

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date September 9, 1975

Colburn W. Jackson, Chairman

Board of Trustees, Maine State
Dept. Employees Health Insurance Pro.

From Joseph M. Kozak, Assist. Atty. Gen. Dept. Health and Welfare
Subject STATE EMPLOYEES WHO ARE LAID OFF ARE NOT ENTITLED TO PARTICIPATE
IN THE MAINE STATE EMPLOYEES HEALTH INSURANCE PROGRAM

SYLLABUS:

Laid off State employees are not eligible to participate in the Maine State Employees Health Insurance Program.

FACTS:

Pursuant to 5 M.R.S.A. §285 certain State employees are entitled to participate in a group health insurance plan. 5 M.R.S.A. §285(7) requires the State, through the Board of Trustees of the Maine State Employees Health Insurance Program, to pay 100% of the employees' share of this insurance.

QUESTION AND ANSWER:

Are State employees who are subsequently laid off entitled to participate in this group health insurance plan during the period of their lay off? No.

REASONS:

5 M.R.S.A. §285(1) provides that:

I. Eligibility. Each appointed or elective officer or employee of the State of Maine who is eligible for membership in the Maine State Retirement System or the State Police Retirement System or a member of the judiciary or an employee of the Maine State Credit Union or of the Maine State Employees Association or of Council 74 of the American Federation of State, County and Municipal Employees or the Maine Turnpike Authority, including those employees in any of said categories who on April 26, 1968 have retired and who were covered under plans of insurance which by virtue of this legislation will be terminated and thereafter any such employees in any of said categories who retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan shall come within the purview of this section, excepting that it shall not be extended to include members of the Maine State Municipal Association or the Maine Teachers Association or employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations.

The language of 5 M.R.S.A. §285 is clear in that it provides group health insurance coverage on behalf of certain state employees. Employee is defined in 5 M.R.S.A. §552(6) as

...any person holding a position subject to appointment by an appointing authority.

Lay offs of State employees are governed by State of Maine Personnel Rules, Rev. April 1, 1975, Rule 12.3. That Rule provides specific conditions under which layoffs may occur. It further specifies the order in which layoffs can occur and delineates the rights of laid off employees to re-employment.

Further, State of Maine Personnel Rule 7.4 provides that the names of all permanent or probationary employees subsequently laid off be placed upon a re-employment register. These registers, authorized under 5 M.R.S.A. §632, are utilized to determine the names of persons eligible for appointment in each class of position in the classified service.

The fact that the names of laid off employees are placed upon the re-employment register in order to indicate their eligibility for appointment to a certain class of position clearly indicates that such persons are not State employees as defined in 5 M.R.S.A. §552(6). Consequently, laid off employees are not eligible to participate in the Maine State Employees Health Insurance Program.