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Classification and Pay Plan for Nonpartisan Employees of the Maine Legislature

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**CLASSIFICATION AND PAY PLAN FOR
NONPARTISAN EMPLOYEES OF THE
MAINE LEGISLATURE**

**Prepared by the
National Conference of State Legislatures
September 1986**

**Adopted by the Legislative Council
with amendments
September 24, 1986**

**CLASSIFICATION AND PAY PLAN FOR
NONPARTISAN EMPLOYEES OF THE
MAINE LEGISLATURE**

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September 1986**

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EXECUTIVE SUMMARY

The proposed pay and classification plans achieve internal consistency and equity among the nonpartisan staff offices and establish legislative staff salaries at competitive levels when compared with non-legislative positions. The proposed plans organize legislative work into 28 job classes tied to 15 new salary ranges that were developed after surveying major public and private Maine employers.

Classification Plan. The plan describes the general characteristics, typical duties and required background for all nonpartisan legislative jobs. Clear career ladders set forth in a logical progression positions of increased management and technical responsibilities to which a clerical or professional can aspire. Several new "senior" classes create opportunities for promotions based on high standards of demonstrated competence but without a significant change in duties and responsibilities. Specific recommendations cover the general management and implementation of the classification plan. (See pages 2 to 7).

Salary Plan. The plan consists of 15 ranges with a starting salary (Step A) and six annual increments and two "career" steps scheduled at eight and ten years experience in a position. To allow the Legislature to recruit experienced workers, salaries are set 10 percent above the starting step of the nearest comparable state executive branch position. Most steps are calculated at five percent, with one nine percent step after the first or second year to recognize the "learning curve" of an employee's development. Related recommendations provide flexibility in setting hiring salary, procedures for handling pay increases, guidelines for awarding half-step or two-step increases, and limitations on outside employment. (See pages 40 to 46).

Performance Appraisal. We strongly recommend that a performance appraisal system be developed. Many of the salary and classification provisions of the report cannot be fully implemented without a process in place and supervisors adequately trained. A task force should be appointed of legislators, staff and managers to undertake and complete this task by September 1987. (See pages 47 to 49).

Leave Time. Almost all legislative staff are required to work overtime because of the demands of the session. To compensate for these demands and to bring uniformity to current practices, a new category of leave -- "legislative leave" -- is recommended. The leave would be awarded on the basis of complete sessions worked. At the same time, compensatory time for professional staff would be limited. Clerical employees would have the option, with Director approval, of selecting compensatory time or receiving overtime pay for all hours worked in excess of a 40-hour week. (See pages 49 to 52).

Implementation. The total cost to implement the plans represents an increase in the current annual payroll for nonpartisan staff of approximately 13.5%. The largest increases go to employees who gain because of five primary reasons: underclassified, longevity considerations, internal equity, market parity, and new position. The average proposed annual increase for all other employees is 8.7 percent. Three implementation options are described, but the preferred plan is largely a step-to-step conversion of all employees to the new plan on December 1, 1986. (See pages 53 to 56).

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INTRODUCTION

In June 1986, the Maine Legislative Council contracted with the National Conference of State Legislatures (NCSL) to develop classification and salary plans for the non-partisan staff offices of the Maine Legislature. The Council asked NCSL to:

- ~~develop a pay~~ and classification plan that achieves internal consistency and equity among the legislative staff offices and establishes legislative pay levels at a competitive level when compared with non-legislative positions;
- identify those positions which require adjustment in salary and thus provide the Council with a basis for implementing the new salary plan;
- present recommendations for uniform policies on such compensation related issues as longevity and merit considerations in pay increases, overtime and compensatory time off, and performance appraisal; and
- provide the Council and office directors with a uniform basis for management and a staff plan.

This report represents the conclusion of the project and includes the proposed new legislative classification and pay plan. The proposed plan reduces the number of job classes and salary groups, identifies comparable positions within the different staff offices, creates for the first time clear career ladders for both professional and clerical employees, and sets salaries commensurate with experience, responsibility and market competition.

The NCSL appreciates the cooperation and assistance of the Legislative Council and the entire legislative staff. Working under deadline pressures at various points in the project, office directors and their staffs provided

prompt and thoughtful commentary to guide the project. The insights and suggestions of the staff and directors helped to shape the final product in various and substantial ways. Each staff member provided valuable information through questionnaires, interviews and review.

**CLASSIFICATION PLAN FOR
NONPARTISAN STAFF OF THE MAINE LEGISLATURE**

A classification plan is not just a set of job descriptions or job titles.

It is a document that:

- reflects working units, supervisory relationships and subordinate responsibilities;
- provides a consistent framework for recruitment, advancement, performance evaluation and other personnel decisions;
- creates career ladders and advancement opportunities for employees who desire to move upward and are willing to work toward the requirements of a more responsible job;
- allows staff directors to identify training needs to advance or promote staff; and
- provides a management tool with which to ensure fair treatment of employees and equal pay for equal work.

The proposed classification plan consists of 28 job classes describing the distinguishing characteristics of full-time, nonpartisan positions within the legislature, giving examples of the types of work performed and identifying the minimum education, experience and qualifications required.

