

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1829

H.P. 1381

House of Representatives, June 19, 2001

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

(EMERGENCY)

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BERRY of Livermore. (GOVERNOR'S BILL)
Cosponsored by Senator GOLDTHWAIT of Hancock and
Representative NASS of Acton, Senators: CATHCART of Penobscot, MILLS of Somerset.

2 **Sec. A-3. Adjustment of salary schedules for fiscal year 2001-02.**
Effective at the beginning of the pay week commencing closest to
4 July 1, 2001, the salary schedules for employees referred to in
sections 1 and 2 of this Part must be adjusted by 3%.

6 **Sec. A-4. Adjustment of salary schedules for fiscal year 2002-03.**
8 Effective at the beginning of the pay week commencing closest to
July 1, 2002, the salary schedules for employees referred to in
10 sections 1 and 2 of this Part must be adjusted by 2%.

12 **Sec. A-5. Adjustment of salary schedules for fiscal year 2002-03.**
14 Effective at the beginning of the pay week commencing closest to
January 1, 2003, the salary schedules for employees in sections 1
and 2 of this Part must be adjusted by 2%.

16 **Sec. A-6. New employees; similar and equitable treatment.**
18 Employees in classifications included in bargaining units
referred to in sections 1 and 2 of this Part but who are excluded
20 from collective bargaining pursuant to the Maine Revised
Statutes, Title 26, section 979-A, subsection 6, paragraphs E and
22 F must be given equitable treatment on a pro rata basis similar
to that treatment given employees covered by the collective
24 bargaining agreements.

26 **Sec. A-7. Confidential employees; similar and equitable treatment.**
Confidential employees must be given similar and equitable
28 treatment on a pro rata basis to that given employees covered by
the collective bargaining agreements. For the purposes of this
30 Part, "confidential employees" means those employees within the
executive branch, including probationary employees, who are in
32 positions excluded from bargaining units pursuant to the Maine
Revised Statutes, Title 26, section 979-A, subsection 6,
34 paragraphs B, C, D, I and J.

36 **Sec. A-8. Employees' salaries subject to Governor's adjustment or**
approval. The Governor is authorized to grant similar and
38 equitable treatment consistent with this Act for those
unclassified employees whose salaries are subject to the
40 Governor's adjustment or approval.

42 **Sec. A-9. Employees of legislative branch.** The Legislative
Council may approve salary and benefit increases for employees
44 within the legislative branch, including constitutional officers
and the State Auditor, not subject to collective bargaining.
46

PART B

2

Sec. B-1. Adjustment of salary schedules for fiscal year 2001-02.

4 Effective at the beginning of the pay week commencing closest to
6 July 1, 2001, the salary schedules for the employees of the
8 Judicial Department in the administrative services bargaining
10 unit, the supervisory bargaining unit and the professional
12 bargaining unit and employees referred to in sections 4 and 5 of
this Part must be adjusted by 3%. Employees referred to in
section 5 of this Part must also receive miscellaneous step
adjustments.

12

Sec. B-2. Adjustment of salary schedules for fiscal year 2002-03.

14 Effective at the beginning of the pay week commencing closest to
16 July 1, 2002, the salary schedules for employees of the Judicial
18 Department in the administrative services bargaining unit, the
supervisory bargaining unit and the professional bargaining unit
and employees referred to in sections 4 and 5 of this Part must
be adjusted by 2%.

20

Sec. B-3. Adjustment of salary schedules for fiscal year 2002-03.

22 Effective at the beginning of the pay period commencing closet to
24 January 1, 2003, the salary schedules for the employees of the
Judicial Department in the administrative services bargaining
unit, the supervisory bargaining unit and the professional
bargaining unit and employees referred to in sections 4 and 5 of
this Part must be adjusted by 2%.

28

Sec. B-4. Other employees; similar and equitable treatment.

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

38

Sec. B-5. Excepted employees; similar and equitable treatment.

40 For the purposes of this Part, "excepted employees" means the
42 employees within the Judicial Department who are in positions
excluded from bargaining units pursuant to the Maine Revised
Statutes, Title 26, section 1282, subsection 5, paragraphs C, D
44 and E, other than those referred to in section 4 of this Part,
and who must be given similar and equitable treatment on a pro
46 rata basis similar to that treatment given employees covered by
the collective bargaining agreements.

48

2 **Sec. B-6. Costs to General Fund.** Costs to the General Fund
3 must be provided in the Salary Plan program, referred to in Part
4 C, section 1 of this Act, in the amount of \$430,412 for the
5 fiscal year ending June 30, 2002 and in the amount of \$925,565
6 for the fiscal year ending June 30, 2003 to implement the
7 economic terms of the collective bargaining agreements made
8 between the Judicial Department and the Maine State Employees
9 Association for the administrative services bargaining unit, the
10 supervisory bargaining unit and the professional bargaining unit
11 and, notwithstanding the Maine Revised Statutes, Title 26,
12 section 1285, subsection 1, paragraph E, for the costs of those
13 Judicial Department employees excluded from collective bargaining
14 pursuant to Title 26, section 1282, subsection 5, paragraphs C,
15 D, E, F and G.

