

MAINE STATE LEGISLATURE

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August 14, 1946

To Fred M. Berry, State Auditor

Re: Trainees Previously Full-time Employees

I have your memo of August 14th relating to the status of John F. Hill, Jr. and Garland C. Lewis, who are trainees under the G. I. Bill of Rights and at the same time, you state, they are full-time State employees, Mr. Hill having been employed by the State as a regular employee on July 10, 1935 and Mr. Lewis on May 6, 1935. Both have been regular State employees since that time.

You state that both these employees did not receive the \$7.20 increase in salary in accordance with the provisions of Chapter 147 of the Private & Special Laws of 1945, for the reason that they were classified as temporary employees; and you ask my opinion in the matter, so that it may be clearly established whether or not these men should be classified as full-time employees of the State and entitled to full-time salary adjustment as provided in Chapter 147, which provides for an increase for full-time employees.

Before answering your question I want to state that the State Controller on August 1st asked this office for an opinion as follows:

"Question. 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."

This opinion was rendered by my Deputy and it was based on the facts brought to his attention, that these trainees were apprentices and not full-time employees, and no exception was therefore made in the case of full-time employees. The provisions of Chapter 147 are very clear as to full-time employees; and if Mr. Hill and Mr. Lewis are full-time employees and have been full-time employees during the past eleven years, even though they are receiving so-called training under the G. I. Bill of Rights, they would come within the provisions of the act passed at the special session which provides that all full-time State employees shall be granted an increase in salary of \$7.20 per week.

I understand that these two employees did not come within the provisions of the Downs Bill, as they were receiving over \$40 a week.

I understand that the Personnel Board ruled that trainees were not considered State employees and received no consideration under the so-called Downs Bill where they were eligible. Notwithstanding that fact, I must rule that John F. Hill, Jr. and Garland C. Lewis are full-time State employees and that they fall within a different class than the trainees who are on a temporary basis, as both these men have been employed by the State as full-time employees for over ten years, and the fact remains that though they may be trainees, they are full-time employees on our State payroll and are entitled to the benefits provided in Chapter 147, P&SL 1945, passed at the special session, July, 1946.

Ralph W. Farris
Attorney General

RWF:c

cc: State Controller
Personnel Board