The figure below summarizes current staffing levels by office:

SUMMARY OF NON-PARTISAN POSITIONS

OFFICE	POSITION COUNT
Executive Director	13*
Fiscal and Program Review	12
Law Library	11
Maine-Canadian	2
Policy and Legal Analysis	23
Revisor of Statutes	23**
TOTAL	84

*Includes 1 "Session" position

**Includes 8 "Session" positions

The classification plan was developed from information gathered through detailed questionnaires completed by every employee and personal interviews with more than 50 staff. Each position was evaluated and rated in terms of its duties and responsibilities, independence of action, personnel authority, knowledge and skills required, work relationships and working conditions. Based on guidance from Council members and office directors, the NCSL gave greatest weight to:

1. duties and responsibilities -- complexity and difficulty of tasks performed and scope and effect of an employee's job;
2. independence of action -- variety and complexity of decisions made, supervision received, consequence of error, analytic thinking required; and
3. working relationships -- the extent, variety and complexity.

The proposed classifications were reviewed and discussed with all office directors and all employees were given an opportunity to comment.

KEY FEATURES

The 28 proposed job classes range from Office Assistant I to Executive Director. The classes fall into salary groups tied to 15 new ranges. The table on the next page shows the placement of current staff by office and proposed new range and illustrates the hierarchical distribution of employees within the classification plan.

PROPOSED DISTRIBUTION OF EMPLOYEES AND CLASSES

NEW CLASS	ED	OFPR	LIB	MC	OPLA	ORS	TOTAL
Clerical/Secretarial/ Technical Classes (Ranges 1 - 4)	3	2	3	1	3	12	24
Entry Level Pro- fessional & Secre- tarial/Technical Supervisory Classes (Ranges 5 - 8)	7	1	3	1	5	7	24
Research/Analyst Classes (Ranges 9 - 11)	1	5	2	-	12	2	22
Senior Professional/ Middle Level Managers (Ranges 12 - 13)	-	3	2	-	2	1	8
Senior Management (Ranges 14 - 15)	2	1	1	-	1	1	6

The most significant feature of the proposed plan is the development of career ladders for clerical and professional employees. Career ladders give the Legislature and office directors an opportunity to train, develop, promote and reward employees as they gain experience, take on increasing responsibility, and become more valuable to the Legislature.

In the proposed plan, the career ladders not only recognize the potential for employees to move into higher level management or technical positions but also the potential for employees to be rewarded for special expertise, leadership and maturity, gained through their experience and demonstrated competence in Maine.

Examples of the Proposed Career Ladders

<u>Secretarial/Technical Ladders</u>		<u>Analyst/Attorney Ladder</u>
Secretary	Legislative Technician	Legislative Analyst
Senior Secretary	Senior Legislative Technician	Senior Analyst
*Administrative Secretary	*Supervising Technician	*Principal Analyst
*Administrative Coordinator	*Administrative Coordinator	*Deputy Director
		*Director

Job classes marked above with an asterisk are limited in number and would be available for promotions only when vacancies occur. For example, there is no more than one Administrative Secretary in each office, typically the secretary to the director or the secretary to whom office-wide administrative responsibilities are assigned. Similarly, there is intended to be only one Deputy Director in an office, and the roles and responsibilities of Administrative Coordinators or Principal Analysts are specific to a given position.

The term "senior" is used in the job title of those positions to which an employee may be promoted without a significant change of duties and responsibilities. There is no specified number of "senior" positions, and promotions to these positions would not be contingent upon a vacancy being available. New employees generally should not be hired initially into these classes, but rather would be considered for promotion after a period of time. The "senior" positions will necessitate the development of a performance appraisal system. Promotions into the "senior" classes should not be automatic, but rather should be carefully awarded to only those employees who meet high standards of demonstrated competence, quantity and quality of work products, maturity, independence and leadership.

In the plan, there are some job classes that cover only a small number of employees for whom career advancement opportunities are limited by the very nature of their jobs or the size of their office. This includes the following positions:

- Legislative Information Assistant
- Accounting Technician
- Computer Programmer
- Intergovernmental Specialist
- Research Assistant/Paralegal
- Administrative Services Manager
- Associate Law Librarian

It does not, at this time, make sense to create "senior" positions for each job class, but these employees should not be penalized in terms of their opportunity for salary advances. To compensate for the lack of career ladders, a special one-time, two-step increase is recommended as an option when such an employee meets the same high standards of demonstrated competence expected of an employee being promoted to a "senior" position. Again, a performance appraisal system will be required to implement the two-step increase. (See Recommendation 8, page 44.)

RECOMMENDATIONS

To adopt and implement the proposed classification plan, the Legislative Council should consider the following recommendations related to the management of the plan.

Administration of the Classification Plan

1. Responsibility for implementing and maintaining the classification and pay plans should be assigned to the Office of the Executive Director working with individual office directors and under the guidance and ultimate authority of the Legislative Council.

