

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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 471

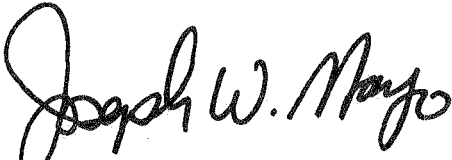
H.P. 348

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.


JOSEPH 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.

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.

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

2 services unit, the professional and technical services unit and
3 the supervisory services unit who are excluded from collective
4 bargaining pursuant to the Maine Revised Statutes, Title 26,
5 section 979-A, subsection 6, paragraphs E and F must be given
6 similar and equitable treatment on a pro rata basis to that given
7 employees covered by the collective bargaining agreements, except
8 that nonstatus employees in acting capacity, intermittent or
9 project positions may not receive any lump sum payment provided
10 in section 4 of this Part.

12 PART B

12 **Sec. B-1. Costs to the General Fund.** There is appropriated in
14 Part E of this Act funding sufficient when combined with other
15 available funds to cover the costs to the General Fund in the
16 amount of \$522,000 for the fiscal year ending June 30, 1997; in
17 the amount of \$912,000 for the fiscal year ending June 30, 1998;
18 and in the amount of \$1,364,000 for the fiscal year ending June
19 30, 1999 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
22 #93 for the institutional services bargaining unit.

24 **Sec. B-2. Special account funding.** Funding provided by this Act
25 must 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 must include
28 retirement costs. Positions supported from sources of funding
29 other than the General Fund and Highway Fund must be funded
30 whenever possible from those other sources.

32 **Sec. B-3. Lump sum payment.** A lump sum payment equal to
33 2.25% of the employee's base rate paid for the first 26 paychecks
34 in calendar year 1996 must be paid to each employee included in
35 the institutional services bargaining unit, consistent with the
36 terms of the collective bargaining agreement. This sum may not
37 be considered earnable compensation under the Maine State
38 Retirement System.

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

46 **Sec. B-5. Adjustment of salary schedules for fiscal year 1998-99.**
47 Effective at the beginning of the pay week commencing closest to
48 July 1, 1998, the salary schedules for employees in the
49 institutional services bargaining unit must be adjusted by
50

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.

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.

PART E

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Sec. E-1. Appropriations. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			
Salary Plan			
Personal Services	\$3,240,492	\$3,897,377	\$7,307,188
All Other		100,000	200,000
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES			
TOTAL	<u>\$3,240,492</u>	<u>\$3,997,377</u>	<u>\$7,507,188</u>

Sec. E-2. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			
Salary Plan			
Personal Services	\$1,470,525	\$1,691,465	\$3,464,040

Sec. E-3. Transfer from salary plan. The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and the approval of the Governor to be used for the implementation of collective bargaining agreements for state employees in fiscal years 1996-97, 1997-98 and 1998-99.

Sec. E-4. Carrying clause. Any balances remaining in the General Fund and the Highway Fund salary plan accounts in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1999 to be used for the purposes of this Act.

2 maintenance and support services unit, the professional and
technical services unit and the supervisory services unit.

4 Part B of this bill provides funding and implementation of
the cost items in the collective bargaining agreements reached
6 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 1. Reflects the costs from the General Fund to fund the
bargaining agreement;

12 2. Provides authorization for the approval and use of those
14 funds;

16 3. Provides for a lump sum payment for bargaining unit
members;

18 4. Provides for the adjustment of salary schedules in
20 fiscal year 1997-1998 for bargaining unit members;

22 5. Provides for the adjustment of salary schedules in
24 fiscal year 1998-1999 for bargaining unit members; and

26 6. Provides for similar and equitable treatment of
probationary and other employees in classifications in the
28 institutional services bargaining unit.

Part C of this bill identifies and implements salary and
30 benefit adjustments for executive and legislative branch
employees excluded from collective bargaining. Part C:

32 1. Defines confidential employees covered by this bill;

34 2. Reflects the costs to the General Fund to fund the
36 salary and benefits for confidential employees;

38 3. Reflects the costs from the Highway Fund to fund salary
and benefits for confidential employees;

40 4. Provides authorization for the approval and use of those
42 funds;

44 5. Provides for a lump sum payment to confidential
employees in fiscal year 1996-1997;

46 6. Provides for the adjustment for the salary schedule for
48 confidential employees in fiscal year 1997-98;

2 7. Provides for the adjustment for the salary schedule for
confidential employees in fiscal year 1998-99;

4 8. Authorizes the Governor to grant similar and equitable
treatment to unclassified employees whose salaries are subject to
6 the Governor's adjustment or approval; and

8 9. Authorizes the Legislative Council to approve salary and
benefit changes for employees of the legislative branch,
10 including constitutional officers and the State Auditor, not
covered by collective bargaining.

12 Part D of this bill amends the Maine Revised Statutes, Title
14 5, section 8 to increase the mileage rate for employees not
covered by Part A of this bill in order to provide similar and
16 equitable treatment.

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

28 The bill takes effect when approved.