

MAINE STATE LEGISLATURE

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STATE OF MAINE
 DEPARTMENT OF ADMINISTRATIVE AND
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REBECCA M. WYKE
 COMMISSIONER

DOMNA GIATAS
 DEPUTY COMMISSIONER

JOHN ELIAS BALDACCI
 GOVERNOR

TO: Senator Margaret Rotundo, 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: January 3, 2006

SUBJECT: Bargaining Unit Clarification Decisions

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 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.”

In 2005 no positions were resolved. Because of lengthy contract negotiations, other unit matters before the Board, and changes in personnel in MSEA, no new positions were excluded from or included in bargaining units. In December 2005 the State and MSEA met with Marc Ayotte to discuss how to proceed with the remaining 5 departments. The Public Utilities Commission and Corrections will be the next departments to be considered, and documents are being sent to MSEA to facilitate that process. After that we will proceed to hear the three largest departments and finally the Department of Labor.

If you require further information, please let me know.

cc: Grant Pennoyer
 Jim Dionne
 Ryan Low