

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Bureau of Human Resources

December 21, 1995

HUMAN RESOURCES MEMORANDUM 17-95

TO: Agency Heads, Directors of Administrative Services, Agency Personnel Officers and Managers

SUBJECT: Transferring General Fund Positions Between Accounts and Departments

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Reference: PL 99, Part D, Section D-5
Special Agreements (MSEA and AFSCME)

Purpose: The Governor's Office has directed all agencies and departments to aggressively explore opportunities to use vacancies in lieu of layoffs to meet productivity goals. In order to accomplish this, the Governor will use his authority to transfer General Fund positions between accounts and departments. This memorandum provides information about this initiative.

PL 99, Part D, Section D-5

This law authorizes the Governor to transfer by financial order positions between General Fund accounts and between departments, and to transfer available balances of any General Fund appropriation between line categories, accounts and departments.

The law further requires that any incumbent in a transferred position at the time of transfer must be transferred along with the position.

Special Labor/Management Agreements

Special agreements have been negotiated with bargaining agents (the Maine State Employees Association and the American Federation of State, County and Municipal Employees) that must be adhered to as positions are identified for transfer under the authority of PL 99. The following outlines the key provisions of those agreements:

- Based on funding or accounts, select among the qualified employees in a classification within a work unit at a work location based on seniority.

- The most senior employee within the work unit and classification who is immediately qualified to perform the duties of the position is entitled to the transfer or reassignment.
- If there are no qualified volunteers, the least senior such employee will be transferred.
- Employees on initial probation within a work unit and classification are less senior to those employees with permanent status within the work unit and classification.
- No position will be chosen for disciplinary or discriminatory reasons.
- No position will be selected for transfer if an employee would be involuntarily transferred more than 60 miles, or if the transfer would cause extreme personal or financial hardship.
- The selection of positions for transfer are not subject to the grievance procedure, but rather are subject to an expedited appeals process. Employees must appeal within seven calendar days of notification. The parties will make every effort to design an expedited arbitration proceeding that will result in a final and binding decision within twenty-one days of filing of the appeal.

Identifying Transfer Opportunities

1. Filled General Fund positions that have not already been eliminated in PL 1995, C. 502 and that would otherwise be abolished will be identified for transfer to other programs to replace vacant positions. These vacant positions will be abolished instead of the originally targeted position. Since a vacant position, rather than a filled position, will be abolished, no layoff will occur.

Priority will be given to transfer positions within the current department, then to other departments. Priority will also be given to transfer positions within the General Fund over other fund sources.

2. Unless a commitment for employment has already been made, this Bureau must be consulted by departments before any position is filled, regardless of fund source, so that the potential for transferring a General Fund position in lieu of filling the vacancy can be explored.

3. Each agency must submit a list of vacant positions to this Bureau so that transfer opportunities can be identified. Filled General Fund positions that have been identified for elimination to meet productivity goals will be matched to these lists.

This list must include of all vacant and funded positions that have not been abolished, or not under consideration for elimination, and for which no commitment for employment has already been made. Please provide this list by Friday, December 22, 1995. Include the following information:

- Department
- Account/Fund
- Position number
- Job class title
- Position hours
- Position weeks
- Geographic location

A representative of this Bureau will contact each agency periodically to ensure that this list remains current.

4. This Bureau, in cooperation with agencies that are developing productivity plans, will identify positions to target for transfer, rather than elimination. Agencies that have not yet presented their plans to the Task Force must coordinate efforts with this Bureau so that position transfer, rather than position elimination, can be identified as a part of these plans.

The Transfer Process

1. When a bargaining unit position has been identified for transfer, the applicable Labor/Management special agreement must be adhered to. This will require identification of any other filled and similarly classified General Fund positions in the work unit.

In accordance with these agreements, employees must be offered the opportunity to transfer to the new work location on the basis of seniority. If no employees wish to voluntarily transfer, the least senior employee will be involuntarily transferred. If the least senior employee refuses transfer, it is considered a resignation, not a layoff, and no layoff or bumping rights will be provided to the employee. NOTE: Under the special agreements, employees are not required to transfer if the transfer is over 60 miles or if the transfer creates extreme personal or financial hardship.

2. The position associated with the employee who is transferring will be transferred by financial order to the new account and/or fund.

3. The vacant position will be abolished.

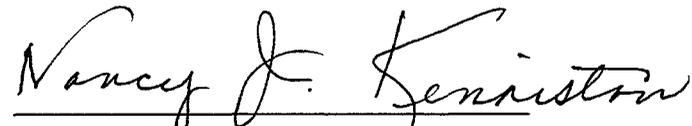
Budgetary Procedures

1. This Bureau will provide the Bureau of the Budget with the department, account, class title and position number for any position that is identified for transfer under the provisions of this memorandum and for the position in the new work location that will be abolished.
2. The Bureau of the Budget will prepare the Financial Order transferring the position and will work with the affected departments to identify the productivity savings related to the transition.
3. Savings associated with the transfer of positions will be included in future productivity legislation.

Questions

Please address any questions that you may have about this program to Don Wills, telephone 287-4413, or through E-mail.

Thank you.


NANCY J. KENNISTON, DIRECTOR
BUREAU OF HUMAN RESOURCES