2. The Office of the Executive Director should be responsible for initiating a periodic review of the plan and overseeing all classification-related decisions (e.g. new hires, promotions, reclassifications and the development of new classes when necessary).
3. From time to time, reclassification of a position or establishment of a new job class may be warranted due to changes in roles and responsibilities, modifications in office structure or the introduction of new technologies or functions. In such instances, an employee or his or her supervisor may request a review of the employee's classification or propose creation of a new class. Procedures for both processes should be developed and circulated in writing to all staff.

At a minimum, each of these processes should include:

- completion of a position evaluation questionnaire;
- a job audit interview conducted under the direction of the Executive Director with the employee and his/her supervisor; and
- a written recommendation form the office director

If an office director or the employee disagrees with the reclassification decision of the Executive Director, a written appeal may be filed with the Legislative Council which may decide to hear the appeal or take whatever action it deems appropriate. The employee has a right to a timely, written response regarding the Legislative Council's action on the appeal.

Implementation of the Plan

4. A 30-day appeal period should be allowed for any employee to request review of his/her classification based on this study. Appeals should be submitted in writing to the Office of the Executive Director. Based upon the written recommendations of the appropriate director and the Executive Director, the Legislative Council should determine whether reclassifications are needed. (The NCSL project staff is available to assist as needed with appeals.)
5. Since a job class is a general description of the work performed in a given position, more detailed descriptions are often a very useful management tool to outline specific duties and expectations of an individual employee. It is recommended that office directors work with individual employees to develop detailed position descriptions for all nonpartisan staff.

6. Until superior performance criteria can be formulated and a performance appraisal process can be developed and implemented, the job class of "Senior Legislative Analyst/Attorney" should not be utilized. All other promotions to "senior" classes, except those assignments proposed for the immediate implementation of this plan, should similarly be postponed pending development of a performance appraisal system. (See also Recommendation 2, page 13.)

**PROPOSED
JOB CLASSES**

**SALARY GROUPINGS FOR
NONPARTISAN LEGISLATIVE EMPLOYEES**

<u>Salary Groups</u>	<u>Job Classes</u>
1.	Office Assistant
2.	Office Assistant II
3.	Secretary Library Assistant Legal Proofreader
4.	Legislative Information Assistant Senior Secretary Legislative Technician Senior Legal Proofreader
5.	Senior Legislative Technician Library Associate Accounting Technician
6.	Administrative Secretary Legislative Information Coordinator Supervising Legislative Technician
7.	Administrative Coordinator Research Assistant Paralegal
8.	Computer Programmer Intergovernmental Specialist
9.	Associate Law Librarian
10.	Legislative Analyst/Attorney Administrative Services Manager
11.	Senior Analyst/Attorney

**SALARY GROUPINGS FOR
NONPARTISAN LEGISLATIVE EMPLOYEES
(CONT.)**

Salary Groups

Job Classes

12.	Principal Law Librarian Principal Analyst/Attorney
13.	Deputy Director
14.	Director
15.	Executive Director

**PROPOSED
SALARY PLAN**

**PROPOSED SALARY PLAN FOR
NONPARTISAN LEGISLATIVE EMPLOYEES**

At its July 1986 meeting, the Legislative Council directed the NCSL study team to develop a pay plan that is highly competitive with the local market and that allows the Legislature to recruit experienced people from the executive branch.

Salary information was gathered from other state legislatures, the state personnel system (various bargaining units as well as the confidential employees' scales), the University of Maine, a major Maine law firm, Central Maine Power, the Public Utilities Commission and other selected employers. From this data, benchmark positions from other organizations were compared with legislative positions.

KEY FEATURES

In calculating the proposed salary ranges¹, the following principles were followed:

- To allow the Legislature to recruit experienced workers, legislative salaries are set 10 percent above the starting step of the nearest comparable state executive branch position. It is important to note that an executive branch employee after one year of experience is paid at the second step, nine percent above the starting salary.
- Each of the proposed salary ranges has an average salary increase of 38 percent between Steps A and G. Overall in the state system the average spread in the ranges is 30 percent with many higher level positions having ranges of as wide as 40 percent. The wider legislative ranges compensate for the limitations on promotions and reclassifications.

¹Throughout this report and the attached tables, salaries are shown using employee paid retirement.

- Most steps are calculated at five percent or \$750, whichever is more. (The minimum increment of \$750 affects only salaries of \$15,000 or less.) A nine percent step increase is scheduled after the first or second year to recognize the "learning curve" of an employee's development. For ranges 1 through 5 (principally the clerical/secretarial ranges), employees would receive a nine percent step increase after their first year. For ranges 6 through 15, employees would receive a nine percent increase in the second year.
- The basic structure of the plan calls for seven steps (a hiring salary followed by six annual step increases) and two "career steps" of five percent scheduled at eight and ten years of service in the employee's current position.
- Every effort was made to keep the legislative salary groupings together, unless the salary survey results showed the legislative positions were out of line by more than 20 percent over or below the market.

The results of the salary survey forced a few adjustments in the proposed salary groups that came out of the classification study.

