

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 693

S.P. 268

In Senate, February 24, 2009

An Act To Clarify the Status and Benefits of Employees of the Child Development Services System

Reference to the Committee on Labor 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 BARTLETT of Cumberland.
Cosponsored by Senator: ALFOND of Cumberland, Representative: Speaker PINGREE of
North Haven.

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

2 **Sec. 1. 5 MRSA §285, sub-§1, ¶F-7** is enacted to read:

3 F-7. Any employee of the state intermediate educational unit established under Title
4 20-A, section 7209, if the group health plan is agreed to in collective bargaining and
5 funds are available;

6 **Sec. 2. 20-A MRSA §7209, sub-§3**, as amended by PL 2007, c. 572, Pt. B, §3, is
7 further amended to read:

8 **3. State intermediate educational unit.** The commissioner shall establish and
9 supervise the state intermediate educational unit. The state intermediate educational unit
10 is established as a body corporate and politic and as a public instrumentality of the State
11 for the purpose of conducting child find activities as provided in 20 United States Code,
12 Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the
13 provision of early intervention services for eligible children from birth to under 3 years of
14 age and ensuring a free, appropriate public education for eligible children at least 3 years
15 of age and under 6 years of age. For the purposes of collective bargaining, the state
16 intermediate educational unit is considered an agency of the executive branch and a
17 public employer covered by Title 26, chapter 9-B and is represented for the purpose of
18 collective bargaining by the Governor or the Governor's designee. The state intermediate
19 educational unit shall perform the following statewide coordination and administration
20 functions:

21 A. Establish standard policies and procedures for a statewide salary and benefits
22 administration system, including personnel classifications, position descriptions and
23 salary ranges, and a standard package of health, retirement and other fringe benefits
24 for Child Development Services System personnel, which must be included in the
25 annual entitlement plan described in subsection 1 beginning in fiscal year 2006-07;

26 B. Develop a statewide salary and benefits administration system and perform the
27 payroll functions for Child Development Services System personnel;

28 B-1. Bargain collectively under Title 26, chapter ~~9-A~~ 9-B if the employees of the
29 regional sites choose to be represented by an agent for purposes of collective
30 bargaining. In such circumstances, the state intermediate educational unit must be
31 considered the public employer for purposes of collective bargaining;

32 C. Establish a centralized system for statewide fiscal administration to be
33 implemented by September 1, 2006. The state intermediate educational unit shall
34 establish internal controls and implement accounting policies and procedures in
35 accordance with standards set forth by the State Controller;

36 D. Develop and implement a centralized data management system to be fully
37 operational beginning July 1, 2007;

38 E. Establish a standard, statewide template for regional site contracts with
39 therapeutic service providers, including policies and procedures for the review of
40 contracts, that must be included in the annual entitlement plan described in subsection
41 1, beginning in fiscal year 2006-07;

1 F. Refine program accountability standards for compliance with federal mandates
2 that must be included in the annual entitlement plan described in subsection 1,
3 including the development of a performance review system to monitor and improve
4 regional site performance through the use of efficiency ratings aligned with the
5 accountability standards and through a compliance plan that requires the regional site
6 to address the unmet needs of eligible children in accordance with specific targets and
7 time frames;

8 G. Design and implement a statewide plan to provide professional development and
9 training to Child Development Services System personnel;

10 H. Employ professional and other personnel, including those necessary to ensure the
11 implementation of the centralized fiscal and data management systems. All state
12 intermediate educational unit employees are employees for the purposes of the Maine
13 Tort Claims Act; and

14 I. Enter into contracts, leases and agreements and any other instruments and
15 arrangements that are necessary, incidental or convenient to the performance of its
16 duties and the execution of its powers under this chapter.

17 **Sec. 3. 26 MRSA §979-T is enacted to read:**

18 **§979-T. State intermediate educational unit**

19 For the purpose of collective bargaining, the state intermediate educational unit
20 established under Title 20-A, section 7209 is an agency of the executive branch and a
21 public employer covered by this chapter, and is represented for the purpose of collective
22 bargaining by the Governor or the Governor's designee.

23 **SUMMARY**

24 This bill clarifies the status of employees of the Child Development Services System,
25 who through collective bargaining may join the state employee health plan and for the
26 purpose of collective bargaining be considered an agency of the executive branch and a
27 public employer covered by the laws governing state employees and legislative
28 employees labor relations.