



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BURTON M. CROSS BUILDING, 3<sup>RD</sup> FLOOR  
78 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0078

SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

JANET T. MILLS  
GOVERNOR

KIRSTEN LC FIGUEROA  
COMMISSIONER

Date: March 3, 2025  
To: Senator Baldacci, Representative Salisbury and members of the Joint Standing Committee on State and Local Government  
From: Kirsten LC Figueroa, Commissioner  
Re: Responsive Documents from SLG DAFS Orientation Presentation Jan. 27, 2025

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## **Vacancy Report Updates**

The following information is an update of State of Maine [vacant positions as of February 13, 2025](#). The report shows vacancy by agency.

- Current Number of Permanent Positions: 13,557 (excludes limited period positions and the Judicial and Legislative branches)
- Number of Vacant Permanent Positions: 1,975
- Vacancy Rate: 14.6%

For context, the [vacancy rate on February 28, 2024](#) was 16.6% (2,215 out of 13,334) and the [vacancy rate on March 1, 2023](#) was 16.2% (2,111 out of 13,044).

The underlying facts of the vacancy rate are more complex than a simple percentage can convey; there are a myriad of reasons that State positions are vacant and, in some instances, are intentionally held vacant.

Common, easily understandable reasons that a position is vacant include:

- a seasonal position that is vacant in February but will be filled for the summer months;
- a position or intermittent position that is filled on an as-needed basis with no current need;
- a vacated temporary or project position with an upcoming end date, so will not be filled;
- a position we are currently in the midst of hiring;
- a position temporarily being filled by another employee in an acting capacity; or
- a position that was recently created in the budget and has not yet been posted.

Out of the 1,975, there are 195 seasonal positions, or 10%.

Another component of vacancy numbers is the Department of Transportation crew. DOT crew totals just over 1,100 of the 13,557 permanent positions. The filling of these positions is extremely fluid depending on construction efforts, funding, weather, and other factors. As of today, 226 of those DOT 1,100 crew positions, or nearly 21%, are vacant. (226 is 11.4% of the 1,975 total vacant positions.)

There are also more complicated reasons, unique to the way State Government operates and budgets for Personal Services actions, that a position might be held vacant, and for these reasons the State of Maine runs a 9-10% vacancy rate even in the most employer-favorable job markets. For example:

- the previous incumbent had a vacation payout that has to be covered before the position can be filled (vacation payouts are not separately funded in the Personal Services budget);
- the position no longer has sufficient federal, other special revenue, or fees-based funding;
- positions are being reclassified and are awaiting budget funding;
- positions are being held vacant to administratively fund reclasses;
- positions are being held vacant to manage self-funded Personal Services components, such as: unanticipated overtime, callout or standby costs, recruitment/retention stipends, and, hiring above budgeted step;
- multiple vacancies allow departments and agencies the rare flexibility to consider whether their organizations could be better served by restructuring their staff; and,
- positions are being held vacant to cover the budgeted attrition rate.

State government Personal Services budgeting actually assumes a level of vacancy. Each biennial budget includes savings from attrition—the assumption that a certain amount of Personal Services will not be spent due to vacancies. Maine law has this set at 1.6%. For the last several years, the Administration has proposed 5%. In the 2024/2025 Biennial Budget, the Legislature increased the 5% to 8% and 6%, in each year respectively, in recognition of the impact to state government of the nationwide workforce shortage.

This means the State must have some level of vacancy in positions that are funded, in part or whole, with General Funds to meet this budgeted savings. If General Fund vacant positions are eliminated or proposed to be eliminated, the State would be at risk of not meeting the savings already booked and there is a possibility of double counting the impact. The determination of whether we did or did not meet the attrition rate cannot be finalized until the end of the fiscal year. The attrition budget initiative that creates General Fund savings by adjusting from 1.6% to 5% in each fiscal year, in LD 210, the 26/27 Biennial Budget, is \$21.4 million in FY26 and \$22.2 million in FY27.

Another important component of this is that unexpended General Fund personal services dollars not otherwise redirected through other statute are deposited to the Salary Plan account. Because of the timing of collective bargaining negotiations, the Salary Plan balance is one barometer, in addition to future biennial budget revenues and General Fund and Highway Fund baseline spending obligations, for setting the parameters of collective bargaining wage negotiations for the Executive and Judicial branches. Not having access to these funds would impact the State's ability to negotiate cost of living wage increases for Executive and Judicial branches employees.

It's also important to note that eliminating a position will not necessarily save money. Of the 1,975 permanent vacancies, *nearly half* don't include any General Fund funding. For example, positions that are in place to use on as-needed basis funded with non-General Fund dollars. While vacant they don't cost the state or the fund anything; and, similarly, eliminating them won't save anything.

