

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 658

H. P. 578

House of Representatives, February 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Brenerman of Portland.

Cosponsors: Representative Mitchell of Vassalboro, Senator Trafton of Androscoggin, Senator Perkins of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Promote Greater Efficiency through Alternative Working Hours in State Government.

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

5. MRSA c. 69 is enacted to read:

CHAPTER 69

ALTERNATIVE WORKING HOURS

§ 901. Legislative findings and purpose

The Legislature finds that alternative working hours, including part-time work, job sharing and more flexible work schedules will lead to greater efficiency by state employees. There are many qualified and talented Maine citizens of all ages whose personal responsibilities make it difficult to work full time or during the traditional hours of employment. It further finds that only 2% of all state workers are over the age of 65 and that alternative working hours will encourage older workers to remain in the work force.

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 otherwise indicates, the following terms have the following meanings.

1. **Department.** "Department" means any department as defined in the Department of Personnel Rules, chapter 1, section 3.

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 6-hour period during which all full-time unit employees are to be at work.

3. **Job sharing employment.** "Job sharing employment" means sharing the responsibility, salary and fringe benefits of one full-time position.

4. **Part-time employment.** "Part-time employment" means an employee working less than the standard work week for the class and agency on regularly scheduled hours per week for the position.

§ 903. Alternative work hours goals

1. **Rules.** Within one year of the effective date of this chapter, the Commissioner of Personnel or his designee shall establish rules for various state agencies which would achieve the alternative work hours goals set out in subsection 2.

2. **Goals.** Within one year of the promulgation of the commissioner's rules, not less than 1% of each department's classified positions and 1% of its unclassified positions shall be available for positions that are considered alternative working hours, such as part time, flex time and job sharing. Each year thereafter, the number of classified and unclassified positions available for alternative working hours shall increase by 1% until not less than 3% of all positions are available in each department.

3. **Variance.** The commissioner may vary, in whole or in part, from the goals in subsection 2, if in his judgment alternative work hours are not suitable for a specific agency.

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

§ 904. Commissioner supervision

1. **Plan.** The commissioner shall prepare a plan that, whenever practical, meets the goals of this chapter. This plan shall be forwarded to the Legislature within one year of the implementation of this chapter.

2. **Supervision.** After forwarding the plan to the Legislature, the commissioner shall promulgate the rules required under section 903 and monitor their yearly implementation.

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

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

Any waiver may not extend longer than one year, but may be reapplied for. A department 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 may not be used to 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 are entitled to 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 is required to accept part-time, job sharing or flexible hour employment as a condition of continued employment.

§ 907. Present employees

Current full-time employees may 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 to encourage those who seek alternative work hours to remain in or to enter the work force in positions of State Government. Recent findings of a study of older workers in the State Personnel System conducted by the Bureau of Maine's Elderly and the Maine Human Rights Commission indicate that, even though the practice of mandatory retirement has been abolished in public employment since 1978 in Maine, only 2% of all state workers are over the age of 65 and that almost 2/3 of all workers are under the age of 45. The study also showed that, of 1,000 supervisors sampled, 78% favored the concept of flex time. In addition, a recent analysis of all recommendations made by several regional conferences and task forces at the state level, state-wide Blaine House Conferences and the White House Conference on Families showed that all groups overwhelmingly chose as a top priority the need to encourage employers to adopt family-oriented personnel policies, including flex time and shared and part-time job opportunities. Currently, all non-full-time jobs, including seasonal employment, now represent only 2.5% of all state positions.

The Department of Personnel states that it encourages employment applications from all qualified segments of the population, particularly those who are under-represented in the work force. This legislation would assist the Department of Personnel to attain its goal.

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