

MAINE STATE LEGISLATURE

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August 1, 1946

To H. H. Harris, Acting State Controller

From Abraham Breitbard, Deputy Attorney General

In re Chapter 147, P. & S. Laws approved July 26, 1946

In your memo of July 30th, you submitted a series of questions concerning the application of the salary increase to "full-time" State employees, beginning August 5, 1946 of \$7.20 per week less the amount of the increase that such employee is now receiving under the provisions of Chapter 135, P. & S. Laws, 1945 and known as the Downs Bill. I shall state the questions that you put and then my answer.

1. Will those receiving training under the "G. I. Bill of Rights" be considered as state employees for benefits under this bill?

Answer: No. This act is applicable only to "full time" State employees and I interpret "full time" as here used to mean permanent employment as distinguished from temporary or seasonal employment, and as distinguished from part time employment. On the other hand, these trainees are serving merely an apprenticeship, hence are not to be considered as State employees.

3. Do employees of the cleaning crews who come in after office hours and work from 5 until 10:30 come within the provisions of this act as "full time" employees?

Answer: In my opinion they are to be included within the terms of this act. Their employment is of a permanent nature notwithstanding the fact that the hours that they put in are less than the 40 hours required to be observed by office employees. Nevertheless they put in all of the time that that work requires and the number of hours they do spend is the full time required to complete their work. They thus should not be considered as part time employees.

4. Are seasonal employees to be granted this increase?

Answer: No.

5. In some instances one employee holds two full time jobs (1 day, 1 night) would he be entitled to benefits under both payrolls?

Answer: Yes. I understand there is only one employee who holds down two full time jobs, one at the State House during the day and another at the warehouse of the Liquor Commission during the night. If he were to cease doing either one the person who replaces him would be entitled to this increase and thus I can see no reason for denying it to him is good policy for one man to work day and night is not before

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us. The question here is whether he is entitled to be paid for the two jobs.

6. Are highway road employees (crews, patrolmen, etc.) to be considered as "full time employees"?

(These employees are paid on an hourly basis for actual hours work per week.)

Answer: I am informed upon inquiry that these employees are paid on an hourly basis for the actual hours that they work per week. Employees who are paid by the hour rather than by the week, in my opinion, do not come within the provisions of the act as I interpret it that only those who are paid by the week at an established weekly salary were intended.

Abraham Breitbard
Deputy Attorney General

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