of the collective bargaining agreements. This sum may not be considered earnable compensation under the Maine State Retirement System.
 - Sec. A-5. Adjustment of salary schedules for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreements.
 - Sec. A-6. Adjustment of salary schedules for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreements.
 - Sec. A-7. Adjustment of mileage allowance. Consistent with the terms of the collective bargaining agreements, the mileage allowance rate for employees in the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit must be increased to \$.23 per mile effective July 1, 1997 and \$.24 per mile effective July 1, 1998.
- Sec. A-8. New employees; similar and equitable treatment. Employees in classifications included in the administrative services bargaining unit, the operations, maintenance and support

services unit, the professional and technical services unit and the supervisory services unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F must 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 may not receive any lump sum payment provided in section 4 of this Part.

PART B

Sec. B-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 \$522,000 for the fiscal year ending June 30, 1997; in the amount of \$912,000 for the fiscal year ending June 30, 1998; and in the amount of \$1,364,000 for the fiscal year ending June 30, 1999 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. B-2. Special account funding. Funding provided by this Act must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and Highway Fund must be funded whenever possible from those other sources.

Sec. B-3. Lump sum payment. A lump sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the institutional services bargaining unit, consistent with the terms of the collective bargaining agreement. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. B-4. Adjustment of salary schedules for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for employees in the institutional services bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. B-5. Adjustment of salary schedules for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for employees in the institutional services bargaining unit must be adjusted by

2%, consistent with the terms of the collective bargaining agreement.

Sec. B-6. New employees; similar and equitable treatment. Employees in classifications included in the institutional services bargaining unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreement, except that nonstatus employees in acting capacity, intermittent or project positions may not receive any lump sum payment provided in section 3 of this Part.

PART C

Sec. C-1. Definition of confidential employee. For the purpose of this Act, the term "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. C-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 \$445,377 for the fiscal year ending June 30, 1997; in the amount of \$522,944 for the fiscal year ending June 30, 1998; and in the amount of \$1,056,897 for the fiscal year ending June 30, 1999 to fund salary and benefit changes for confidential employees.

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Sec. C-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 \$64,639 for the fiscal year ending June 30, 1997; in the amount of \$74,000 for the fiscal year ending June 30, 1998; and in the amount of \$150,000 for the fiscal year ending June 30, 1999 to fund salary and benefit changes for confidential employees.

Sec. C-4. Special account funding. Funding provided by this Act must 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 must include retirement costs. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded whenever possible from those other sources.

- Sec. C-5. Lump sum payment. A lump sum payment equal to 2.25% of the employee's base rate paid for the first 26 paychecks in calendar year 1996 must be paid to confidential employees pursuant to the Governor's directive. This sum may not be considered earnable compensation under the Maine State Retirement System.
 - Sec. C-6. Adjustment of salary schedules for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedules for confidential employees must be adjusted by 2%.
 - Sec. C-7. Adjustment of salary schedules for fiscal year 1998-99. Effective at the beginning of the pay week commencing closest to July 1, 1998, the salary schedules for confidential employees must be adjusted by 2%.
 - Sec. C-8. Employees whose salaries are subject to the Governor's adjustment or approval. 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.
 - Sec. C-9. 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. D-1. 5 MRSA §8, as amended by PL 1981, c. 710, Pt. B, is further amended to read:

§8. Mileage allowance

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state officers and officials not subject to any such agreement, the State shall pay 21¢-per-mile effective May-1,-1982 and 22¢ per mile effective July 1, 1982, 23¢ per mile effective July 1, 1997 and 24¢ per mile effective July 1, 1998 for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be are available.

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PART E

		PARIL		
	Sec. E-1. Appropriation	one The follow	ing funda ara	annenriated
f	rom the General Fund to		_	
		1996-97	1997-98	1998-99
	DMINISTRATIVE AND INANCIAL SERVICES,			
	EPARTMENT OF			
S	alary Plan		•	
	Personal Services	\$3,240,492	\$3,897,377	\$7,307,188
	All Other		100,000	200,000
D	EPARTMENT OF			
	DMINISTRATIVE AND	,		
	INANCIAL SERVICES			
ı	OTAL	\$3,240,492	\$3,997,377	\$7,507,188
	Sec. E-2. Allocation.	The following	funds are al	located from
t.	he Highway Fund to carry			
				4
		1996-97	1997-98	1998-99
A	DMINISTRATIVE AND			
F	INANCIAL SERVICES,			
D	EPARTMENT OF			
S	alary Plan			
	5 x 10012			
	Personal Services	\$1,470,525	\$1,691,465	\$3,464,040
	C. T 2 M	1		
+	Sec. E-3. Transfer from he Department of Admin			
	ade available as needed			
	ecommendation of the St		•	-
	he Governor to be use			
	argaining agreements		nployees in f	iscal years
1	996-97, 1997-98 and 1998	3-99.		
	Sec. E-4. Carrying	clause. Any h	valances remai	ning in the
G	eneral Fund and the Hi			
D	epartment of Administrat			
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	ut must be carried forw			
	ut must be carried forw			

