

# MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 592, L.D. 747, Bill, "An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §979-S is enacted to read:

§979-S. Representation of employees in certain limited-period positions

This section governs limited-period positions created for former regular employees of the State who are receiving workers' compensation payments from the State when creation of the positions will enable those employees to return to productive employment with the State. A person placed in such a limited-period position retains the employment and bargaining unit status that person had attained under this chapter prior to the injury that resulted in workers' compensation payments. The scope of representation by the bargaining agent is limited to terms and conditions of employment unrelated to work capacity, the rehabilitation effort or any other matter prescribed or controlled by workers' compensation law unless such terms are specifically negotiated as authorized by Title 39-A, section 110. This section may not be construed to authorize the creation of limited-period positions or to limit the employee's right to designate the employee's collective bargaining agent as that employee's representative concerning matters arising under workers' compensation laws.

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**Sec. 2. Application.** This Act applies to persons holding the limited-period positions described in this Act on and after the effective date of this Act, regardless of when the position was created.'

**FISCAL NOTE**

The amendment continues to clarify the bargaining unit status of certain state employees but limits the scope of representation by the bargaining agents to issues not related to workers' compensation and eliminates any retroactive provisions. These changes eliminate the costs identified in the bill.

As amended, the bill may result in additional grievance or arbitrations unrelated to workers' compensation issues, the costs of which can be absorbed by the Bureau of Employee Relations within the Department of Administrative and Financial Services within existing budgeted resources.

**SUMMARY**

This amendment replaces the bill. It adds a section to the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. The amendment provides that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

SPONSORED BY: Beth Edwards  
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