

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 617 - L.D. 1576

**An Act To Fund Agreements with Certain State Employee Unions and
Ensure Equitable Treatment for Other State 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. PL 2013, c. 368, Pt. E, §1 is amended to read:

Sec. E-1. Merit increases. Notwithstanding the Maine Revised Statutes, Title 26, ~~section~~ sections 979-D and 1285, or any other provision of law, any merit increase, regardless of funding source, scheduled to be awarded or paid between July 1, 2014 and June 30, 2015 to any person employed by the departments and agencies within the executive branch, including the constitutional officers and the Office of the State Auditor, or by the legislative branch or judicial branch may not be awarded, authorized or implemented. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

Sec. 2. Costs to General Fund. Costs to the General Fund must be provided in all or part through a transfer of Personal Services appropriations within and between departments and agencies and from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount of \$2,531,317 for the fiscal year ending June 30, 2014 and in the amount of \$6,234,562 for the fiscal year ending June 30, 2015 to implement the economic terms of the 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, subject to ratification, 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. 3. Transfer of Personal Services appropriations between programs and departments. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the General Fund for Personal Services in fiscal year 2013-14 and fiscal year 2014-15 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. 4. Costs to the Highway Fund. Costs to the Highway Fund must be provided in all or part through a transfer of Personal Services allocations within and between departments and agencies and from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in the amount of \$879,796 for the fiscal year ending June 30, 2014 and in the amount of \$2,181,684 for the fiscal year ending June 30, 2015 to implement the economic terms of the 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, subject to ratification, 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. 5. Transfer of Personal Services allocations between programs and departments. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the Highway Fund for Personal Services in fiscal year 2013-14 and fiscal year 2014-15 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. 6. Adjustment of salary schedules for fiscal year 2013-14. Effective at the beginning of the pay week commencing closest to September 1, 2013, the salary schedules for employees subject to the collective bargaining agreements described in sections 2 and 4 of this Act must be adjusted upward by 1%. The salary schedule

adjustment made by this section for employees in bargaining units represented by the Maine State Employees Association is contingent upon ratification of the agreements tentatively agreed to on July 3, 2013.

Sec. 7. Adjustment of salary schedules for fiscal year 2014-15. Effective at the beginning of the pay week commencing closest to July 1, 2014, the salary schedules for employees subject to the collective bargaining agreements described in sections 2 and 4 of this Act must be adjusted upward by 1%. The salary schedule adjustment made by this section for employees in bargaining units represented by the Maine State Employees Association is contingent upon ratification of the agreements tentatively agreed to on July 3, 2013.

Sec. 8. New, temporary and seasonal employees; similar and equitable treatment. Employees in classifications included in bargaining units subject to collective bargaining agreements described in sections 2 and 4 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 must be given treatment similar and equitable on a pro rata basis to that given employees covered by the collective bargaining agreements.

Sec. 9. Confidential employees; similar and equitable treatment. Confidential employees must be given treatment similar and equitable on a pro rata basis to that given employees covered by collective bargaining agreements described in sections 2 and 4 of this Act. The Governor is authorized to adjust the salaries of confidential employees to achieve parity with their counterparts in the legislative branch and judicial branch, and such adjustments may be made effective July 1, 2013. 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. 10. 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. 11. 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 2013-14 and 2014-15. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

Sec. 12. 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.

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