	Sec. E-5. Authorization for reimbursement of costs associated with
2	contract resolution. The Department of Administrative and Financial
4	Services may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration,
6	implementation and other costs required by the process of collective bargaining and negotiation procedures.
8	Emergency clause. In view of the emergency cited in the
10	preamble, this Act takes effect when approved.
12	SUMMARY
14	Part A of this bill provides funding and implementation of the cost items in the collective bargaining agreements reached
16	between the State and the Maine State Employees Association for employees in the administrative services bargaining unit, the
18	operations, maintenance and support services unit, the professional and technical services unit and the supervisory
20	services unit. Part A:
22	1. Reflects the costs from the General Fund to fund the bargaining agreements;
24	2. Reflects the costs from the Highway Fund to fund the
26	bargaining agreements;
28	3. Provides authorization for the approval and use of those funds;
30	4. Provides for a lump sum payment for bargaining unit
32	members;
34	5. Provides for the adjustment of salary schedules in fiscal year 1997-1998 for bargaining unit members;
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38	6. Provides for the adjustment of salary schedules in fiscal year 1998-1999 for bargaining unit members;
40	7. Provides for the increase in the mileage allowance to 23¢ per mile on July 1, 1997 and to 24¢ per mile on July 1, 1998;
42	and
44	8. Provides for similar and equitable treatment of probationary and other employees in classifications in the

administrative services bargaining unit, the operations,

maintenance and support services unit, the professional and 2 technical services unit and the supervisory services unit. Part B of this bill provides funding and implementation of the cost items in the collective bargaining agreements reached between the State and the American Federation of State, County and Municipal Employees -- Council #93 for employees in the 8 institutional services bargaining unit. Part B: 10 Reflects the costs from the General Fund to fund the bargaining agreement; 12 Provides authorization for the approval and use of those 14 funds; 16 3. Provides for a lump sum payment for bargaining unit members: 18 Provides for the adjustment of salary schedules in 20 fiscal year 1997-1998 for bargaining unit members; 22 Provides for the adjustment of salary schedules fiscal year 1998-1999 for bargaining unit members; and 24 Provides for similar and equitable treatment probationary and other employees in classifications in the 26 institutional services bargaining unit. 28 Part C of this bill identifies and implements salary and 30 adjustments for executive andlegislative employees excluded from collective bargaining. Part C: 32 1. Defines confidential employees covered by this bill; 34 Reflects the costs to the General Fund to fund the 36 salary and benefits for confidential employees; 38 Reflects the costs from the Highway Fund to fund salary and benefits for confidential employees; 40 Provides authorization for the approval and use of those 42 funds: 44 Provides for a lump sum payment to confidential employees in fiscal year 1996-1997; 46 Provides for the adjustment for the salary schedule for

confidential employees in fiscal year 1997-98;

- 7. Provides for the adjustment for the salary schedule for confidential employees in fiscal year 1998-99;
- 8. Authorizes the Governor to grant similar and equitable treatment to unclassified employees whose salaries are subject to the Governor's adjustment or approval; and
- 9. Authorizes the Legislative Council to approve salary and benefit changes for employees of the legislative branch, including constitutional officers and the State Auditor, not covered by collective bargaining.

Part D of this bill amends the Maine Revised Statutes, Title 5, section 8 to increase the mileage rate for employees not covered by Part A of this bill in order to provide similar and equitable treatment.

Part E of this bill provides for appropriations from the General Fund and allocations from the Highway Fund for Parts A to C of this bill and provides for the transfer of funds from the salary plan to be used for the implementation of collective bargaining agreements. It also provides that funds appropriated under this bill carry over until June 30, 1999 and provides for reimbursement to the Department of Administrative and Financial Services for costs incurred in the process of collective bargaining, contract administration and related costs.

The bill takes effect when approved.

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