

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1480

H. P. 1217

House of Representatives, March 27, 1979

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

Cosponsors: Mrs. Reeves of Pittston, Mrs. Nelson of Portland and Mr. Paradis of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Promote Greater Efficiency through Alternative Working Hours for
State Employees.**

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

Sec. 1. 5 MRSA c. 69 is enacted to read:

CHAPTER 69

ALTERNATIVE WORK HOURS

§ 901. Legislative findings and purpose

The Legislature finds that alternative working hours, including part-time work, job-sharing and more flexible work schedule, will lead to greater efficiency by state employees. We further find that there are many qualified and talented Maine citizens whose personal responsibilities make it difficult to work full time or during the traditional hours of employment.

The purpose of this chapter is to promote a more efficient State Government and to use more fully the many talents of Maine citizens.

§ 902. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

1. Agency. "Agency" means any state agency included in the definition of section 8002.

2. Flexible-hours employment. "Flexible-hours employment" means full-time employees of a specific work unit being able to set different working hours around a basic 4-hour period during which all full-time unit employees shall be at work.

3. Job sharing employment. "Job sharing employment" means sharing the responsibility for a normally full-time position.

4. Part-time employment. "Part-time employment" means working 50% or more of the hours per year of a full-time employee in the same job classification.

§ 903. Alternative work-hours goals

Within one year of the effective date of this chapter the Commissioner of Personnel shall establish rules for our various state agencies which would achieve this section's alternative work-hours goals.

The commissioner may vary, in whole or in part, from these goals if in his judgment alternative work hours are not suitable for a specific agency.

The commissioner shall report to the first regular session of each Legislature on the state's progress in establishing alternative work hours.

The goals are as follows:

1. Part-time positions. Within one year of the promulgation of the commissioner's rules, not less than 1% of each agency's classified positions and 1% of its unclassified positions would be available for part-time employment. Each year thereafter the number of classified and unclassified positions available for part-time employment would each increase by 1%, until not less than 5% of each category would be available.

2. Job-sharing positions. Within one year of the promulgation of the commissioner's rules, not less than 1% of each agency's classified positions and 1% of its unclassified positions would be available for job-sharing employment. Each year thereafter the number of classified and unclassified positions available for job-sharing would each increase by 1%, until not less than 5% of each category would be available.

3. Flexible-hours positions. Within one year of the promulgation of the commissioner's rules, not less than 1% of each agency's classified positions and 1% of its unclassified positions would be available for flexible-hours employment. Each year thereafter the number of classified and unclassified positions available for flexible hours employment would each increase by 1%, until not less than 5% of each category would be available.

§ 904. Commissioner supervision.

1. **Agency plans.** Each agency shall prepare a plan that, whenever practical, meets the goals of this chapter. This plan shall be forwarded to the commissioner according to a schedule established by him.

2. **Supervision.** The commissioner shall then promulgate the rules required under section 903 and monitor their yearly implementation.

3. **Waiver of goals.** Upon the request of an agency, the commissioner may temporarily waive all or part of the goals established for that agency under section 903. The commissioner may make this waiver if:

- A. The agency can show its efficiency would be severely impaired;
- B. The agency is experiencing a substantial reduction in force; and
- C. The agency's current working conditions make it unsuitable for alternative work hours.

Any waiver shall not extend longer than one year but may be reapplied for. An agency may appeal the commissioner's waiver decision to the State Personnel Board. This appeal shall be made within 30 days of the decision. Upon the vote of at least 3 of its members, the board may adjust the commissioner's decision.

§ 905. Protection of participants

1. **Employment advantages.** This chapter shall not unfairly impair the normal advantages of state employment of persons who participate in the alternative work hours of this chapter. The advantages include:

- A. Vacation time;
- B. Sick leave;
- C. Maternity leave;
- D. Promotion;
- E. Seniority;
- F. Wage increases;
- G. Health benefits;
- H. Retirement benefits; and
- I. Participation in all other benefit plans or programs.

Persons who take a position made possible by this chapter shall participate in these advantages in the same manner as all other state employees.

2. **Proration benefits.** The commissioner shall establish regulations prorating vacation time, sick leave and maternity leave for persons who accept part-time or job-sharing employment.

§ 906. Full-time employee protection

The commissioner shall insure that no person who is presently employed in a full-time classified position shall be required to accept part-time, job-sharing or flexible-hour employment as a condition of continued employment.

§ 907. Present employees

It shall be permissible for current full-time employees to change their status to part-time, job-sharing or flexible-hours employees.

STATEMENT OF FACT

The purpose of this bill is to set general goals in State Government for the creation of part-time work, job-sharing arrangements and more flexible working hours.

The Commissioner of Personnel shall supervise the achievement of this chapter's goals in the different agencies and he shall have the authority to waive them in whole or in part. The commissioner's waiver decision may be appealed to the State Personnel Board.