



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 2017

H.P. 1299

House of Representatives, June 27, 2023

**An Act to Fund Collective Bargaining Agreements with Executive
Branch Employees**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SACHS of Freeport. (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 employee
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 legislative
7 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; and

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

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

15 **Sec. 1. Adjustment of salary schedules for fiscal years 2023-24 and 2024-25.**

16 The salary schedules for the executive branch employees in bargaining units represented
17 by the American Federation of State, County and Municipal Employees, the Maine State
18 Troopers Association, the Maine State Law Enforcement Association, the Maine Service
19 Employees Association, the Fraternal Order of Police and any other certified bargaining
20 representative for an executive branch bargaining unit must be adjusted consistent with the
21 terms of any agreements ratified by December 31, 2023.

22 **Sec. 2. New, temporary and seasonal employees; similar and equitable**
23 **treatment.** The Governor is authorized to grant similar and equitable treatment consistent
24 with this Act for employees in classifications included in bargaining units subject to
25 collective bargaining agreements described in section 5 of this Act who are excluded from
26 collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A,
27 subsection 6, paragraph F.

28 **Sec. 3. Confidential employees; similar and equitable treatment.** The
29 Governor is authorized to grant similar and equitable treatment consistent with this Act for
30 confidential employees. For the purposes of this section, "confidential employees" means
31 those employees within the executive branch, including probationary employees, who are
32 in positions excluded from collective bargaining units pursuant to the Maine Revised
33 Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

34 **Sec. 4. Employee salaries subject to Governor's adjustment or approval.**
35 The Governor is authorized to grant similar and equitable treatment consistent with this
36 Act for those unclassified employees whose salaries are subject to the Governor's
37 adjustment or approval.

38 **Sec. 5. Costs to General Fund and Highway Fund.** Costs to the General Fund
39 and Highway Fund must be provided wholly or in part through a transfer of Personal
40 Services appropriations within and between departments and agencies from the Salary Plan
41 program, General Fund account in the Department of Administrative and Financial
42 Services in an amount not to exceed \$99,000,000 in total for the fiscal years ending June

1 30, 2024 and June 30, 2025 to implement the economic terms of the most recent collective
2 bargaining agreements made from July 2023 to December 2023 by the State and the
3 American Federation of State, County and Municipal Employees, the Maine State Troopers
4 Association, the Maine State Law Enforcement Association, the Maine Service Employees
5 Association, the Fraternal Order of Police and any other certified bargaining representative
6 for an executive branch bargaining unit, to provide equitable treatment of employees
7 excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26,
8 section 979-A, subsection 6, paragraph F and, notwithstanding Title 26, section 979-D,
9 subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for
10 confidential employees.

11 **Sec. 6. Transfer of Personal Services appropriations between programs**
12 **and departments; General Fund.** Notwithstanding the Maine Revised Statutes, Title
13 5, section 1585 or any other provision of law to the contrary, available balances in the
14 General Fund for Personal Services in fiscal year 2023-24 and fiscal year 2024-25 may be
15 transferred by financial order between programs and departments within the General Fund
16 upon recommendation of the State Budget Officer and approval of the Governor to be used
17 for costs associated with collective bargaining agreements for state employees.

18 **Sec. 7. Transfer from Salary Plan program and special account funding.**
19 The Salary Plan program, General Fund account in the Department of Administrative and
20 Financial Services may be made available as needed in allotment by financial order upon
21 the recommendation of the State Budget Officer and approval of the Governor to be used
22 for the implementation of the collective bargaining agreements for state employees and for
23 other economic items contained in this Act in fiscal year 2023-24 and fiscal year 2024-25.
24 Positions supported from sources of funding other than the General Fund and the Highway
25 Fund must be funded from those other sources.

26 **Sec. 8. Transfer of Personal Services allocations between programs and**
27 **departments; Highway Fund.** Notwithstanding the Maine Revised Statutes, Title 5,
28 section 1585 or any other provision of law to the contrary, available balances in the
29 Highway Fund for Personal Services in fiscal year 2023-24 and fiscal year 2024-25 may
30 be transferred by financial order between programs and departments within the Highway
31 Fund upon recommendation of the State Budget Officer and approval of the Governor to
32 be used for costs associated with collective bargaining agreements for state employees.

33 **Sec. 9. Authorization for reimbursement of costs associated with**
34 **comprehensive review of classification and compensation system.** The
35 Department of Administrative and Financial Services may be reimbursed up to \$1,200,000
36 from the Salary Plan program, General Fund account in the Department of Administrative
37 and Financial Services for additional resources necessary to finalize the efforts of the
38 ongoing comprehensive review of the classification and compensation system for
39 employees of the executive branch of State Government and to conduct a market pay study
40 that compares the salaries of state employees with employees performing comparable work
41 for a sampling of private and public employees in the State, other New England states and
42 other states as appropriate by September 30, 2024.

43 **Sec. 10. Authorization for reimbursement of costs associated with contract**
44 **resolution.** The Department of Administrative and Financial Services may be reimbursed
45 from the Salary Plan program, General Fund account in the Department of Administrative

1 and Financial Services for the costs of contract resolution, administration and
2 implementation and other costs required by the process of collective bargaining and
3 negotiation procedures.

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

6 **SUMMARY**

7 This bill implements the cost items in the collective bargaining agreements reached
8 between the State and the American Federation of State, County and Municipal Employees,
9 the Maine State Troopers Association, the Maine State Law Enforcement Association, the
10 Maine Service Employees Association, the Fraternal Order of Police and any other certified
11 bargaining representative for an executive branch bargaining unit and provides for
12 equitable treatment for confidential employees and certain other employees excluded from
13 collective bargaining.

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

17 The bill provides for the adjustment of certain salary schedules in fiscal year 2023-24
18 and in fiscal year 2024-25 consistent with agreements ratified by December 31, 2023. The
19 bill provides for similar and equitable treatment of confidential employees, probationary
20 employees and other employees excluded from collective bargaining.

21 The bill authorizes the Department of Administrative and Financial Services to be
22 reimbursed up to \$1,200,000 for finalization of the ongoing comprehensive review of the
23 classification and compensation system for executive branch employees and for a market
24 pay study comparing state salaries with those of employees performing comparable work
25 of a sampling of certain private and public employees.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**



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LD 2017

LR 2599(01)

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Fiscal Note for Original Bill
Sponsor: Rep. Sachs of Freeport
Committee: Not Referred
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Current biennium increase - Highway Fund

Fiscal Detail and Notes

This bill authorizes the adjustment of salary schedules upward consistent with various collective bargaining agreements. The General Fund and Highway Fund costs are to be supported through transfers between and within departments and agencies and through the Salary Plan program, General Fund account within the Department of Administrative and Financial Services. Transfers from the Salary Plan are limited to up to \$99,000,000 in fiscal years 2023-24 and 2024-25. The unobligated balance in the Salary Plan as of June 23, 2023 is \$108,574,334. It is anticipated that additional balances will lapse to the program at the end of the fiscal year.