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No. 1453

H.P. 995

House of Representatives, July 16, 2015

**An Act To Fund Agreements with Bargaining Units for Certain
Executive Branch Employees and Ensure Equitable Treatment for
Other Executive Branch Employees**

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative WINSOR of Norway. (GOVERNOR'S BILL)

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

3 **Whereas,** certain obligations and expenses incident to the operation of state
4 collective bargaining agreements will become due and payable immediately; and

5 **Whereas,** it is the responsibility of the Legislature to act upon those portions of
6 collective bargaining agreements negotiated by the executive branch that require
7 legislative action; and

8 **Whereas,** the Governor and the Legislature share a desire to address in a timely
9 manner the needs of certain state employees excluded from collective bargaining units;
10 and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

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

16 **Sec. 1. Adjustment of salary schedules for fiscal year 2015-16.** Effective at
17 the beginning of the pay week commencing closest to September 1, 2015, the salary
18 schedules for executive branch employees in bargaining units represented by the
19 American Federation of State, County and Municipal Employees, the Maine State
20 Troopers Association and the Maine State Law Enforcement Association must be
21 adjusted upward according to the respective collective bargaining agreements. The salary
22 schedules for executive branch employees in bargaining units represented by the Maine
23 State Employees Association must be adjusted consistent with the terms of any tentative
24 agreements ratified prior to September 30, 2015.

25 **Sec. 2. Adjustment of salary schedules for fiscal year 2016-17.** Effective at
26 the beginning of the pay week commencing closest to July 1, 2016, the salary schedules
27 for executive branch employees in bargaining units represented by the American
28 Federation of State, County and Municipal Employees, the Maine State Troopers
29 Association and the Maine State Law Enforcement Association must be adjusted upward
30 according to the respective collective bargaining agreements. The salary schedules for
31 executive branch employees in bargaining units represented by the Maine State
32 Employees Association must be adjusted consistent with the terms of any tentative
33 agreements ratified prior to September 30, 2015.

34 **Sec. 3. New, temporary and seasonal employees; similar and equitable**
35 **treatment.** Employees in classifications included in bargaining units subject to
36 collective bargaining agreements described in section 6 of this Act who are excluded
37 from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section
38 979-A, subsection 6, paragraphs E and F must be given treatment similar and equitable to
39 that given employees covered by the collective bargaining agreements.

1 **Sec. 4. Confidential employees; similar and equitable treatment.** The
2 salary schedules for confidential employees must be adjusted consistent with the salary
3 schedule adjustment for employees in bargaining units represented by the Maine State
4 Troopers Association and the Maine State Law Enforcement Association. For the
5 purposes of this section, "confidential employees" means those employees within the
6 executive branch, including probationary employees, who are in positions excluded from
7 bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A,
8 subsection 6, paragraphs B, C, D, I and J.

9 **Sec. 5. Employee salaries subject to Governor's adjustment or approval.**
10 The Governor is authorized to grant similar and equitable treatment consistent with this
11 Act for those unclassified employees whose salaries are subject to the Governor's
12 adjustment or approval.

13 **Sec. 6. Costs to General Fund and Highway Fund.** Costs to the General
14 Fund and Highway Fund must be provided in all or part through a transfer of Personal
15 Services appropriations within and between departments and agencies and in accordance
16 with Public Law 2015, chapter 267, Part DDDD and from the Salary Plan program,
17 General Fund account in the Department of Administrative and Financial Services up to
18 \$8,000,000 for the fiscal year ending June 30, 2016 and up to \$12,000,000 for the fiscal
19 year ending June 30, 2017 to implement the economic terms of the collective bargaining
20 agreements made in the months of June through September of calendar year 2015 by the
21 State and the American Federation of State, County and Municipal Employees, the Maine
22 State Troopers Association, the Maine State Law Enforcement Association and the Maine
23 State Employees Association, to provide equitable treatment of employees excluded from
24 bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6,
25 paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph
26 E, subparagraph (3), to implement equitable adjustments for confidential employees.

27 **Sec. 7. Transfer of Personal Services appropriations between programs
28 and departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585
29 or any other provision of law, available balances in the General Fund for Personal
30 Services in fiscal year 2015-16 and fiscal year 2016-17 may be transferred by financial
31 order between programs and departments within the General Fund upon recommendation
32 of the State Budget Officer and approval of the Governor to be used for costs associated
33 with collective bargaining agreements for state employees.

34 **Sec. 8. Transfer from Salary Plan program and special account funding.**
35 The Salary Plan program, General Fund account in the Department of Administrative and
36 Financial Services may be made available as needed in allotment by financial order upon
37 the recommendation of the State Budget Officer and approval of the Governor to be used
38 for the implementation of the collective bargaining agreements for state employees and
39 for other economic items contained in this Act in fiscal years 2015-16 and 2016-17.
40 Positions supported from sources of funding other than the General Fund and the
41 Highway Fund must be funded from those other sources.

42 **Sec. 9. Transfer of Personal Services allocations between programs and
43 departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any

1 other provision of law, available balances in the Highway Fund for Personal Services in
2 fiscal year 2015-16 and fiscal year 2016-17 may be transferred by financial order
3 between programs and departments within the Highway Fund upon recommendation of
4 the State Budget Officer and approval of the Governor to be used for costs associated
5 with collective bargaining agreements for state employees.

6 **Sec. 10. Authorization for reimbursement of costs associated with**
7 **contract resolution.** The Department of Administrative and Financial Services may be
8 reimbursed from the Salary Plan program, General Fund account in the Department of
9 Administrative and Financial Services for the costs of contract resolution, administration
10 and implementation and other costs required by the process of collective bargaining and
11 negotiation procedures.

12 **Emergency clause.** In view of the emergency cited in the preamble, this
13 legislation takes effect when approved.

14 SUMMARY

15 This bill implements the cost items in the collective bargaining agreements reached
16 between the State and the American Federation of State, County and Municipal
17 Employees, the Maine State Troopers Association and the Maine State Law Enforcement
18 Association and, if tentative agreements are ratified, the Maine State Employees
19 Association and provides for equitable treatment for confidential employees and certain
20 other employees excluded from collective bargaining.

21 The bill specifies the costs from the General Fund and Highway Fund to fund salary
22 increases and authorizes the transfer by financial order of available General Fund and
23 Highway Fund balances as necessary.

24 The bill provides for the adjustment of certain salary schedules in fiscal year 2015-16
25 and in fiscal year 2016-17. The bill provides for similar and equitable treatment of
26 confidential employees, probationary employees and other employees excluded from
27 collective bargaining.