First, the classification of "Computer Programmer" moved one group higher than it was originally slotted. The state system and its salary levels for programmers result in a high degree of turnover, and the proposed salary for this position is set at a level more comparable to private employers so that the Legislature can enjoy a measure of stability and low turnover.

Second, the salary survey revealed that the legislature generally leads the market for librarian salaries, and the initially proposed grouping of "Associate Law Librarian" with the "legislative Analyst" class would have placed librarian salaries more than 30 percent above the market. As a result of the salary survey, the classification of Associate Law Librarian is placed one range lower than Legislative Analyst.

Similarly, the salary survey suggests that the salary level for the position of "Principal Librarian" may be at least 20 percent above the market. However, there are important issues of comparable responsibilities and internal equity in the Legislature which argue for placing this position in the same grouping with "Principal Analyst" and "Principal Attorney."

Longevity is recognized not only in the pay plan but also in the establishment of a new "legislative leave" based on sessions worked. After seven years of service, an employee would receive no step increase but would be eligible for a faster legislative leave accrual. The career steps would be awarded after eight and 10 years in a position; and after 12 years of legislative service an employee would earn legislative leave at a faster accrual rate.

The proposed plans greatly expand the opportunities for professional growth, advancement and reward, but in any system some people eventually reach the top -- reaching their own career goals or the limits of their education and experience and, at some point, the end of the salary range. We encourage the Legislative Council to recognize through non-cash awards those employees who have served the Legislature for more than 15 years.

RECOMMENDATIONS

To adopt the proposed pay plan, the Legislative Council should consider the following recommendations related to the implementation and maintenance of the system.

General Salary Administration

1. In conjunction with its objective of remaining competitive with the local market, the Legislative Council should establish a policy that permits assignment of new employees in Steps A through C of any range based on previous experience and salary history. All recommendations to start an employee above Step A should be reviewed and approved by the Executive Director.
2. Lateral transfers from one job class to another job class in the same pay range should not result in a step increase..
3. When an employee is officially appointed by the Legislative Council to serve as "Acting Director" of an office or "Acting Executive Director", the employee should be compensated at Step A (or that step which provides at least a five percent increase over current compensation) of range 14 or 15, respectively. The higher rate of pay would be applicable only during the period in which the employee serves in an "acting" capacity.
4. Because the proposed plan provides highly competitive salaries, full-time, nonpartisan legislative employees should not be otherwise employed in any activity that creates conflicts of interest in appearance or substance. Notice of all outside employment should be provided in writing to the appropriate office director and the Executive Director.
5. Written salary administration procedures may be desirable to cover such issues as (a) establishing salaries for employees transferring from a state agency or (b) reinstating employees who resign or take an extended leave of absence.

Pay Increases and Promotions

6. Employees who are promoted to a higher class are entitled to be paid at least the minimum starting salary for the new class or at the step that provides at least a five percent increase in salary. Each promotion to a new range establishes a new "anniversary date" to be used in calculating eligibility for subsequent pay increases.
7. Even though the salary schedules allow for annual increase, all step increases, including longevity steps, must be based primarily on merit and demonstrated performance. Development and implementation of a written performance appraisal process will be

required. To be considered for a salary advance, an employee must receive an unqualified rating of "satisfactory" or better from an office director. In cases of marginal or unsatisfactory performance, office directors should be given the discretion to recommend half-step increases or to postpone a step increase for three or six months.

8. Office directors should be given the discretion to recommend a two-step increase when an employee demonstrates exemplary performance but is in a job that does not have a "senior" class available for possible promotion. Such an employee must meet the same high performance standards as would be expected of an employee being considered for a "senior" position. A two-step jump should be awarded only once during an employee's tenure in a legislative position.
9. Recommendations for salary increases are to be submitted to the Executive Director in writing by an office director along with documentation of a completed performance appraisal. The Legislative Council should approve all salary increases, promotions, or other salary-related actions.
10. Compensation for nonpartisan legislative employees and the salary schedule itself should be adjusted annually to keep pace with cost-of-living awards and other changes in the state personnel system. The Executive Director, at the direction of the Legislative Council, should periodically review the plan for market comparability.
11. Pending the development and implementation of a performance appraisal system, it is recommended that all employees continue to receive scheduled step increases on their established anniversary date.

