

**MEMORANDUM OF AGREEMENT
REGARDING IMPLEMENTATION OF P.L.2009, Ch. 213
STATE OF MAINE EXECUTIVE BRANCH
AND
MSEA-SEIU LOCAL 1989
Administrative Services;
Operations, Maintenance and Support Services;
Professional and Technical Services; and
Supervisory Services
Bargaining Units**

**PROVISIONS RELATED TO STATE GOVERNMENT
CLOSURE DAYS**

1. SCOPE OF AGREEMENT

This Agreement modifies and/or supplements the parties' 2009-2011 collective bargaining agreements between the State of Maine Executive Branch ("State") and the Maine State Employees Association, SEIU Local 1989 ("MSEA-SEIU") for the Administrative Services, Operations, Maintenance and Support Services, Professional and Technical Services and Supervisory Services Bargaining Units to address impacts of the State Government closure days mandated by P.L. 2009, Ch. 213, Sec. SSS-3 ("closure days"). Except as provided in Section 6 of this Agreement (Vacation Accrual), the Agreement shall be effective upon ratification through June 30, 2011. Section 6 shall remain in effect through July 1, 2012. This Agreement has no applicability to any days other than these closure days. Furthermore, this Agreement shall not be construed as an admission nor set precedent on any issues addressed herein.

2. EMPLOYEES SCHEDULED TO WORK MORE THAN EIGHT HOURS

Employees on voluntary Alternate Work Schedules will revert to a five day, eight hours per day, schedule for workweeks that include a closure day, except if the employee and his or her supervisor agree otherwise consistent with the H.R. Memorandum on Flexible Work Schedules.

If an employee is regularly scheduled by a department, agency or other operational unit to work more than an eight (8) hour day, either due to a mandatory Alternate Work Schedule or scheduled overtime, the employee may be compensated as follows for the time in excess of eight (8) hours that he or she would ordinarily have worked on the closure day:

- a. Except when operational needs require otherwise, upon mutual agreement, an employee may work the time in excess of eight (8) hours on other day(s) within the same pay week without earning overtime pay over and above what he or she would have earned had there been no closure day; or
- b. if no agreement is requested or reached under option (a), the employee must choose to be compensated for the time in excess of eight (8) hours either by using paid leave (vacation, personal or compensating time off) or by going off payroll.

3. COMPENSATION FOR CALL OUTS

Calls outs occurring on a closure day during the hours that would otherwise have been the employee's regular work hours will be compensated as follows: Any employee who is eligible for overtime who is called out for work outside of and not continuous with his/her regular hours will be paid a minimum of four (4) hours of the employee's regular rate of pay or hours actually worked at the appropriate rate, whichever is greater, except that if the employee is called out more than once in a single four (4) hour period, the employee will be paid at the appropriate rate for the hours worked for any subsequent call out during that four (4) hour period.

Call outs occurring on a closure day outside of the hours that would otherwise have been the employee's regular work hours will be compensated as provided under the applicable collective bargaining agreement under the Call Out section of the Compensation Article.

4. DISPUTE RESOLUTION

The parties acknowledge that problems may arise in the administration of this Agreement that may require the State and MSEA-SEIU to meet from time to time for purposes of reviewing the application or general administration of the Agreement. The parties agree to meet within a

reasonable time at the request of the other. Disputes arising out of the application of this Agreement will not, however, be grievable under the Grievance Procedure Articles of the 2009-2011 collective bargaining agreements. In addition, the Commissioner of the Department of Administrative and Financial Services' determinations regarding which classifications are exempt from closure days and the numbers of employees within each classification that will be exempt from closure days are not grievable or arbitrable under the Grievance Procedure Articles of the 2009-2011 collective bargaining agreements.

5. HOLIDAYS

When a closure day occurs immediately before or after a State-observed holiday, the State waives the application of Chapter 11 Section (1)(B)(2) of the Civil Service Rules and the Civil Service policy referenced therein, requiring that an employee must be in pay status on the work days immediately preceding and following a holiday in order to receive holiday pay.

6. VACATION ACCRUAL

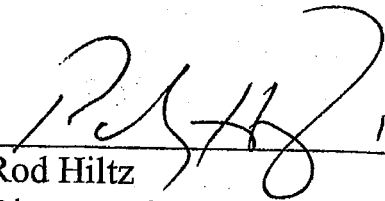
Until January 1, 2012, employees may accrue vacation credits in excess of the maximum accumulation allowed pursuant to the applicable collective bargaining agreements. However, the limitation on the amount of vacation leave for which an employee is compensated at the time of transfer or termination as provided by the collective bargaining agreements remains the same. As of January 1, 2012, employees must be at or below the maximum allowable accumulation, *provided however*, that if prior to that date employees have been denied vacation leave due to operational needs, this deadline for being at or below the maximum allowable accumulation is extended to July 1, 2012.

7. WORK ASSIGNMENT

Where not all employees in the same classification in a work group or at a work location are scheduled to work on a closure day, work will be offered to employees in that classification on a continuing rotation on the basis of seniority. An employee who requests to be skipped, shall not be rescheduled to work on a closure day until his or her name is reached again in the rotation sequence. If no one accepts the work assignment, employees in that


classification in that work group or at that work location will be scheduled on the basis of inverse seniority.

Tentatively agreed to by:



Rod Hiltz
Director of Field Services
MSEA-SEIU Local 1989

11/13/09
Date



Alicia Kellogg
Director, Bureau of Human Resources
State of Maine

13 Nov. 09
Date