

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1316 - L.D. 1845

An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

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

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

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

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

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

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

Sec. 1. Adjustment of salary schedules for fiscal years 2019-20 and 2020-21. The salary schedules for the executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and the Maine State Employees Association must be adjusted consistent with the terms of any ratified contracts.

Sec. 2. New, temporary and seasonal employees; similar and equitable treatment. The Governor is authorized to grant similar and equitable treatment consistent with this Act for employees in classifications included in bargaining units

subject to collective bargaining agreements described in section 5 of this Act who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F.

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

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

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

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

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

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

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

Sec. 10. Payment for settlement agreement. Payments to affected executive branch employees made in accordance with overtime pay settlements between the State of Maine and the Maine State Troopers Association, the Maine State Law Enforcement Association, the American Federation of State, County and Municipal Employees and the Maine State Employees Association must be made within available balances in the General Fund and Highway Fund for Personal Services in fiscal year 2019-20 for those affected departments and agencies. Such payments for positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources. When available balances are insufficient in the General Fund and Highway Fund, the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor in fiscal year 2019-20. Transfers from the Salary Plan program pursuant to this settlement may not exceed \$2,100,000 in fiscal year 2019-20.

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