MAINE LEGISLATURE
CURRENT ANNUAL SALARY SCALE

GRADE	STEPS							
	A	B	C	D	E	F	G	H
5	11,768	12,307	12,873	13,469	14,093	14,749	15,475	0
6	12,334	12,750	13,208	13,666	14,165	14,664	15,267	0
7	12,919	13,385	13,877	14,368	14,908	15,473	16,112	0
8	12,938	13,395	13,874	14,373	14,893	15,454	16,099	0
9	13,313	13,703	14,093	14,511	14,960	15,467	15,973	0
10	13,606	14,073	14,589	15,178	15,767	16,382	17,094	0
11	13,624	14,123	14,602	15,184	15,766	16,037	16,390	0
12	14,511	14,960	15,466	15,973	16,518	17,120	17,776	0
13	14,873	15,458	16,098	16,739	17,435	18,159	18,883	0
14	14,883	15,473	16,112	16,725	17,438	18,179	18,887	0
15	15,392	15,995	16,640	17,347	18,034	18,803	19,573	0
16	15,973	16,517	17,120	17,777	18,665	19,598	0	0
17	16,525	17,180	17,895	18,640	19,415	20,311	21,196	0
18	16,544	17,184	17,908	18,660	19,440	20,303	21,195	0
19	17,867	18,637	19,427	20,238	21,154	22,131	23,171	0
20	18,598	19,416	20,289	21,207	22,223	23,294	24,420	0
21	19,528	20,388	21,303	22,267	23,335	24,460	25,640	0
22	20,058	21,061	22,114	22,179	24,381	25,598	26,879	0
23	22,251	23,593	24,939	26,285	27,630	28,977	30,322	31,667
24	22,842	23,922	25,101	26,304	27,581	28,907	30,283	0
25	25,756	27,044	28,396	29,817	31,309	32,872	34,516	0
26	30,120	31,585	33,123	34,738	36,433	38,213	40,081	0
27	38,868	39,621	42,765	44,861	47,063	49,372	51,802	0
28	41,636	43,678	47,424	49,755	52,192	54,645	57,159	0

NOTE: The above scale reflects "Employee-Paid Retirement." Legislative employees who elect "State Paid Retirement" receive a gross annual salary which is 5% less.

MAINE LEGISLATURE
PROPOSED ANNUAL SALARY SCALE

GRADE	STEPS								
	A	B	C	D	E	F	G	Q	X
1	11,012	12,003	12,753	13,503	14,253	15,003	15,753	16,541	17,368
2	12,610	13,745	14,495	15,245	16,007	16,808	17,648	18,530	19,457
3	13,750	14,988	15,737	16,524	17,350	18,217	19,128	20,085	21,089
4	14,300	15,587	16,366	17,185	18,044	18,946	19,893	20,888	21,932
5	15,620	17,026	17,877	18,771	19,709	20,695	21,730	22,816	23,957
6	16,500	17,325	18,884	19,828	20,820	21,861	22,954	24,102	25,307
7	18,300	19,215	20,944	21,992	23,091	24,246	25,458	26,731	28,067
8	21,100	22,155	24,149	25,356	26,624	27,955	29,353	30,821	32,362
9	23,900	25,095	27,354	28,721	30,157	31,665	33,248	34,911	36,656
10	26,040	27,342	29,803	31,293	32,858	34,500	36,225	38,037	39,939
11	29,160	30,618	33,374	35,042	36,794	38,634	40,566	42,594	44,724
12	32,270	33,884	36,933	38,780	40,719	42,755	44,892	47,137	49,494
13	34,515	36,241	39,502	41,478	43,551	45,729	48,015	50,416	52,937
14	38,875	40,819	44,492	46,717	49,053	51,506	54,081	56,785	59,624
15	41,800	43,890	47,840	50,232	52,744	55,381	58,150	61,057	64,110

NOTE: The above scale reflects "Employee-Paid Retirement."
Legislative employees who elect "State Paid Retirement" will receive a
gross annual salary which is 5% less.

COMPENSATION-RELATED POLICIES

PERFORMANCE APPRAISAL

A sound performance evaluation system is essential to many important personnel decisions, including promotion, dismissal and salary increases. A formal evaluation process supplements, but is not a substitute for, routine and continuous feedback on daily assignments. Performance appraisal ensures regular communication between a supervisor and an employee on work-related issues and provides an opportunity for regular discussion of goals, objectives and standards of quality. Regular performance appraisal reviews also help a manager identify training needs and coach an individual employee in terms of professional growth.

Performance evaluation systems take different forms. Some managers prefer standardized rating questionnaires while others are more comfortable with open-ended assessments or evaluations based on objectives mutually set by a manager and an employee. Some systems combine different formats.

The classification and pay plans proposed in this report will necessitate the development of a performance evaluation system, so that evaluative criteria are job-related and not wholly subjective. The success of any performance appraisal system depends most heavily on three factors: 1) the ability and willingness of supervisors and managers to consistently follow the process, 2) the development of evaluative criteria that are meaningful,

clearly specified and articulated to staff, and 3) the skills and abilities of supervisors, developed through a concerted training effort, to conduct performance appraisals.

The implementation of a performance appraisal system should not be undertaken hastily, but rather should be the product of a thoughtful process that garners input from a representative cross-section of legislators, staff and managers. At the same time, it is critical to point out that many of the recommendations of this report cannot be fully implemented without a performance appraisal process.

RECOMMENDATIONS

1. A performance appraisal system should be developed. The Legislative Council is encouraged to appoint a task force(s) of legislators, staff and managers to participate in the development of an appraisal process and identification of performance criteria that could be adopted for Maine nonpartisan employees. A reasonable deadline for implementation is September 1987.
2. Because of the recommended delay in implementation of the classification of "Senior Legislative Analyst", the Legislative Council is encouraged to appoint a special working group of legislators, managers and staff to consider and expedite the development of performance standards applicable for this job class.

