

PART SSS

Sec. SSS-1. 5 MRSA §17001, sub-§4, ¶A, as amended by PL 2003, c. 486, §3, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff or other time off without pay as a result of a Governor's Executive Order, time off without pay or loss of pay pursuant to the agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department and the Maine State Employees Association, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, or, if a member elects to make the payments as set forth in section 17704-B, as a result of days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay as authorized by legislative action, by the State Court Administrator or from executive order for the fiscal year beginning July 1, 2002, July 1, 2009 or July 1, 2010, or a combination thereof, or, if a member is subject to days off without pay, not to exceed 10 days in each fiscal year ending June 30, 1992 and June 30, 1993, as a result of actions taken by local school administrative units to offset school subsidy reductions or, notwithstanding section 18202, as a result of actions of a participating local district to offset reductions in municipal revenue sharing or a combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay or provided days off without pay; or

Sec. SSS-2. 5 MRSA §17704-B, as enacted by PL 2003, c. 486, §4, is amended to read:

§ 17704-B. **Back contributions for certain days off without pay**

1. Election. If the retirement system determines at the time a member retires that the member's benefit would be increased as a result of the inclusion of compensation that would have been paid for days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay in fiscal year 2002-03 ~~days off without pay~~, 2009-10 or 2010-11, or a combination thereof, as provided in section 17001, subsection 4, paragraph A, the retirement system shall advise the member of that result and shall allow the member to elect to have that compensation included in the calculation of the member's benefit and to make payments set forth in subsection 2.

2. Payment. The amount that a member who makes the election permitted in subsection 1 must pay is the amount equal to the employee contribution that member would have made on wages compensation that would have been paid to that member on the days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay during ~~the 2002-03~~ fiscal year 2002-03, 2009-10 or 2010-11, or a combination thereof, as provided in section 17001, subsection 4, paragraph A, plus interest at the same rate as that required for payment of back contributions pursuant to section 17704, subsection 3. If the member elects to make the payment, the retirement system shall withhold the required amount from the member's first retirement benefit check.

3. Benefit calculation. If the member fails to make the election within 31 days of the notification provided under subsection 1, the retirement system shall calculate the member's retirement benefit without inclusion of the days off without pay and without inclusion of the compensation that otherwise would have been paid if the freezing of merit pay and longevity pay had not occurred during ~~the 2002-03~~ fiscal year 2002-03, 2009-10 or 2010-11, or a combination thereof, as provided in section 17001, subsection 4, paragraph A.

Sec. SSS-3. State Government closure. Notwithstanding any other provision of law and excepting those operations determined to be exempt by the nature of the services provided as established by the Commissioner of Administrative and Financial Services, all executive branch state departments, agencies and offices must be closed for 10 days in fiscal year 2009-10 and 10 days in fiscal year 2010-11 as determined by the Governor and referred to as "State Government closure days." There may be no more than one day of closure per month and no more than one day of closure falling within any single employee payroll cycle.

Any employee who is not required to work on State Government closure days must take the days off without pay. Employee leave with pay or unpaid leave pursuant to a voluntary employee incentive program is not allowed for those days designated as State Government closure days. The provisions of this section do not apply to an employee who is required to work because an operation is determined to be exempt pursuant to this section.

Sec. SSS-4. Merit increases and longevity payments. Notwithstanding the Maine Revised Statutes, Title 26, section 979-D or section 1285 or any other provision of law, any merit increase or longevity payment, regardless of funding source, scheduled to be awarded or paid between July 1, 2009 and June 30, 2011 to any person employed by the departments and agencies within the executive and judicial branches, including the constitutional officers and the Department of Audit, 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. SSS-5. Personal Services adjustments for the 2010-2011 biennium; legislative branch. Notwithstanding the State Employees Labor Relations Act or any

other provision of law, the Personal Services expenditures for the legislative branch must be adjusted to achieve Personal Services savings in a manner determined by the Legislative Council including implementation of office closures and suspension of merit or step increases and longevity stipends for the 2010-2011 biennium.

Sec. SSS-6. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in the Statewide - Shut Down account within the Department of Administrative and Financial Services in section 8 of this Part that applies against each General Fund account for all executive branch departments and agencies statewide and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2009-10 and fiscal year 2010-11.

Sec. SSS-7. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 8 of this Part that applies against each General Fund account for all departments and agencies from savings associated with eliminating merit pay increases and longevity payments and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2009-10 and fiscal year 2010-11. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2009.

Sec. SSS-8. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds from savings related to 10 state shutdown days in fiscal year 2009-10 and again in fiscal year 2010-11.

GENERAL FUND	2009-10	2010-11
Personal Services	(\$6,410,000)	(\$6,410,000)
	_____	_____
GENERAL FUND TOTAL	(\$6,410,000)	(\$6,410,000)

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds from eliminating merit pay increases during the 2010-2011 biennium.

GENERAL FUND	2009-10	2010-11
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Personal Services (\$3,151,944) (\$6,303,888)

GENERAL FUND TOTAL (\$3,151,944) (\$6,303,888)

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds from eliminating longevity payments during the 2010-2011 biennium.

GENERAL FUND 2009-10 2010-11

Personal Services (\$1,685,067) (\$1,738,792)

GENERAL FUND TOTAL (\$1,685,067) (\$1,738,792)

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS 2009-10 2010-11

GENERAL FUND (\$11,247,011) (\$14,452,680)

DEPARTMENT TOTAL - ALL FUNDS (\$11,247,011) (\$14,452,680)