

# MAINE STATE LEGISLATURE

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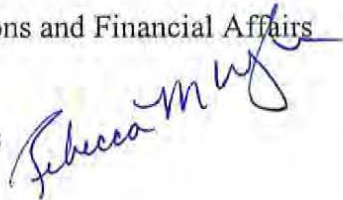
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**MEMORANDUM**

**TO:** Senator Mary R. Cathcart, Chair  
Representative Joseph C. Brannigan, Chair  
Members, Joint Standing Committee on Appropriations and Financial Affairs

**FROM:** Rebecca M. Wyke, Commissioner  
Department of Administrative and Financial Services



**DATE:** February 18, 2003

**SUBJ:** Bargaining Unit Clarification Decisions

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Some years ago the State Labor Relations Act was amended to exclude from bargaining units employees who "substantially participate in the formulation and effectuation of policy." Since then both the State and the Maine State Employees Association have submitted petitions to the Maine Labor Relations Board seeking to exclude positions from bargaining units or to include them in bargaining units. Because there are costs associated with the pick-up of retirement costs for positions determined to be excluded, the Legislature enacted PL 1995 Chapter 395, Part F, Section G-12. That section provided for funding options for these costs. It also requires the Commissioner of the Department of Administrative and Financial Services to report on "the number of cases that have been settled or are expected to be settled and the cost of any settlement, segregated by funding source." The following information satisfies this year's reporting requirements.

Two departments were resolved this year, the Workers' Compensation Board and the Attorney General's Office. At the Workers' Compensation Board, one position was removed from a bargaining unit and one position was returned to a bargaining unit. The cost of these two changes is \$712 in the Other Special Revenue Fund. At the Attorney General's Office, one position was removed from a bargaining unit and thirty-seven positions were returned to bargaining units. The cost of the position becoming confidential is \$3,075 in the General Fund.

We hope to finish the small departments this year if scheduling permits but are unable to predict at this time what the results will be. If you require further information, please let me know.

cc: Grant Pennoyer  
Jim Dionne  
Keith Todd