

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2248

S.P. 848

In Senate, May 27, 1999

**An Act to Fund the Collective Bargaining Agreements and Benefits of
Employees Covered by Collective Bargaining and for Certain Employees
Excepted from Collective Bargaining for the Judicial Branch.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo. (GOVERNOR'S BILL).
Cosponsored by Representative THOMPSON of Naples and
Senators: BENOIT of Franklin, TREAT of Kennebec, Representatives: LaVERDIERE of
Wilton, MADORE of Augusta, PLOWMAN of Hampden, SCHNEIDER of Durham.

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

4
6 **Whereas,** certain obligations and expenses incident to the
operation of the state collective bargaining agreements for the
judicial branch will become due and payable immediately; and

8
10 **Whereas,** it is the responsibility of the Legislature to act
upon the portions of the collective bargaining agreement
negotiated by the judicial branch that require legislative
12 action; and

14 **Whereas,** the Governor and the Legislature share a desire to
address in a timely manner the needs of certain judicial branch
employees excepted from collective bargaining; and

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

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

26 **PART A**

28 **Sec. A-1. Adjustment of salary schedule for fiscal year 1999-00.**
Effective at the beginning of the pay week commencing closest to
30 July 1, 1999, the salary schedule for the employees of the
Judicial Department in the administrative services bargaining
32 unit, the supervisory bargaining unit and the professional
bargaining unit must be adjusted by 3%, consistent with the terms
34 of the collective bargaining agreements.

36 **Sec. A-2. Adjustment of salary schedule for fiscal year 2000-01.**
Effective at the beginning of the pay week commencing closest to
38 July 1, 2000, the salary schedule for the employees of the
Judicial Department in the administrative services bargaining
40 unit, the supervisory bargaining unit and the professional
bargaining unit must be adjusted by 2%, consistent with the terms
42 of the collective bargaining agreements.

44 **Sec. A-3. Addition of new step for fiscal year 2000-01.** Effective
at the beginning of the pay period commencing closest to April 1,
46 2001, the salary schedule for the employees of the Judicial
Department in the administrative services bargaining unit, the
48 supervisory bargaining unit and the professional bargaining unit
must be adjusted by eliminating the first step and adding a new
50 top step so that employees are paid at the new rates to which

2 they are assigned in the modified salary schedule, consistent
with the terms of the collective bargaining agreements.

4 **Sec. A-4. Other employees; similar and equitable treatment.**

6 Employees of the Judicial Department in classifications included
in the administrative services bargaining unit, the supervisory
8 bargaining unit and the professional bargaining unit, but who are
excluded from collective bargaining pursuant to the Maine Revised
10 Statutes, Title 26, section 1282, subsection 5, paragraphs C, F
and G, must be given equitable treatment on a pro rata basis
12 similar to that treatment given employees covered by collective
bargaining agreements.

14 **PART B**

16 **Sec. B-1. Definition of excepted employees.** For the purposes of
this Part, "excepted employees" means the employees within the
18 Judicial Department who are in positions excluded from bargaining
units pursuant to the Maine Revised Statutes, Title 26, section
20 1282, subsection 5, paragraphs C, D and E, other than those
referred to in Part A, section 4 of this Act.

22 **Sec. B-2. Adjustment of salary schedule for fiscal year 1999-00.**
24 Effective at the beginning of the pay week commencing closest to
July 1, 1999, the salary schedule for excepted employees must be
26 adjusted by 3%.

28 **Sec. B-3. Adjustment of salary schedule for fiscal year 2000-01.**
Effective at the beginning of the pay week commencing closest to
30 July 1, 2000, the salary schedule for excepted employees must be
adjusted by 2%.

32 **Sec. B-4. Addition of new step for fiscal year 2000-01.** Effective
34 at the beginning of the pay week commencing closest to January 1,
2001, the salary schedule for excepted employees must be adjusted
36 by eliminating the first step and adding a new top step so that
employees are paid at the new rates to which they are assigned in
38 the modified salary schedule.

40 **PART C**

42 **Sec. C-1. Costs to the General Fund.** Costs to the General Fund
must be provided in the Salary Plan program, referred to in
44 section 2 of this Part, in the amount of \$337,000 for the fiscal
year ending June 30, 2000 and in the amount of \$732,000 for the
46 fiscal year ending June 30, 2001, to implement the economic terms
of the collective bargaining agreements made between the Judicial
48 Department and the Maine State Employees Association for the
administrative services bargaining unit, the supervisory
50 bargaining unit and the professional bargaining unit and for the
costs of those Judicial Department employees excluded from

collective bargaining pursuant to the Maine Revised Statutes,
Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

Sec. C-2. Transfer from the Salary Plan program and special account funding.

The Salary Plan program in the Department of Administrative and Financial Services may be made available as needed through allotment by financial order, upon the recommendation of the State Budget Officer and approval of the Governor, to be used for the implementation of collective bargaining agreements for employees of the Judicial Department in fiscal years 1999-00 and 2000-01. Positions supported from sources other than the General Fund must be funded whenever possible from those other sources.

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

SUMMARY

Part A implements the cost items in the collective bargaining agreements reached between the Judicial Department and the Maine State Employees Association for employees in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit.

1. It provides for the adjustment of salary schedules in fiscal year 1999-00.

2. It provides for the adjustment of salary schedules in fiscal year 2000-01.

3. It provides for the elimination of the first step and the addition of a new top step.

4. It provides for similar and equitable treatment of probationary and other employees in classifications in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit.

Part B implements the cost items for employees excluded from collective bargaining.

1. It defines excepted employees.

2. It provides for the adjustment of salary schedules in fiscal year 1999-00.

2 3. It provides for the adjustment of salary schedules in
fiscal year 2000-01.

4
6 4. It provides for the elimination of the first step and
the addition of a new top step.

8 Part C authorizes use of the Salary Plan program to fund
collective bargaining agreements and other cost items and
10 provides that positions supported from other funds must be funded
whenever possible from those other sources.

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