The State of Maine's hiring difficulties are not unique in nature, but they are pronounced given the State is Maine's second largest employer, the wide range of jobs the State employs, and the essential services the State provides. Many of the positions the State is having the greatest difficulty filling are within the same fields experiencing well-documented workforce shortages in the private sector, such as social workers, mental health providers, nurses, accountants, and IT. It is also worth acknowledging the objective difficulty that is inherent in many State jobs. They exist to interface with people in some of the worst moments of their lives, when they are at their most vulnerable, when they are in crisis, and when their options are limited. These jobs require employees to constantly navigate difficult situations, shoulder mental and emotional stress, assume responsibility when stakes are high, and at times withstand a level of public scrutiny directed at their profession, agency, and colleagues that many would consider overwhelming. We are fortunate to have thousands of employees who have the desire to serve their state and these populations in these situations. And they do it with grace, and often encourage people they know to join them. But it is understandable, in a nationwide situation of 2+ job openings for every job seeker, why there could be a delay in filling these vacancies.

In 2024, the State posted 4,243 job openings and received approximately 57,320 applications, which speaks to the fact that the State's recruitment work is never done—as Maine's second largest employer we are in a continual state of hiring. At this time, the State is recruiting for approximately 224 open positions.

**Biennial Budget Position Requests:**

Having vacant positions does not diminish or eliminate the need to add new positions.

To provide some historical context, there were 14,426 positions in 2004 and 13,948 in 2025 (prior to this proposal). If this proposal is approved, it would be 14,205 – still less than the 2004 number. During that time, the workloads, the programs, the legislatively mandated requirements, and the service expectations have not diminished.

The headcount of positions requested in the FY 26/27 biennial budget is 257. However, more than half (136) of these are not new, but rather are making permanent previously approved limited period positions; and only 32 of those 136 are funded with General Fund or Highway Fund. Of the 118 net new positions, half are General Fund and the other half are Other funds, including Federal, OSR, and Internal Services funds.

	Total		General Fund		Highway Fund		Fund for a Healthy Maine		Other Funds	
	FY26	FY27	FY26	FY27	FY26	FY27	FY26	FY27	FY26	FY27
Net New Positions	118.185	118.185	89.500	89.500	(55.000)	(55.000)	-	-	83.69	83.69
Continues and makes permanent	136.000	136.000	31.000	32.000	-	-	-	-	105.00	104.00
Impact from adjusting hours	3.222	3.222	(0.808)	(0.808)	1.500	1.500	-	-	2.53	2.53
Transfers	-	-	20.19	32.19	-	-	-	(13.00)	(20.19)	(19.19)
<b>Total Headcount/FTE Count Impact</b>	<b>257.407</b>	<b>257.407</b>	<b>139.884</b>	<b>152.884</b>	<b>(53.500)</b>	<b>(53.500)</b>	<b>-</b>	<b>(13.000)</b>	<b>171.023</b>	<b>171.023</b>

Here is a breakdown of new positions that impact the General Fund:

- 14 in the Department of Health and Human Services
- 14 in the Department of Public Safety, 11 of these in response to the Lewiston mass tragedy after action report
- 2 in the Department of Environmental Protection
- 4 in the Department of Inland Fisheries and Wildlife
- 3 in the Department of Administrative and Financial Services
- 2 in the Department of Agriculture, Conservation and Forestry
- 1 in the Department of Economic and Community Development
- 1.5 (the half is part time) in the Department of Education
- 1 in the Department of Labor
- 2 in the Office of Maine Community Affairs
- 1 Maine State Museum
- **Subtotal of 45.5**
- 5 in the Office of the Chief Medical Examiner within the Office of the Attorney General
- 28 for the Judicial Branch

There are other positions within the environmental departments (5 in IFW and 6 in DMR) – but these are self-funded within their budgets, so they do not impact the General Fund.

### **Total of 89.5**

The rest of the positions within the budget are funded by Other Special Revenues or Federal dollars and have no impact on the General Fund. (Note, the Highway Fund positions being eliminated are vacant crew positions; the Department of Transportation is requesting to use some of the funding to update and modernize crew facilities around the state.)

As additional detail, the following testimony was presented by Commissioner Figueroa to the SLG Committee on February 8, 2024 on LD 2121, “An Act to Address Chronic Understaffing of State Government Positions.”

[Testimony of Kirsten LC Figueroa on LD 2121 02 08 2024.pdf](#)

### **Classification and Compensation Summary of \$1.154 Billion Impact:**

Classification and Compensation efforts have been ongoing throughout the Mills Administration.

The fiscal impact of collective bargaining efforts during the Mills Administration has been more than \$1.154 billion, all funds. Specifically, the impact of these collective bargaining efforts to the 26/27 General Fund biennial budget is \$216 million.

