

STATE OF MAINE

DEPARTMENT OF PERSONNEL

June 25, 1984

PERSONNEL MEMORANDUM 3-84

TO: All Department/Agency Heads/Personnel Officers

SUBJECT: LAYOFFS - ALCOHOLIC BEVERAGES

The State and the MSEA have concluded negotiations relative to the impact of the closing of the State Liquor Warehouse and the employees affected by that closing. As a result of those negotiations, an agreement has been reached to insure that affected employees are placed in other State government positions.

The following represents the terms of the agreements which involve the filling of vacancies and the notification of vacancies:

1. Filling of Vacancies

- (a) Direct Hire Positions - Affected employees shall be treated as agency transfer candidates, after application of the recall provisions of the MSEA contracts, with respect to all vacancies which would represent a bona fide transfer or demotion to the employee. They shall be given priority consideration over any agency promotional, statewide promotional, or open competitive candidates. Employees shall be selected on the basis of seniority being the sole determining factor for all such applicants meeting the minimum qualifications for the position.
- (b) Direct Hire Positions - For positions above the pay range held by the affected employee, such employee shall be treated as agency promotional in all cases. Where ability and qualifications to perform the duties of the position are substantially equal, seniority shall determine the final selection.

- (c) Competitive Positions - Affected employees who pass the appropriate examination shall be certified to the appointing authority for consideration and interviewed in the same manner as the other candidates for the position, except that the recall rights of employees on the layoff register for the classification in which the vacancy occurs shall not be modified by the agreement.
- (d) Demotion in Lieu of Layoff - The State shall waive the five percent (5%) demotion rule for positions with funding available to place the affected employee on the step in the new pay range which is equal to or the step which provides the least reduction to the employee's old salary; but in all cases, the employee must be assigned to a step within the pay range assigned to that classification.

- 2. Posting of Direct Hire Vacancies - Whenever a vacancy for a direct hire position covered by an MSEA bargaining agreement is posted, a copy of the posting shall be also forwarded to MSEA on the same day that it is posted.

These terms will remain in effect until further notice.

If you have any questions regarding the provisions of this agreement, contact Gary Mather or Frank Johnson of my staff.



DAVID W. BUSTIN
COMMISSIONER