

## §7065. Compensation plan

The officer shall, as soon as practicable after the adoption of the classification plan, submit to the Legislature a proposed plan of compensation developed by the officer showing for each class or position in the classified service minimum and maximum salary rates and such intermediate rates as the officer considers desirable. [RR 2023, c. 1, §36 (COR); RR 2023, c. 1, §50 (AFF).]

**1. Salary reductions.** When the compensation plan has become effective through its adoption by the Legislature, it constitutes the official schedule of salaries for all classes or positions in the classified service, except that, if the adoption of a compensation plan results in the reduction of salary of an employee, the officer shall certify to the proper fiscal officer of the State that the employee's salary is not subject to any reduction for a period of one year from the effective date of adoption of the plan. [RR 2023, c. 1, §37 (COR); RR 2023, c. 1, §50 (AFF).]

**2. Salary limits.** No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsection 2-D. [PL 1993, c. 705, §1 (AMD).]

### 2-A. Recruitment and retention adjustments.

[PL 1989, c. 418, §§2, 4 (RPR); PL 1991, c. 591, Pt. III, §19 (AMD); MRSA T. 5 §7065, sub-§2-A (RP).]

### 2-B. Limitations on recruitment and retention adjustment.

[PL 1989, c. 418, §§2, 4 (RPR); PL 1991, c. 591, Pt. III, §19 (AMD); MRSA T. 5 §7065, sub-§2-B (RP).]

### 2-C. Recruitment and retention adjustment process.

[PL 1989, c. 418, §3 (NEW); PL 1991, c. 591, Pt. III, §20 (AMD); MRSA T. 5 §7065, sub-§2-C (RP).]

**2-D. Recruitment and retention adjustments.** Subject to this subsection, the officer, with the agreement of the bargaining agent, if applicable, may approve payment of recruitment and retention adjustments when the payment of a labor market adjustment is required to recruit and retain an adequate work force.

A. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions.

- (1) High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series.
- (2) The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete.
- (3) All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation.
- (4) Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem. [PL 1993, c. 705, §2 (NEW).]

B. The labor market adjustment must be reviewed at least every 2 years and adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market. If the subsequent review provided in this paragraph results in the adjustment being decreased or

discontinued, an employee receiving the recruitment and retention adjustment may not be subject to a reduction in pay. [PL 1993, c. 705, §2 (NEW).]

C. To assist the officer in making a determination under paragraphs A and B, a committee must be formed to evaluate each request from an agency or bargaining agent for a recruitment or retention adjustment. The committee must be composed of a representative of the bureau, a representative of the employing agency or agencies and a representative of the bargaining agent, if applicable. The committee shall evaluate the request against the criteria specified in paragraphs A and B and shall conduct studies as the committee considers necessary to evaluate the request. The committee shall, by majority vote, provide the officer, the agency and the bargaining agent, if applicable, with a report recommending and documenting adjustments authorized under this subsection. The officer, the agency and the bargaining agent, if applicable, shall act on this report. If a funding request is necessary to implement an approved adjustment, the officer shall submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report. [RR 2023, c. 1, §38 (COR); RR 2023, c. 1, §50 (AFF).]  
[RR 2023, c. 1, §38 (COR); RR 2023, c. 1, §50 (AFF).]

**3. Salary increases based on merit.** Salary advancements within an established range shall not be automatic, but shall be dependent upon specific recommendation of the appointing officer and approval of the commissioner. The recommendation shall be based upon standards of performance as indicated by merit ratings or other pertinent data. No advancements in salary may be made until the employee has completed the probationary period.  
[PL 1985, c. 785, Pt. B, §38 (NEW).]

**4. Compensation above the minimum step.** In hiring any employee, the officer or appointing authority may employ a person who is new to a state job classification above the minimum level established for that classification in order to compensate that person for the experience or outstanding qualifications that the person may possess. The officer shall establish a policy to reflect the intent of this subsection.  
[RR 2023, c. 1, §39 (COR); RR 2023, c. 1, §50 (AFF).]

#### SECTION HISTORY

PL 1985, c. 785, §B38 (NEW). PL 1987, c. 402, §§A58,A59 (AMD). PL 1987, c. 431, §§1,2 (AMD). PL 1989, c. 418, §§1-4 (AMD). PL 1991, c. 528, §§III19,20 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§III19,20 (AMD). PL 1993, c. 705, §§1,2 (AMD). PL 2007, c. 466, Pt. A, §§19, 20 (AMD). RR 2023, c. 1, §§36-39 (COR). RR 2023, c. 1, §50 (AFF).

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