In developing superior performance criteria, the working group should be guided by the distinctions drawn between the job class descriptions for Legislative Analyst and Senior Legislative Analyst. The distinguishing characteristics of the Senior Legislative Analyst class include:

- greater complexity and diversity of work performed, such as legislative experience and competence in more than one broad substantive area;
- considerable independence in determining priorities, methods and assignments and initiating projects;
- less frequent review of work resulting from a history of consistent, quality performance and work products judged to be superior in content, form, style and objectivity; and

- Proven professional leadership and maturity demonstrated by the willingness and capacity to coordinate and carry out special projects, assume additional work assignments and provide expert professional assistance to other staff.
3. An essential part of the implementation of a performance appraisal system should be the provision of training for all supervisors and directors. The training should focus on not only the specifics of the performance appraisal process but also on the general skills of giving employees performance feedback.
 4. Written performance appraisals would be conducted after an employee's first six months on the job and then annually thereafter at least two months before an employee's anniversary date. If a performance review results in an unsatisfactory or marginal rating or an office director's recommendation for a half-step increase or delay in a step increase, then subsequent review should be conducted at six-month intervals until the situation is resolved.
 5. Performance appraisals should be conducted by an employee's supervisor with review by an office director. The written appraisal should be signed by the supervisor and employee with a copy maintained in the employee's confidential personnel file in the Office of the Executive Director. Release of any information from that file requires the written permission of the employee.
 6. If an employee disagrees with the conclusions reached in a performance appraisal, he or she should have the opportunity to provide any supplementary comments or materials to the record. An employee can appeal in writing to the Executive Director for a review of an office director's recommendation. An employee has the right to a timely, written response, regarding the Executive Director's action on the appeal. The Executive Director may modify, approve or request that a Director reconsider the recommendation.

LEAVE POLICIES,¹ OVERTIME AND COMPENSATORY TIME

Most organizations include a variety of cash and non-cash benefits in their overall compensation package. In addition to supplementing salary, these benefits can be used to meet other management objectives including a) prevention or alleviation of burnout and b) reward for work effort which exceeds the norm.

¹The current leave policies including vacation, illness, bereavement, military and jury duty generally parallel the state personnel system. No changes are recommended in these policies.

Almost all legislative employees are required to work overtime because of the schedule of the legislative session. It is important to reward these extraordinary work demands in a manner which supports uniformity between the different legislative offices in the overtime and compensatory time practices. At present, there are very different practices among the legislative staff offices. Coupled with the highly competitive salary plan, we are proposing a package of interrelated leave, compensatory time and overtime policy changes.

Compensatory time off and overtime pay are necessary to combat the uneven work loads and session time demands of legislative work. Comp time and overtime not only serve to compensate legislative employees for work performed, but also serve as a useful management tool to give employees necessary time off to alleviate stress and fatigue.

At the same time, compensatory time off is often very difficult to manage equitably. Therefore, many employers do not recognize comp time for professional-level employees. Among state legislatures, the large majority of states pay clerical employees either overtime pay or reward compensatory time off. The rates of accrual are typically either time-and-a-half or hour-for-hour. For professional legislative employees, about half of the states reward compensatory time, usually on an hour-for-hour accrual rate and often under limitations in the total number of hours which can be accrued. In legislatures, as in most organizations, comp time rarely is awarded to top management employees, who are usually assumed to be paid at rates that command whatever effort is necessary to "get the job done".

RECOMMENDATIONS

Legislative Leave

1. In recognition of session demands, the adoption of "legislative leave" is recommended based on the following accrual schedule:

<u>Legislative Sessions Completed</u>	<u>Leave Days Earned</u>
0 - 6	3
7 - 12	5
13+	7

2. Legislative leave must be taken during the biennium in which it is earned. Legislative leave has no cash value, and therefore an employee may not be paid to accrued legislative leave.
3. Employees with less than 13 years of legislative service should be allowed to accumulate and carry over no more than 40 days of unused vacation. Employees with 13 or more years of service should be allowed to accumulate and carry over no more than 45 days of unused vacation. Managers should encourage employees to take and not accumulate vacation leave.
4. An employee who leaves legislative service may utilize accrued vacation immediately prior to separation or be paid for unused vacation.

Compensatory Time and Overtime

1. For salary grades 1 through 6, employees should be paid for work performed over and above a standard 40-hour work week. The rate of accrual should be comparable with the executive branch of Maine state government. Employees in these grades should have the option, with the approval of the Office Director, of being paid for overtime or collecting compensatory time off. If an employee opts to receive compensatory time, it must be taken at a time mutually agreed to by the Director and the employee recognizing the work flow of an office. Compensatory time that is not used in the biennium in which it is earned shall be lost.
2. For salary grade 7, an employee may earn comp time on an hour-for-hour basis for all work performed over and above a 40-hour work week. The maximum accumulation of compensatory time shall not exceed 110 hours at any given time, and the maximum accrual shall not exceed 110 hours in a calendar year.

For salary grades 8 through 13, compensatory time may be earned on an hour-for-hour basis for all work performed over and above 45 hours in a week. The maximum accumulation of compensatory time shall not exceed 120 hours at any given time, and the maximum accrual shall not exceed 120 hours in a calendar year.