Governor Mills, with approval of the Legislature, has delivered significant wage increases and other benefits to Maine State Employees. From September 2019 to July 2025, every State government employee will be the beneficiary of at least a 24.1 percent increase in their pay. For the more than half of State workers who are eligible for the new Step 9 between July 2024 and July 2025, their cumulative pay growth will be at least 29 percent.

- Three percent raise in September 2019,
- Four percent raise in January 2021,
- Two percent raise in December 2021,
- \$2,000 lump sum payment in December 2021
- Four percent raise in July 2022,
- Six percent raise in October 2023 or January 2024,
- Three percent raise in July 2024.
- Four percent new step 9 effective July 1, 2024 that will impact 50+% of employees currently at step 8 who can move to new step 9 on their next anniversary date
- \$2000 lump sum payment in October 2024

By anyone's standard, 29 percent wage growth in just under five years is significant. This is base salary cost of living adjustments. This comes in addition to other increases, such as longevity pay for employees who have worked longer than five years for the state; a guaranteed promotion pay jump of seven percent (an increase from five percent); merit increases; and significant changes in other pay categories such as stipends, shift differentials, and allowances.

Pay growth was just 10.4% cumulatively over Governor LePage's eight years as Governor, and 12.5% over Governor Baldacci's eight years. In the six years since assuming office, Governor Mills, with approval of the Legislature, has provided more [salary increases for state employees](#) than were provided during the previous 16 years combined.

### **Reports and Updates History:**

Below we include documents that track the progress of State of Maine's Classification and Compensation systems during the Mills Administration since the first resolve in 2019 to conduct a comprehensive study.

In response to the 129<sup>th</sup> Legislature, LD 1214, "Resolve, To conduct a Comprehensive Study of the Compensation System for State Employees," on June 25, 2019, the Memorandum of Agreement was issued for the Department of Administrative and Financial Services (DAFS) to commission a consultant to perform a comprehensive review of the Classification and Compensation system for Executive Branch employees of Maine State Government: [Original MOU for compensation study.pdf](#)

The consultant hired was The Segal Group, Inc. (Segal) and they submitted their Market Study Report on November 20, 2020: [Segal 2020 Market Study Report.pdf](#)

During the following Legislative session, on February 10, 2021, DAFS Commissioner Figueroa provided a written update for the Joint Standing Committee on State and Local Government (SLG) on Segal report's compensation findings: [Update to SLG on DAFS Classification and Compensation 02 10 21.pdf](#)

The following year, DAFS Commissioner Figueroa provided another update to SLG outlining the progress that had been made in the past year: [Commissioner Figueroa's Report 03 31 2022 to SLG Classification and Compensation](#)

Each year DAFS continued to update SLG on the ongoing efforts the Mills Administration continued to make on classification and compensation efforts including in this document on March 6, 2023: [Information provided to Legislators on Class, Comp and Telework 03 06 23 .pdf](#)

DAFS Commissioner Figueroa provided further testimony on ongoing Classification and Compensation efforts when speaking on LD 1854 in May of 2023: [Testimony of Kirsten Figueroa LD 1854 Class and Comp System.pdf](#)

For your reference the resulting law, Public Law 2023, ch. 412, part UUU outlined the requirement to DAFS for a comprehensive review of the classification plan every 10 years (first due January 31, 2024), a periodic updating of the compensation plan at least every 5 years, and a market pay study every 4 years. Negotiations required to start January 31, 2024 in this Part remain in progress: [PL 2023 Ch 412 Pt UUU.pdf](#)

The Report and Recommendations of the Maine State Government Classification and Compensation Plans Study was submitted to Legislators on January 31, 2024: [Report and Recommendations of the Maine State Government Classification and Compensation Plans Study Jan 31 2024.pdf](#)

On February 8, 2024, DAFS Commissioner Figueroa provided testimony to SLG on the Report and Recommendations of the Maine State Government Classification and Compensation Plans Study: [Testimony of Kirsten LC Figueroa for Report and Recommendations of the Maine State Government Class and Comp Plans Study Feb 8 2024.PDF](#)

The Market Pay Report was submitted to Legislators on September 30, 2024: [State of Maine Market Pay Study Sept 2024 Report.pdf](#)

Throughout, the Administration endeavors to keep State employees informed. The following are two of the most recent email updates sent to all employees outlining ongoing classification and compensation efforts sent on November 6, 2023 and September 5, 2024.

[All State Email Class & Comp update Nov. 6 2023.pdf](#)

[All State Email Class Study \\$2,000 Lump Sum 9, 5, 2024.pdf](#)

Of additional note, the [State of Maine has been awarded](#) the 2024 Business Excellence Award by the [Maine Council on Aging](#), and – for the 4<sup>th</sup> consecutive year – named as one of the [Best Large Employers in Maine](#) by Forbes.