16 **PART C**

18 **Sec. C-1. Transfer from Salary Plan and special account funding.**
19 The Salary Plan program in the Department of Administrative and
20 Financial Services may be made available as needed in allotment
21 by financial order upon the recommendation of the State Budget
22 Officer and approval of the Governor to be used for the
23 implementation of collective bargaining agreements for state
24 employees and for other economic items contained in this Act in
25 fiscal year 2001-02 and fiscal year 2002-03. Positions supported
26 from sources of funding other than the General Fund and the
27 Highway Fund must be funded whenever possible from those other
28 sources.

30 **Sec. C-2. Authorization for reimbursement of costs associated with**
31 **contract resolution.** The Department of Administrative and Financial
32 Services may be reimbursed from the Salary Plan program for the
33 costs of contract resolution, administration, implementation and
34 other costs required by the process of collective bargaining and
35 negotiation procedures.

36 **PART D**

38 **Sec. D-1. 5 MRSA §8,** as amended by PL 1999, c. 454, Pt. E,
39 §1, is further amended to read:

42 **§8. Mileage allowance**

44 The State shall pay for the use of privately owned
45 automobiles for travel by employees of the State in the business
46 of the State such reimbursement as agreed to between the State
47 and their certified or recognized bargaining agent. For employees
48 and state officers and officials not subject to any such
49 agreement, the State shall pay ~~24¢ per mile effective July 1,~~
50 ~~1998, --26¢ per mile effective January 1, 2000 and 28¢ per mile~~

2 ~~effective January 1, 2001~~ 30¢ per mile effective July 1, 2001 and
4 32¢ per mile effective July 1, 2002 for miles actually traveled
6 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 are available.

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

10 FISCAL NOTE

12 This bill represents legislative approval of the funding for
14 the cost items in the collective bargaining agreements reached
between the State and the Maine State Employees Association and
16 the Maine State Troopers Association. The bill also provides
authorization for similar and equitable treatment for certain
18 other state employees.

20 Funding for the General Fund costs of these collective
bargaining agreements and the extension of similar treatment to
22 certain other state employees, estimated to be \$10,312,803 in
fiscal year 2001-02 and \$17,440,253 in fiscal year 2002-03, is
24 provided by authorization for transfers from the Salary Plan
program within the Department of Administrative and Financial
26 Services. Funding for the Highway Fund costs of these collective
bargaining agreements and the extension of similar treatment to
28 certain other state employees, estimated to be \$3,722,039 and
\$6,699,146 in fiscal years 2001-02 and 2002-03, respectively, is
30 also provided by similar authorization for transfers from the
Salary Plan program. The total estimated General Fund cost of
32 the agreements in fiscal year 2003-04 is approximately
\$19,866,000, and the estimated Highway Fund cost is approximately
34 \$7,718,000.

36 Based on projected balances forward, estimated reserves,
other commitments and proposed General Fund appropriations and
38 Highway Fund allocations, sufficient resources are not available
in the Salary Plan program for either the General Fund or the
40 Highway Fund. The estimated shortfall for the General Fund
Salary Plan program for the 2002-2003 biennium is approximately
42 \$3,770,700. The estimated shortfall during this same period for
the Highway Fund Salary Plan program is approximately
44 \$1,422,400. These shortfalls are expected to be absorbed by
state departments and agencies by additional attrition savings.

46 SUMMARY

48 Part A implements the cost items in the collective
50

2 bargaining agreements reached between the State and the Maine
3 State Employees Association and the Maine State Troopers
4 Association and for confidential employees as follows.

6 1. It reflects the costs from the General Fund to fund
7 salary increases, market and pay equity adjustments and benefits.

8 2. It reflects the costs from the Highway Fund to fund
9 salary increases, market and pay equity adjustments and benefits.

10 3. It provides for the adjustment of salary schedules in
11 fiscal year 2001-02.

12 4. It provides for the adjustment of salary schedules in
13 fiscal year 2002-03.

14 5. It provides for similar and equitable treatment of
15 probationary and other employees.

16 6. It provides for similar and equitable treatment of
17 confidential employees.

18 7. It provides for similar and equitable treatment of
19 employees whose salaries are subject to adjustment by the
20 Governor.

21 8. It provides for similar and equitable treatment of
22 employees of the legislative branch.

23 Part B implements the cost items in the collective
24 bargaining agreements reached between the Judicial Department and
25 the Maine State Employees Association for the administrative
26 services bargaining unit, the supervisory bargaining unit and the
27 professional bargaining unit and for confidential employees.

28 1. It provides for the adjustment of salary schedules in
29 fiscal year 2001-02.

30 2. It provides for the adjustment of salary schedules in
31 fiscal year 2002-03.

32 3. It provides for similar and equitable treatment of
33 probationary and other employees.

34 4. It provides for similar and equitable treatment of
35 confidential employees.

36 5. It reflects the costs from the General Fund to fund
37 salary increases.

2 Part C authorizes use of the salary plan to fund the
collective bargaining agreements and other cost items, provides
4 that positions supported from other funds must be funded whenever
possible from those other sources and provides for reimbursement
6 to the Department of Administrative and Financial Services for
costs incurred in the process of collective bargaining and
8 contract administration and related costs.

10 Part D amends the Maine Revised Statutes, Title 5, section 8
by increasing the rate of mileage reimbursement for state
12 employees for the use of their privately owned vehicles from 28¢
to 30¢ effective July 1, 2001 and from 30¢ to 32¢ effective July
14 1, 2002.