

STATE OF MAINE  
BUREAU OF HUMAN RESOURCES

December 21, 1987

**HUMAN RESOURCES MEMORANDUM 21-87**

**TO:** Personnel Managers and Directors of Administrative Services

**SUBJECT:** Requirement for Applications Upon Reclassification

**REFERENCE:** Attached Settlement Agreement

The attached agreement removes the requirement to request applications and service ratings, or in any way to require applications upon reclassification for employees who are covered by an MSEA agreement.

This agreement resolves a grievance that is based on the argument that an interest arbitration award from 1984 effectively amended the MSEA collective bargaining agreements to render certain provisions of Civil Service Rule 4.7 void.

The interest arbitration award affects MSEA agreements only. Employees represented by other bargaining agents and confidential employees are still subject to the provisions of 4.7.

We will be taking action in the near future to amend Rule 4.7 so that all employees are treated in a similar fashion. Until then, care must be taken to determine bargaining unit representation to determine which procedure to use.

This applies immediately to all reclassifications pending in this Bureau at any stage.

Please refer any questions that you may have to Everett Johnson, telephone 4414.

  
Nancy J. Kenniston, Director  
BUREAU OF HUMAN RESOURCES

Attachment

In the Matter of the Grievance Between )  
MAINE STATE EMPLOYEES ASSOCIATION )  
and )  
STATE OF MAINE, Dept. of Human Services )  
GR: David Lanman, State #1175 )  
AAA #1139-0242-87 )

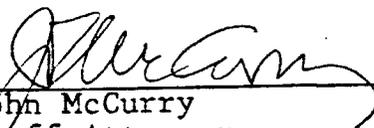
SETTLEMENT  
AGREEMENT

The State of Maine ("State") and the Maine State Employees Association ("MSEA"), the parties to the above-captioned grievance, in consideration of mutual promises herein, agree as follows:

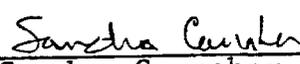
1. The State agrees that, under the current contract, when an employee's position is reclassified, that employee shall not be required to complete an application or to have a service rating completed.
2. The Union agrees to withdraw the grievance in this case, AAA #1139-0242-87.
3. The parties agree that the purpose of this settlement is to provide for full and final settlement of the above-captioned grievance.
4. This settlement agreement does not constitute and shall not be construed to be an admission by either party as to any other matters raised by the grievance.

5. Neither MSEA nor the State will make reference to this matter through published articles, newsletters, or press releases.

Seen and Agreed to By:

  
\_\_\_\_\_  
John McCurry  
Staff Attorney  
Maine State Employees Assoc.

12/12/87  
Date

  
\_\_\_\_\_  
Sandra Carraher  
Counsel  
Bureau of Employee Relations

12-12-87  
Date