### **Next Steps:**

In addition to work on the recommendations of previous reports, the next step will be a comprehensive review of the State's classification system. DAFS will commission an outside entity to conduct this review and to make recommendations. The Administration has committed significant resources towards ensuring the review provides effective guidance for improving the classification system.

At its core, the aim of the study is to ensure our classification system is poised to meet the needs and demands of a modern workforce, including attracting and retaining qualified employees, and to ensure that positions performing similar work with similar levels of knowledge, skills, ability



and accountability are grouped fairly and consistently. The consultant's comprehensive report is expected by December 31, 2025. The Administration and MSEA will meet to bargain on or around May 1, 2026, and DAFS must submit a report to the Legislature by September 1, 2026 that details the process, the study's findings and recommendations, and the Administration's planned next steps.

DAFS is the department responsible for both Human Resources and Budget; we have the unenviable duty to hold staffing and compensation in tension with available resources and responsible State fiscal management. As the Governor and Legislature consider each wage increase and benefit increase, there are a number of factors that must be balanced. Impacts to the General Fund, yes. But also, the impact to other funds. The General Fund supports approximately 44% of the total cost of Personal Services. Increased costs put at risk positions funded with stagnant or diminishing funding, through reduced grant funding, rates that can't be adjusted, or fees that cannot be increased. It is also about balancing resources between funding existing positions and creating new positions. And, as previously discussed, the balance needed to ensure the continued sustainability of these increases to all funding sources. The inability to sustain these increases would likely result in position eliminations and layoffs.

Maine State Government remains committed to being Maine's Employer of Choice and to ensuring that our employees are appropriately compensated and supported for their meaningful contributions to the State of Maine.

## **Reports concerning air quality in Cross Building and State House:**

### **Overview of Safety and Environmental Services at BGS:**

There are two OHS Compliance Assistance Coordinators for Safety and Environmental Services within the Bureau of General Services. This team provides (under 5 M.R.S. §1742-E (1997) assessment, testing and mitigation oversight services for public schools, state-owned properties and leased facilities. They test for asbestos, lead and indoor air quality including radon, mold and other environmental factors.

When the team receives a report of a complaint or issue, they begin their evaluation by reviewing prior reports or assessments, if any; inspecting the site; and conducting extensive interviews with the impacted employees. The assessment may include testing, if it is determined to be appropriate or valuable. Sometimes the issue is identified solely through physical inspection and is straightforward to resolve. Examples are an HVAC issue where something is clearly interfering with the normal operation of the system, or dust buildup is the irritant. In other cases, testing is not optional. For example, testing for radon levels is always needed to determine if they are elevated.

Mold and moisture issues can generally be identified through a careful inspection that often includes moisture measurements and may be supplemented by testing surfaces or dust. Testing air for mold is done in some cases but is not as effective as the surface exam and surface testing approach mentioned above.

After remediation, clearance testing is done to ensure that remediation of surfaces has been effective, and air testing is often done to confirm that there is no airborne mold.

When asbestos or lead paint are suspected through visual inspection, testing is done to confirm their presence. If the materials are damaged and present an exposure risk, or if renovations are planned that will impact the materials, they will be remediated. Environmental regulations allow lead paint and asbestos to be left in a building if the materials are not damaged, however DAFS' practice is to remediate hazardous materials whenever possible.

BGS has established and maintains an ongoing database of state building inspections throughout the state. There are 58 buildings in the Augusta area comprising close to 2 million square feet and 253 leases in all corners of the state comprising 2.5 million square feet. The Division of Safety and Environmental Services also responds to issues in buildings under the management of individual agencies throughout the state. A database maintained by the Division details issues and outcomes of its testing, investigations and inspections, and remediation activities. The database is accessed by visiting the [Safety and Environmental Services page](#) and then clicking on the link "Building Assessment Record" in the upper right corner of this page.

### **Reports specific to Burton Cross Office Building and State House:**

Below are summaries of test results for the Burton Cross Office Building and the State House that were requested by and sent to Representative Montell on January 10, 2025 in response to her request.

[2024 Cross State Office Building CSOB Test Summary\\_0.xlsx](#)

[2024 State House Building Test Summary\\_0.xlsx](#)

[Summary of test results January 2025.pdf](#)

DAFS is actively studying radon remediation, air quality and ventilation in both the State House and Cross Building. The Governor's budget includes a request for MGFA bond authorization that includes \$2 million per building, anticipating system upgrades in both buildings if the bond authorization passes or other funding is provided.

In addition, [this link](#) connects to a folder that contains all the individual test results for different areas of the Capitol Building and the Burton Cross Building.