Compensatory time must be taken at a time mutually agreed to by the employer and the Director and in recognition of the work flow of an office. Upon implementation of this policy, an employee may carry forward more than 120 hours of accumulated comp time provided that sufficient documentation is provided to the Executive Director.

3. ~~Employees in grades 14 and 15~~ do not earn compensatory time or overtime. In addition to the standard accrual, employees in grades 14 and 15 should be awarded a bonus of seven legislative leave days at the completion of each session.
4. All overtime work beyond a standard work week should be approved in advance by a supervisor or office director.
5. Accurate weekly time records must be kept to qualify for overtime or compensatory time.
6. Where the Fair Labor Standards Act establishes different overtime rules, employees of the State Law Library are not subject to this policy.

IMPLEMENTATION ISSUES

IMPACT ON INDIVIDUALS

Table A illustrates how individual employees are affected by the implementation of the new pay and classification plans. Employees are assigned to the new ranges through a step-to-step conversion based on their years of service in their current position. In a couple of instances (notably the "Principal Analyst" class), the conversion utilizes the recommended policy guidelines for handling promotions and places employees in the new pay ranges based on their actual "time in grade" in the new position, provided the employee is at a step at least five percent higher than his or her prior salary.

Some employees would lose salary if a step-to-step in conversion is implemented. In keeping with the initial assumption that no employee would be penalized as a result of the study, we recommend that those employees be continued at their current salary level until their next anniversary date. At that time, these employees could be converted to the new pay plan without a loss in salary. (Table B identifies those employees currently above the salary levels in the proposed new plan.)

The impact on individuals varies, but a few statistics may be helpful:

Given the history of the current legislative pay ranges, it is not surprising that major adjustments are in order. The existing pay ranges were created in 1981 and have not been adjusted except for cost-of-living increments and the addition of a few new job titles. The original plan was derived from the independent submissions of proposed pay ranges by the then office directors.

IMPLEMENTATION OPTIONS

Three options appear to be appropriate for the Legislative Council to consider:

1. On December 1, 1986, or some other date, the Legislative Council could implement the proposed pay and classification plans in the manner outlined.
2. The Legislative Council could direct that the proposed plans be phased in to mitigate the overall fiscal impact. We would recommend a two-step phase-in:
 - a) On December 1, 1986, all employees would receive their scheduled pay increase up to a maximum of 10 percent of their current salary. Those employees who receive their entire proposed pay increase at that time would be assigned a new anniversary date of December 1.
 - b) Those employees who do not receive their entire proposed increase on December 1, 1986, would do so effectively July 1, 1987, and would be assigned a new anniversary date of July 1.
3. The Legislative Council could adopt the classification plan but direct that the new pay schedule be developed utilizing different principles to calculate the actual ranges and steps.

These options appear to provide for the most equitable implementation of the new classification and salary plan. Other implementation strategies have serious flaws in terms of equity. For example, all employees could be converted to the new pay plan at the step in the new range that is at least five percent above their current salary. Such a strategy would penalize

employees with longer seniority and advantage relatively new employees.
Whichever option the Legislative Council choses for implementing the plan,
the NCSL staff is available for further assistance, direction and guidance.

JOB AND SALARY COMPARISONS

Proposed
Legislative Salary¹

Private Sector & Public Salaries

Legislative Salaries²
from Other States

Salary Group 1

Office Assistant
\$11,012-15,753

Clerk Typist I - State Range 5	\$10,774-13,852
General Clerk (Law Firm)	\$10,920 to start
Mail Clerk (CMP)	\$13,200-16,170 (approx.)

Salary Group 2

Office Assistant II
\$12,610-17,648

Clerk Typist II - State B.U.A. Range 8	\$11,461-14,851
File Clerk (CMP)	\$13,500-17,100 (approx.)

Salary Group 3

Library Assistant
Secretary
Legal Proofreader
\$13,750-19,128

Secretary - State Range 13	\$13,000-16,994
Clerk-Typist III - State Range 12	\$12,646-16,515
Legal Secretary (Law Firm)	\$11,960 to start
Legal Secretary - State Range 13	\$13,000-16,994
Law Library Clerk-UM Law Library	\$12,979
Library Assistant - State Range 8	\$11,461-14,851

CT-Administrative Asst. II	\$14,103-19,142
IA-Legis. Text Processor II	\$14,747-19,448

Salary Group 4

Legislative Information Assistant
Senior Secretary
Legislative Technician
Senior Legal Proofreader
\$14,300-19,893

Secretary B (CMP)	\$15,600-20,800
Word Processor (CMP)	\$14,500-18,600 (approx.)
Admin. Sec. - State Range 16	\$14,268-18,920

CT-Administrative Asst. III	\$15,346-22,256
IA-Legis. Text Processor III	\$15,454-22,069

Salary Group 5

Accounting Technician
Library Associate
Senior Legis. Technician
\$15,620-21,730

Librarian I - State Range 15	\$13,811-18,221
Law Library Asst.-UM Law Library	\$12,501
Clerk IV - State Range 15	\$13,811-18,221

IA-Librarian	\$17,118-21,154
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¹The salary ranges reflected below do not include the proposed longevity steps.

