

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2122

H. P. 2064

House of Representatives, January 30, 1978

Filed by the Joint Standing Committee on State Government under Joint Rule 17.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Clarify the Status of Intermittent State Employees.

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

Sec. 1. 5 MRSA § 553-A is enacted to read:

§ 553-A. Appointing authority obligation to inform employee

Every appointing authority shall inform every employee, holding a position subject to appointment by the appointing authority, in writing, of the following:

1. Employee's rate of pay and circumstances under which rate may be changed. The employee's rate of pay and the circumstances under which that rate may be changed including longevity and merit increases;

2. Nature of benefits available. The nature and costs of benefits available to state employees generally, the nature and costs of benefits available to the employee and the circumstances under which the employee's benefit eligibility or cost may be changed. For the purposes of this subsection, the word "benefits" shall mean, but not be limited to:

A. Vacation, holiday and sick leave;

B. Insurance programs;

C. Retirement programs; and

D. Any other gain made available by the State to any of its employees, whether in cash or in kind; and

3. Rights of state employees. The rights of state employees and of the employee, including the right to appeal decisions made with respect to his employment.

Sec. 2. 5 MRSA § 559 is enacted to read:

§ 559. Intermittent employees

It shall be the policy of the State to permit all employees of the State to participate to the fullest extent possible in the benefits of the civil service system for classified and unclassified employees. This policy shall be extended to full-time, part-time, intermittent and all other categories of employees.

The Commissioner of Personnel shall, not later than the effective date of this section, adopt rules to assure the attainment of this policy for intermittent employees. At a minimum, the rules shall:

1. Definition of intermittent positions. Define intermittent positions, and shall in the definition limit the use of any position to employment for not more than 19 hours per week or 25 weeks per year; and

2. Eligibility provisions. Provide that a person who, subsequent to the effective date of this section, has been employed in an intermittent position for more than 1,040 hours shall:

A. Be eligible to accrue and use vacation and sick leave days at the same rate, pro rata, as full-time state employees;

B. Be eligible to receive holiday pay at the same rate, pro rata, at the same rate as full-time state employees, provided the intermittent employee works on the days before and after the holiday;

C. Be eligible to receive an increase in salary to the next step on the same basis as full-time employees, i.e., after completing 2,080 hours of work;

D. Be considered a classified employee for the purposes of:

(1) Eligible registers;

(2) Classification of positions;

(3) The compensation plan;

(4) Promotion in the classified service;

- (5) **Provisional, emergency, exceptional and temporary appointments;**
- (6) **Probationary period;**
- (7) **Transfer;**
- (8) **Reinstatement;**
- (9) **Demotion;**
- (10) **Suspension, layoff and dismissal;**
- (11) **Leave of absence and resignation;**
- (12) **Personnel records;**
- (13) **In-service training;**
- (14) **Service ratings; and**
- (15) **Certification of payrolls;**

E. Be eligible to participate on a pro rata basis in the retirement program for state employees; and

F. Be eligible to participate in health and hospitalization insurance programs at rates of participation reduced to reflect the less than full-time status.

This section shall not apply if provided pursuant to Title 26, chapter 9-B.

STATEMENT OF FACT

This bill is the result of a study conducted by the State Government Committee of the 108th Legislature pursuant to H. P. 1760. Copies of the report of the committee are available in the committee's hearing room in the State House in Augusta.

Section 1 of this bill provides that every employee of the State be informed in writing of his rate of pay, benefits, conditions of employment and employee rights, including the right to appeal decisions made with respect to his employment. This requirement may be met simply through the publication of a booklet which is given to each employee. The Department of Personnel has begun to prepare such a book.

Section 2 of the bill requires the Commissioner of Personnel to adopt rules which provide that intermittent employees of the State shall be permitted to participate more fully in the state's personnel system after completion of the full-time equivalent of 6-months' employment by the State, i. e., after completing 2,080 hours of work; to participate in health and hospitalization insurance and

retirement programs; and to be entitled to "status," special privileges given to state employees relating to personnel actions, such as hiring, promoting and firing. The bill does not provide that intermittent employees shall be eligible for the state life insurance plan, because of the difficulty of devising a rational system to calculate coverage and the potential for abuse.

All the provisions of section 2 of the bill shall be subject to any changes contained in a collective bargaining agreement signed by the State and a labor union.

It is not possible to specify the cost impact of this legislation because of the lack of any data with which to make an estimate. For example, in conducting the study, the committee was told that there is no data in the possession of either the Department of Personnel or the state agencies hiring intermittent employees to indicate: (1) The number of hours worked by intermittents; and (2) whether and to what extent intermittents are now granted the various benefits mandated for them by the bill. Any additional cost imposed by this bill will have a direct relationship to these 2 variables. However, enactment of this bill will impose some additional cost in state funds since it is known that at least some agencies do not make available all of the benefits to intermittent employees.