

Testimony of Jeff McCabe
Maine Service Employees Association, SEIU Local 1989

Before the Joint Standing Committee on Labor and Housing

In Support of LD 483 An Act to Amend the Laws Governing Retirement Benefit Reductions for
Certain Employees Currently Included in the 1998 Special Plan
Sponsored by Representative Pluecker

March 2, 2023, Cross Office Building Room 202, and Electronically

Senator Tipping, Representative Roeder, members of the Committee on Labor and Housing, my name is Jeff McCabe, Director of Politics and Legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. The Maine Service Employees Association represents over 13,000 workers across the state, including Corrections Supervisors such as Correctional Captains, Unit Managers and others within the Maine Department of Corrections (DOC). We're here in support of LD 483.

This legislation addresses a needed correction from legislation passed in 2021, which has created an ongoing equity issue involving Corrections Supervisors employed in the Maine DOC. As you may recall, the Legislature last year enacted LD 190 removing the early-retirement penalties for Correctional Officers. That legislation covered certain Correctional officers (Guards) in the 1998 Special Plan who receive a direct-care stipend and who are covered by the AFSCME Union. However, that enacted legislation did not remove the same early-retirement penalties for Corrections Supervisors, whom MSEA represents. In most cases, these Corrections Supervisors have been promoted from other positions within Corrections, and in many cases from Correctional Officers to Supervisors. In doing so, these Correctional Captains, Unit Managers, Juvenile Program Managers and other supervisory positions are now left out of the fix that LD 190 was meant to correct. These Corrections Supervisors, who aren't covered by LD 190, work in direct care and security, and work in the housing units with the same workers who benefited from the passage of LD 190.

We are respectfully asking the committee to allow MSEA, MainePERS and DAFS to work on the list of who the remaining employees are who are affected by this, update the statutory language needed and work on the creation of a fiscal note over the next couple weeks.

We bring a number of these bills to this committee knowing that funding will depend on available financial resources and we have seen in years past bills similar to this funded by department resources or even special revenue sources. Please remember this requires one-time funding and one-time funding can be available or discovered during the budget process.

In order to recruit and retain qualified employees, the State of Maine must work to address inequities and fix issues like this. Issues like this fester and create unnecessary concern among workers.

I'm attaching related testimony from 2022, and I am happy to take any questions. Thank you.

Testimony of Jeff McCabe

Maine Service Employees Association, SEIU Local 1989

Before the Joint Standing Committee on Labor and Housing

In Support of LD 1840, An Act to Amend the Laws Governing Retirement Benefit Reductions for
Corrections Supervisors Currently Included in the 1998 Special Plan,
Sponsored by Senate President Troy Jackson

9 AM Wednesday, Jan. 19, 2022, Cross Office Building 202

Senator Hickman, Representative Sylvester, members of the Committee on Labor and Housing, my name is Jeff McCabe, Director of Politics and Legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. The Maine Service Employees Association represents over 13,000 workers across the state, including Corrections Supervisors such as Correctional Captains, Unit Managers and others within the Maine Department of Corrections (DOC). We're here in support of LD 1840.

Fortunately, there is a solution to this inequity. LD 1840 would remove the early-retirement penalties for Corrections Supervisors who are stuck in a loophole that did not get fixed last year.

I'd like to draw your attention to MainePERS testimony from 2021 that was given on LD 190, as it explains this issue well. MainePERS stated, "Benefits are calculated based upon the plan under which the service was earned. The result for those members with some service in a regular plan and some service in a special plan is a 'split age reduction' such that the regular plan service is reduced for early retirement prior to 60, 62 or 65, and the special plan service is reduced for early retirement only if retirement is prior to age 55. Members with all or a high percentage of their service under the 1998 Special Plan are more greatly advantaged by that plan. L.D. 190 would change the manner in which certain Department of Corrections employees are included in the 1998 Special Plan. Specifically, it would treat all service, whenever earned, as being earned in the 1998 Special Plan, and therefore no longer subject to the split age reduction." The entire MainePERS testimony on LD 190 is here:

<https://legislature.maine.gov/bills/getTestimonyDoc.asp?id=143691>.

My point in quoting that MainePERS testimony is with LD 1840, we're seeking to accomplish this same objective for Corrections Supervisors such as Correctional Captains, Unit Managers and others within the Maine DOC.

Senate President Jackson, the sponsor of LD 1840, also testified in 2021 in support of LD 190. At the time, President Jackson told the committee, "The mental and physical toll of guarding and protecting other officers and those under the care of the Department of Corrections is extremely burdensome. Therefore, it is unreasonable to expect these workers to maintain their health and stay on the job until what is considered 'normal' retirement age. Unfortunately, the

1998 Plan did not include all correctional workers. This bill is an attempt to mitigate that oversight.”

Similarly, LD 1840 is an attempt to address the inequity of Corrections Supervisors in the 1998 Special Plan facing early-retirement penalties even though they are technically included in the Special Plan.

Corrections retirement is a contributing factor to the serious retention problems the Maine DOC is experiencing; it’s emblematic of the retention problem throughout Maine State Government. This is a small fix for a fraction of employees that would have a positive impact. We expect to propose much-needed changes in 2023 to address larger concerns in retirement for state employees.

In order to recruit and retain qualified employees, the State of Maine must respect them, protect them and pay them fairly for their work. Passing LD 1840 would be an important step toward showing the Corrections Supervisors in the Maine DOC the respect they have earned.

I would ask the committee to allow MSEA, MainePERS and DAFS to work on a list of who these deserving employees are, the statutory language needed and the creation of a fiscal note over the next couple weeks.

Thank you and I would be glad to answer any questions.