

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 398

H. P. 239

House of Representatives, February 10, 1977

Speaker laid before the House and on Motion of Mr. Kelleher of Bangor referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Kilcoyne of Gardiner.

Cosponsors: Mr. Hickey of Augusta, Mr. Kelleher of Bangor and Mr. Bustin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Improve the Administration of the State's Merit System.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, funds for state employee merit increases have been arbitrarily restricted to 60% of those employees who may be eligible; and

Whereas, properly warranted merit increases should not be subject to artificial percentage constraints which have the effect of rewarding some employees while other equally deserving employees are by-passed, seriously flawing the merit system itself; and

Whereas, performance objectives of a viable merit system must assure that employees receive equitable treatment and are fairly evaluated one organizational unit to another, that probationary employees are made fully aware of the duties and responsibilities of their positions, and that employees are advised of their failures and short-comings along with formal recommendations for improving performance; and

Whereas, all employees, regardless of whether or not they have reached their maximum pay steps, should be given annual performance evaluations

to ensure quality performance, equal consideration for promotional opportunities, and complete personnel records upon termination from state service; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

P&SL 1975, c. 147, § 9 is repealed and the following enacted in its place:

Sec. 9. Merit rating required. It is hereby declared to be the policy of the State that in those instances where annual merit increases are earned and warranted, as evidenced by the performance appraisals, they shall be awarded. In those instances where such increases are not earned and warranted, they shall be denied.

In furtherance of this policy, the Commissioner of Personnel, utilizing a form or forms prescribed by the commissioner, is directed to require annual merit ratings on all employees regardless of whether or not any such employee is eligible or recommended for a merit increase. The form or forms prescribed by the commissioner, in addition to a performance appraisal section, shall include a section wherein each probationary employee's supervisor shall indicate the extent to which such employee has been oriented to the duties and responsibilities of his position. Further, in every instance where an employee is not awarded a merit increase, a record of the reasons therefor and the actions recommended by the employee's supervisor to correct deficiencies, if any, shall be recorded in the performance appraisal. A copy of each merit rating shall be forwarded within 10 days of its review by the concerned employee to the Personnel Department and made a part of that employee's official personnel file.

The Commissioner of Personnel is also directed to develop and install a training program for supervisory personnel, including appropriate guides and manuals, which shall ensure that all evaluators charged with the responsibility of doing employee merit ratings shall do so fairly and equitably one employee to the next and one organizational unit to another.

The Commissioner of Personnel and all concerned department heads are further directed to review the merit ratings of all eligible employees who have been denied merit increases from November 1, 1976, to the effective date of this Act. In those instances wherein employees deserving of merit increases were denied increases solely because of the 60% limitation on increases in force at the time, such employees shall be awarded their merit increases retroactive to the date of their last merit rating or November 1, 1976, whichever is later.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to improve the administration of the State's merit system.

The limitation on funding of merit increases to 60% of those employees who may be eligible, uneven evaluation one employee to the next, one organization to another, lack of or poor indoctrination to the duties of any particular position, inadequate consultation devices to assure that employees are made aware of their short-comings and given opportunity to improve them have all combined to cause chaos in the administration of the state's merit system resulting in a seriously demoralized work force. The conditions set forth in this Act seek to reestablish an efficient and fairly administered merit system thereby assuring good morale and quality productivity.