

MAINE STATE LEGISLATURE

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April 29, 1966

Henry L. Cranshaw, State Controller

Accounts and Control

Leon V. Walker, Jr., Assistant

Attorney General

Council Order 791 A - Reimbursement for Moving Expenses

FACTS:

Council Order 791 A of February 16, 1966, authorizes reimbursement to permanent State personnel for the cost of transportation of household effects when transferred in line of duty at the convenience of the department involved, and the State, other than disciplinary action. The question has arisen whether a permanent employee who has accepted a promotion, and who moves to a new duty location, is entitled to reimbursement for the cost of transportation of his household effects. Specifically you ask the following questions:

QUESTION NO. 1:

Is such an employee entitled to reimbursement of transportation costs?

ANSWER NO. 1:

No. See opinion.

QUESTION NO. 2:

Should such an employee be considered as being transferred in line of duty at the convenience of the department?

ANSWER NO. 2:

Only in rare instances. See opinion.

QUESTION NO. 3:

Does the requirement of moving to accept a promotion come within the interpretation of this order?

ANSWER NO. 3:

No.

OPINION:

The Council Order provides for reimbursement only to permanent employees. Personnel Rule 9.2 provides that all promotional appointments shall be tentative and subject to a probationary period of six months of actual service. Thus, when an employee accepts a promotion while working at locality A, for work to be performed at locality B, he becomes a probationary employee at the instant he receives his appointment, and his transportation costs arise while he is in that status. Therefore, he is ineligible for reimbursement. Furthermore, it is difficult to imagine a promotion that is for the convenience of the department rather than for the benefit of the employee. The fact that the employee can obtain a promotion only by moving to a new locality still does not entitle him to the benefits of the Council Order.

Leon V. Walker, Jr.
Assistant Attorney General

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