

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 1467 - L.D. 2180

**An Act to Make Changes to the Laws Regarding the Department of  
Administrative and Financial Services, Bureau of Human Resources and the  
State Civil Service Appeals Board**

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

**PART A**

**Sec. A-1. 4 MRSA §807, sub-§3, ¶U**, as amended by PL 2025, c. 97, §2, is further amended to read:

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association; or

**Sec. A-2. 4 MRSA §807, sub-§3, ¶V**, as enacted by PL 2025, c. 97, §3, is amended to read:

V. An attorney certified by the judge advocate general of that attorney's respective military branch representing Maine National Guard members in proceedings conducted pursuant to Title 37-B, section 415-A;

**Sec. A-3. 4 MRSA §807, sub-§3, ¶W** is enacted to read:

W. A person who is not an attorney but is representing the State before the State Civil Service Appeals Board as described in Title 5, section 7081 on a reclassification, reallocation or reorganization appeal; or

**Sec. A-4. 4 MRSA §807, sub-§3, ¶X** is enacted to read:

X. A person who is not an attorney but is representing the State before an arbitrator related to a grievance filed under a collective bargaining agreement.

**PART B**

**Sec. B-1. 5 MRSA §7083**, as corrected by RR 2023, c. 2, Pt. B, §§73 to 76, is amended to read:

**§7083. Procedure for settlement**

A grievance or dispute between a state employee and the agency of the State by whom the state employee is employed must be entertained by the appeals board upon the application of the employee, as long as there has been compliance with the following requirements:

**1. Adjust dispute.** That the employee aggrieved or the employee's representative, or both, have attempted to adjust the dispute through oral communication with the employee's immediate supervisor within 7 working days of the time that the employee is aware of the grievable incident. The immediate supervisor is then required to render an oral decision to the employee within 3 working days;

**2. Grievance in writing.** If the employee is dissatisfied with the oral decision of the employee's immediate supervisor, the employee or the employee's representative, or both, may, before the end of the 10th working day following the day of the oral decision, present the grievance to the employee's supervisor again, this time in written form. The supervisor is then required to make a decision in writing and present it to the employee within 10 working days;

**3. Appeal Submission of grievance or dispute to department or agency head.** If the employee is dissatisfied with the supervisor's written decision, the employee or the employee's representative, or both, then may, before the end of the 20th working day following receipt of the decision, appeal in writing to the department head. The Within 21 days of the employee becoming aware of the grievance or dispute, the employee or the employee's representative, or both, shall submit the grievance or dispute in writing to the department or agency head describing the employee's desired resolution. Within 21 days of receiving the employee's written notice of the grievance or dispute, the department or agency head shall meet with the employee or the employee's designated representative, or both, within 20 working days of receipt of the employee's notice of dissatisfaction and attempt to adjust the dispute. Within 5 working days of meeting with the employee or the employee's representative, or both, the department or agency head shall render a decision in writing to the aggrieved employee and or the employee's representative, or both.

If the department or agency head issues a written decision after conducting a due process meeting with the employee or the employee's representative, or both, at which the employee was afforded an opportunity to present information relating to proposed disciplinary action issued by the department or agency head, the written decision must be treated as the final written decision of the department or agency head for the purposes of this subsection. Upon receipt of the written decision following the due process meeting, no further action by the employee is required at the department or agency level, and the employee may appeal the written decision to the officer pursuant to subsection 4 if the employee is a classified employee or the employee may appeal the written decision directly to the appeals board pursuant to subsection 5 if the employee is an unclassified employee;

**4. Appeal to State Human Resources Officer.** If the classified employee is dissatisfied with the written decision following ~~the meeting with~~ of the department or agency head, the employee or the employee's representative, or both, may appeal in writing to the State Human Resources Officer within ~~7 working days of meeting with the department head~~ 21 days of receiving the written decision. The officer shall within ~~10 working~~ 21 days reply in writing to the aggrieved employee, or the employee's representative, or both, and the department or agency head involved stating the officer's decision, based on the Civil Service Law and rules;

**5. Submission to board.** In the event the grievance is not satisfactorily adjusted under subsections ~~1 to~~ 3 and 4, within the time limits in those subsections, the dispute may be submitted to the appeals board within ~~10 working~~ 21 days following receipt of ~~the officer's written decision~~ of the last relevant written decision from the employer pursuant to subsection 3 or 4. The appeals board shall investigate the matters in controversy, shall hear all interested persons who come before it and shall make a written decision, which is binding on the parties involved. The appeals board's written decision must be issued within 30 working days after the hearing on the dispute is concluded, unless both parties agree that an extension of the time limit should be allowed; and

**6. Procedure.** Any member of the appeals board may administer oaths and subpoena and require the attendance of witnesses and the production of books, papers, public records and other relevant documentary evidence or certified copies of the evidence by the department or agency head pertinent to the dispute and shall do so if requested in writing by any party to the dispute or the party's representative. A witness summonsed by subpoena is entitled to witness fees and travel allowance in the amount allowed for appearance in District Court, the costs of which must be advanced by the party requesting the subpoena prior to issuance of the subpoena. A state employee subpoenaed under this subsection may not lose pay to which the employee would otherwise be entitled.

**Sec. B-2. 5 MRSA §7084, sub-§1**, as corrected by RR 2023, c. 2, Pt. B, §77, is amended to read:

**1. Application for extension.** The chair of the appeals board may extend any time limit specified in section 7083, subsections ~~1 to~~ 3 to 4 5, upon written application of either party, as long as the application is submitted within the time provided for in the applicable step. Failure of an employee to pursue a grievance within the prescribed time limits constitutes an acceptance of the last response by the department or agency head. Failure of the department or agency head to respond within the stipulated time limits provided for in the applicable step constitutes an automatic waiver of that step and the employee may proceed to the next step as outlined in this section.

A. At least one day prior to the ~~presentation~~ submission of the employee's grievance to the ~~employee's supervisor~~ department or agency head, the employee's representative, if any, may have access to the work location of the employee involved during the working hours for the purpose of investigating the grievance.

B. The department or agency head may designate a representative, with authority to take appropriate action, who must be at the deputy or assistant department or agency head or labor specialist level to represent the department or agency head in section 7083, subsections ~~2 and~~ 3 and 4.