

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1535

H.P. 1092

House of Representatives, March 18, 1997

**An Act to Fund the Collective Bargaining Agreement for the Law
Enforcement Services Bargaining Unit.**

(EMERGENCY)

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Speaker MITCHELL of Vassalboro. (GOVERNOR'S BILL)
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: MADORE of Augusta, O'BRIEN of Augusta, Senator: HALL of Piscataquis.

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 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. A-1. Costs to the General Fund. There is appropriated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$180,775 for the fiscal year ending June 30, 1997; in the amount of \$188,176 for the fiscal year ending June 30, 1998; and in the amount of \$381,410 for the fiscal year ending June 30, 1999 to implement the economic terms of the collective bargaining agreement made by the State and the Maine State Employees Association for the law enforcement services bargaining unit.

Sec. A-2. Costs to the Highway Fund. There is allocated in Part B of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$2,500 for the fiscal year ending June 30, 1997; in the amount of \$6,100 for the fiscal year ending June 30, 1998; and in the amount of \$12,300 for the fiscal year ending June 30, 1999 to fund salary and benefit changes of the collective bargaining agreement made by the State and the Maine State Employees Association for the law enforcement services bargaining 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 law enforcement services bargaining unit, consistent with the terms of the collective bargaining agreement. This sum is not 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 law enforcement services bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

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 law enforcement services bargaining unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreement.

Sec. A-7. Adjustment of mileage allowance. Consistent with the terms of the collective bargaining agreement, the mileage allowance rate for employees in the law enforcement services bargaining 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 law enforcement 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 4 of this Part.

PART B

Sec. B-1. 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 the collective bargaining agreement for state employees in fiscal years 1996-97, 1997-98 and 1998-99.

2 **Sec. B-2. Carrying clause.** Any balances remaining in the
4 General Fund and the Highway Fund salary plan accounts in the
6 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.

8 **Sec. B-3. Authorization for reimbursement of costs associated with
contract resolution.** The Department of Administrative and Financial
10 Services may be reimbursed from the special accounts funded by
12 this Act for the costs of contract resolution, administration,
14 implementation and other costs required by the process of
collective bargaining and negotiation procedures.

16 **Sec. B-4. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99	
18				
20	ADMINISTRATIVE AND			
22	FINANCIAL SERVICES,			
	DEPARTMENT OF			
24	Salary Plan			
26	Personal Services	\$180,775	\$188,176	\$381,410

28 **Sec. B-5. Allocation.** The following funds are allocated from
the Highway Fund to carry out the purposes of this Act.

	1996-97	1997-98	1998-99	
30				
32	ADMINISTRATIVE AND			
34	FINANCIAL SERVICES,			
	DEPARTMENT OF			
36	Salary Plan			
38	Personal Services	\$2,500	\$6,100	\$12,300
40				

42 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

44

SUMMARY

2

4 Part A of the bill provides funding and implementation of
6 the cost items in the collective bargaining agreement reached
8 between the State and the Maine State Employees Association for
10 employees in the law enforcement services bargaining unit.

12 1. It reflects the costs from the General Fund to fund the
14 bargaining agreement.

16

18 2. It reflects the costs from the Highway Fund to fund the
20 bargaining agreement.

22 3. It provides authorization for the approval and use of
24 those funds.

26

28 4. It provides for a lump-sum payment for bargaining unit
30 members.

32 5. It provides for the adjustment of salary schedules in
34 fiscal year 1997-98 for bargaining unit members.

36

38 6. It provides for the adjustment of salary schedules in
40 fiscal year 1998-99 for bargaining unit members.

42

7. It provides for the increase in mileage allowance to 23¢
per mile effective July 1, 1997 and 24¢ per mile effective July
1, 1998.

8. It provides for similar and equitable treatment of
probationary and other employees in classifications in the law
enforcement services bargaining unit.

Part B of the bill provides for appropriations from the
General Fund and allocations from the Highway Fund for Part A of
this bill and provides for the transfer of funds from the salary
plan to be used for the implementation of the collective
bargaining agreement. 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.