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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 11, 1977

To: O. W. Seibert, State Budget Officer
From: Donald G. Alexander, Deputy Attorney General
Re: Application of \$10 a week salary increase to
Executive Department employees

This responds to your request for advice as to whether the \$10 a week salary increases authorized by the provisions of P.L. 1977, Chap. 579, Section I, would automatically apply to employees in the Executive Department, whether directly in the Governor's Office or in such other divisions of the Executive Department as the State Planning Office, the State Energy Office, the State Development Office or the Division of Community Services.

We do not know the breakdown of such employees among the various principal categories of State employees, (1) classified employees, (2) unclassified employees whose salaries are subject to gubernatorial approval, and (3) unclassified employees whose salaries are set by the appointing authority. However, for any of these categories it would be our advice that employees of the Executive Department (except in the case of certain employees who may be red lined) who are full-time employees would be entitled to the full \$10 a week salary increase.

For those employees who are subject to the pay and classification schedules established by the Hay Plan, the \$10 a week raise would come as a result of adjustments directed by Section 1 of Section I.


Section 2 of Section I relating to the salaries of employees whose wages are subject to gubernatorial determination speaks in mandatory terms that: "The Governor shall grant similar and equitable treatment to individuals currently holding such position." Therefore, persons whose wage rates

are set directly by the Governor or persons whose wage rates are set by other appointing authorities but subject to gubernatorial determination also are to have their wage rates adjusted in accordance with the \$10 a week increase specified by Section I.

Similar mandatory language is stated in Section 3 with regard to other classified employees whose salaries are set by the appointing authority without gubernatorial authority. Thus, employees in this category are also automatically entitled to the \$10 a week increase.

Accordingly, it would be appropriate to make \$10 a week adjustments in the salary of employees of the Executive Department who come within the three categories discussed above, classified employees, unclassified employees whose salaries are subject to gubernatorial determination and unclassified employees whose salaries are set by the appointing authority. Further, it should not make any difference what the available source of funding is for those employees, whether general funds, dedicated revenues, or federal funds. Section 4 specifies that employees supported by funds other than the general fund are to receive wage adjustments from those funds. The only limitation in this category would be if available funds in dedicated or special revenue accounts were insufficient to grant the wage increases in question. In such cases, the full wage increase could not be granted as the law specifies that adjustments may not be made from the general fund.

I hope this information is helpful.



DONALD G. ALEXANDER
Deputy Attorney General

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