²Clerical salaries often are difficult to compare because they tend to be driven by the local market.

JOB AND SALARY COMPARISONS

Proposed
Legislative Salary

Private Sector & Public Salaries

Legislative Salaries
from Other States

Salary Group 6

Administrative Secretary
Legis. Info. Coordinator
Supervising Legis. Technician
\$16,500-22,954

Senior Legal Secretary - St. Range 16 \$14,269-18,928
Senior Admin. Secretary - St. Range 18 \$15,766-21,195
Computer Support Super. - St. Range 19 \$15,974-21,424
Secretary A (CMP) \$17,160-23,504

IA-Executive Administrator \$18,658-22,984

Salary Group 7

Administrative Coordinator
Research Assistant
Paralegal
\$18,300-25,458

Admin. Asst. (St. Conf.) - St. Rge. 20 \$17,044-23,192
Legal Asst./Admin. Asst. (CMP) \$21,000-31,400
Computer Operations Super.-St. Rge. 20 \$16,619-22,547

IA-Research Analyst I \$18,658-25,002
IN-Legis. Analyst II/
Budget Analyst II \$18,527-34,091
CT-Analyst (Budget, Program,
Research) \$20,751-34,091

Salary Group 8

Computer Programmer
Intergovernmental Specialist
\$21,100-29,353

Software Analyst I-State Range 24 \$19,864-27,102
Programmer Analyst - State Range 23 \$18,886-25,875

Salary Group 9

Associate Law Librarian
\$23,900-33,248

Librarian III - State Range 25 \$20,821-28,538
Reference Librarian - UM Law
Library \$20,000-24,000

Salary Group 10

Legislative Analyst
Legislative Attorney
Admin. Services Manager
\$26,040-36,225

Budget Analyst - State Range 28 \$23,670-33,051
Policy Development Spec.-St. Rge. 28 \$23,670-33,051
Utility Financial Analyst (PUC) \$27,000-35,500
Asst. Dir. of Admin. Serv. - State
Range 28 \$23,670-33,051
Dir. of Admin. Serv. - St. Range 30 \$25,605-35,776
Budget Analyst (CMP) \$23,400-35,000
Attorney II (CMP) \$28,800-43,200
Attorney (Law Firm) \$35,000 to start

CT-Legislative Attorney/
Research Attorney \$24,307-42,982
IN-Legislative Analyst I/
Budget Analyst I \$24,700-36,868
IA-Research Analyst III \$25,002-34,694

JOB AND SALARY COMPARISONS

Proposed
Legislative Salary

Private Sector & Public Salaries

Legislative Salaries
from Other States

Salary Group 11

Senior Analyst
Senior Attorney
\$29,160-40,566

Senior Attorney Examiner (PUC) \$27,000-35,500
Attorney III (CMP) \$31,900-47,900

CT-Senior Analyst (Budget, Program, Research) \$32,370-42,642
IN-Senior Legislative Analyst/Senior Budget Analyst \$27,352-41,366
IA-Senior Research Analyst \$33,072-42,182
IA-Attorney III \$28,725-42,182

Salary Group 12

Principal Librarian
Principal Analyst
Principal Attorney
\$32,270-44,892

Librarian (CMP) \$26,000-39,000
Librarian IV - State Range 28 \$22,942-31,470
Head - Ref. Dept. (UM Law Library) \$29,000
Dir., Planning & Dev.-St. Range 32 \$27,726-38,750
Attorney IV - (CMP) \$35,400-53,000
Depty. State Budget Ofcr.-St. Rge. 33 \$28,933-40,435

CT-Head Law/Legislative Reference Dept. \$31,889-38,663
CT-Chief Analyst (Budget, Program, Research) \$38,596-47,310
CT-Chief Legis. Attorney/Chief Res. Attorney \$41,242-51,046
IN-Legis. Analyst E VI/ Budget Analyst E VI \$29,536-45,552
IA-Senior Legal Counsel \$38,251-48,838

Salary Group 13

Deputy Director
Deputy Law Librarian
\$34,515-48,015

Dir., Ofc. of Policy Anal.-St. Rge. 34 \$30,160-42,203
Supervising Attorney (CMP) \$43,000-64,400

CT-Assistant Director \$44,976-55,248
IN-Deputy Director \$33,592-52,286

Salary Group 14

Director
\$38,875-54,081

Dir., St. Planning Ofc., State Range 89 (9 steps) \$37,024-54,163
State Budget Ofcr., State Range 89 (9 steps) \$37,024-54,081

CT-Office Director \$49,802-62,874
IN-Office Director \$40,716-63,128

Salary Group 15

Executive Director
\$41,800-58,150

Commissioner \$41,870-61,547
State Range 91 (9 steps)

CT-Executive Dir., Legis. Mgmt. \$56,998-70,070
IN-Executive Dir., Leg. Ser. Agy. \$48,984-76,466