

# MAINE STATE LEGISLATURE

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SMC

L.D. 1319

Date: 6/9/15 Minority

(Filing No. H-346)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 897, L.D. 1319, Bill, "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Study the Effect of Compensated Union Leave in State Collective Bargaining Contracts'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Whereas, the State is party to collective bargaining contracts that allow employees the right to compensated leave for activities involving the employees' collective bargaining agent, also known as union leave or organizational leave; and

Whereas, these collective bargaining agent activities have no bearing on the tasks for which such state employees have been hired by the State; and

Whereas, it is currently unclear the extent of the impact of compensated union leave on state resources and the benefit of such leave to the State; and

Whereas, state resources are extremely limited and it is in the best interest of the citizens of the State that state resources are spent as efficiently as possible; and

Whereas, the study authorized by this resolve must be initiated before the 90-day period expires in order that the study may be completed and a report produced in time for submission to the next legislative session; 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

COMMITTEE AMENDMENT

1       **Sec. 1. The Study Commission on State Union Leave established.**  
2       **Resolved:** That the Study Commission on State Union Leave, referred to in this resolve  
3       as "the study commission" is established; and be it further

4       **Sec. 2. Study commission membership. Resolved:** That the study  
5       commission consists of 13 members appointed as follows:

6           1. Six members appointed by the President of the Senate as follows:

7           A. Four members of the Senate, 2 from each of the 2 parties holding the largest  
8           number of seats in the Legislature;

9           B. A representative of the Maine Labor Relations Board; and

10          C. A representative of the judicial branch;

11          2. Five members appointed by the Speaker of the House as follows:

12          A. Four members of the House of Representatives, 2 from each of the 2 parties  
13          holding the largest number of seats in the Legislature; and

14          B. A representative of the Maine State Employees Association;

15          3. The Executive Director of the Legislative Council or the executive director's  
16          designee; and

17          4. The Commissioner of Administrative and Financial Services or the  
18          commissioner's designee; and be it further

19       **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
20       chair and the first-named House of Representatives member is the House chair of the  
21       study commission; and be it further

22       **Sec. 4. Appointments; convening of the study commission. Resolved:**  
23       That all appointments must be made no later than 30 days following the effective date of  
24       this resolve. The appointing authorities shall notify the Executive Director of the  
25       Legislative Council once all appointments have been completed. After appointment of all  
26       members, the chairs shall call and convene the first meeting of the study commission. If  
27       30 days or more after the effective date of this resolve a majority of but not all  
28       appointments have been made, the chairs may request authority and the Legislative  
29       Council may grant authority for the study commission to meet and conduct its business;  
30       and be it further

31       **Sec. 5. Duties. Resolved:** That the study commission shall conduct a study on  
32       the impact of state-compensated leave for an employee to participate in activities related  
33       to the employee's collective bargaining agent, both in terms of overall financial cost to the  
34       State and in terms of lost employee time, and on the benefits of such leave to the State;  
35       and be it further

36       **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
37       necessary staffing services to the study commission; and be it further

38       **Sec. 7. Report. Resolved:** That, no later than December 2, 2015, the study  
39       commission shall submit a report that includes its findings and recommendations,  
40       including suggested legislation, for presentation to the Joint Standing Committee on

1 Labor, Commerce, Research and Economic Development, which may report out a bill  
2 related to the report to the Second Regular Session of the 127th Legislature.

3 **Emergency clause.** In view of the emergency cited in the preamble, this  
4 legislation takes effect when approved.'

5 **SUMMARY**

6 This amendment replaces the bill with a resolve that establishes the Study  
7 Commission on State Union Leave to study the impact of the practice of state-  
8 compensated leave for an employee to participate in activities related to the employee's  
9 collective bargaining agent, both in terms of overall financial cost to the State and in  
10 terms of lost employee time, and to also study the benefits of such leave to the State. The  
11 study commission must report back on its findings and recommendations by December 2,  
12 2015, and the Joint Standing Committee on Labor, Commerce, Research and Economic  
13 Development may report out a bill related to the report.

14 **FISCAL NOTE REQUIRED**

15 (See attached)



Revised: 06/07/15 *mac*

# 127th MAINE LEGISLATURE

LD 1319

LR 1278(02)

An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-346)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

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## Fiscal Note

### Legislative Cost/Study

#### Legislative Cost/Study

The general operating expenses of this study are projected to be \$4,250 in fiscal year 2015-16. The Legislature's proposed budget includes \$10,000 in fiscal year 2015-16 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources. If more than 4 meetings are held during the interim the estimated cost for each additional meeting is projected to be \$1,000 for legislative per diem and expenses.

#### Fiscal Detail and Notes

Additional costs to the Maine Labor Relations Board and the Department of Administrative and Financial Services to serve as members of the Study on State Union Leave can be absorbed within existing budgeted resources.