



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1845

H.P. 1316

House of Representatives, June 18, 2019

**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. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GATTINE of Westbrook. (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 years 2019-20 and 2020-**
17 **21.** The salary schedules for the executive branch employees in bargaining units
18 represented by the American Federation of State, County and Municipal Employees, the
19 Maine State Troopers Association, the Maine State Law Enforcement Association and the
20 Maine State Employees Association must be adjusted consistent with the terms of any
21 ratified contracts.

22 **Sec. 2. New, temporary and seasonal employees; similar and equitable**
23 **treatment.** The Governor is authorized to grant similar and equitable treatment
24 consistent with this Act for employees in classifications included in bargaining units
25 subject to collective bargaining agreements described in section 5 of this Act who are
26 excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26,
27 section 979-A, subsection 6, paragraphs E and 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
30 for confidential employees. For the purposes of this section, "confidential employees"
31 means those employees within the executive branch, including probationary employees,
32 who are in positions excluded from 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.

1 **Sec. 5. Costs to General Fund and Highway Fund.** Costs to the General
2 Fund and Highway Fund must be provided wholly or in part through a transfer of
3 Personal Services appropriations within and between departments and agencies from the
4 Salary Plan program, General Fund account in the Department of Administrative and
5 Financial Services up to \$15,000,000 for the fiscal year ending June 30, 2020 and up to
6 \$30,000,000 for the fiscal year ending June 30, 2021 to implement the economic terms of
7 the most recent collective bargaining agreements made by the State and the American
8 Federation of State, County and Municipal Employees, the Maine State Troopers
9 Association, the Maine State Law Enforcement Association and the Maine State
10 Employees Association, to provide equitable treatment of employees excluded from
11 bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6,
12 paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph
13 E, subparagraph (3), to implement equitable adjustments for confidential employees.

14 **Sec. 6. Transfer of Personal Services appropriations between programs
15 and departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585
16 or any other provision of law to the contrary, available balances in the General Fund for
17 Personal Services in fiscal year 2019-20 and fiscal year 2020-21 may be transferred by
18 financial order between programs and departments within the General Fund upon
19 recommendation of the State Budget Officer and approval of the Governor to be used for
20 costs associated with collective bargaining agreements for state employees.

21 **Sec. 7. Transfer from Salary Plan program and special account funding.**
22 The Salary Plan program, General Fund account in the Department of Administrative and
23 Financial Services may be made available as needed in allotment by financial order upon
24 the recommendation of the State Budget Officer and approval of the Governor to be used
25 for the implementation of the collective bargaining agreements for state employees and
26 for other economic items contained in this Act in fiscal years 2019-20 and 2020-21.
27 Positions supported from sources of funding other than the General Fund and the
28 Highway Fund must be funded from those other sources.

29 **Sec. 8. Transfer of Personal Services allocations between programs and
30 departments.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any
31 other provision of law to the contrary, available balances in the Highway Fund for
32 Personal Services in fiscal year 2019-20 and fiscal year 2020-21 may be transferred by
33 financial order between programs and departments within the Highway Fund upon
34 recommendation of the State Budget Officer and approval of the Governor to be used for
35 costs associated with collective bargaining agreements for state employees.

36 **Sec. 9. Authorization for reimbursement of costs associated with contract
37 resolution.** The Department of Administrative and Financial Services may be
38 reimbursed from the Salary Plan program, General Fund account in the Department of
39 Administrative and Financial Services for the costs of contract resolution, administration
40 and implementation and other costs required by the process of collective bargaining and
41 negotiation procedures.

42 **Sec. 10. Payment for settlement agreement.** Payments to affected executive
43 branch employees made in accordance with overtime pay settlements between the State

1 of Maine and the Maine State Troopers Association, the Maine State Law Enforcement
2 Association, the American Federation of State, County and Municipal Employees and the
3 Maine State Employees Association must be made within available balances in the
4 General Fund and Highway Fund for Personal Services in fiscal year 2019-20 for those
5 affected departments and agencies. Such payments for positions supported from sources
6 other than the General Fund and the Highway Fund must be funded from those other
7 sources. When available balances are insufficient in the General Fund and Highway
8 Fund, the Salary Plan program, General Fund account within the Department of
9 Administrative and Financial Services may be used as needed in allotment by financial
10 order upon the recommendation of the State Budget Officer and approval of the Governor
11 in fiscal year 2019-20. Transfers from the Salary Plan program pursuant to this
12 settlement may not exceed \$2,100,000 in fiscal year 2019-20.

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

15 **SUMMARY**

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

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

25 The bill also specifies the costs from the General Fund and Highway Fund to fund the
26 overtime payment settlements and authorizes the transfer by financial order of available
27 General Fund and Highway Fund balances as necessary.

28 The bill provides for the adjustment of certain salary schedules in fiscal year 2019-20
29 and in fiscal year 2020-21 consistent with ratified contracts. The bill provides for similar
30 and equitable treatment of confidential employees, probationary employees and other
31 employees excluded from collective bargaining.

32 **FISCAL NOTE REQUIRED**

33 **(See attached)**



129th MAINE LEGISLATURE

LD 1845

LR 2566(01)

An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

Fiscal Note for Original Bill
Sponsor: Rep. Gattine of Westbrook
Committee: Not Referred
Fiscal Note Required: Yes

Fiscal Note

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

Fiscal Detail and Notes

This bill authorizes the adjustment of salary schedules upward consistent with the 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 \$17,100,000 in fiscal year 2019-20 and \$30,000,000 in fiscal year 2020-21. The unobligated balance in the Salary Plan as of June 2019 is \$39,525,199. It is anticipated that additional balances will lapse to the program at the end of the fiscal year. Since 2019, transfers into the Salary Plan have averaged about \$8,300,000 per year.