

MAINE STATE LEGISLATURE

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New Draft of: H. P. 578, L. D. 658
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1556

H. P. 1375

House of Representatives, April 27, 1981

Reported by Representative Kany from the Committee on State Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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:

Sec. 1. 5 MRSA § 285, sub-§ 7, as repealed and replaced by P&SL 1975, c. 90, § T, § 2, is repealed and the following enacted in its place:

7. Payment by State. Except as otherwise provided in this subsection, the State, through the board of trustees, shall pay 100% of only the employee's share of this insurance. For any person appointed to a position after November 1, 1981, who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours.

Sec. 2. 5 MRSA § 631, sub-§ 1, ¶¶ O and P, as enacted by PL 1975, c. 686, § 4, are amended to read:

O. Service ratings; and

P. Certification of payrolls; and

Sec. 3. 5 MRSA § 631, sub-§ 1, ¶ Q is enacted to read:

Q. Alternative working hours, consistent with chapter 69;

Sec. 4. 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.

§ 902. Definitions

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

1. Alternative working hours employment. "Alternative working hours employment" means employment in the classified or unclassified service capable of being filled through flexible hours, job-sharing or part-time employment, as defined in subsections 2, 3 and 4.

2. Flexible hours employment. "Flexible hours employment" means employment where the full-time employees of a specific work unit and shift are authorized to set different working hours around a basic core of hours during which all full-time unit employees are to be at work.

3. Job-sharing employment. "Job-sharing employment" means employment where 2 or more persons share one full-time position.

4. Part-time employment. "Part-time employment" means employment for less than the standard work week for the class and agency on regularly scheduled hours each week for the position.

§ 903. Authorization for alternative working hours employment

1. Employees in collective bargaining units. The Governor, or his designee who negotiates a collective bargaining agreement, may bargain and conclude agreements, pursuant to Title 26, chapter 9-B, which include provisions for alternative working hours employment. Notwithstanding any other state law, an agreement with any such provision shall provide for the proration of any benefits, including retirement benefits, made available to a person employed for job-sharing and part-time employment, provided that such proration is not prohibited by federal law.

2. Employees not in collective bargaining units. The Commissioner of Personnel shall adopt rules to implement alternative working hours employment for persons who are not in collective bargaining units. Notwithstanding any other state law, any such rules shall provide for the proration of any benefits, including retirement benefits, made available to a person employed for job-sharing and part-time employment, provided that such proration is not prohibited by federal law.

3. **Further authority.** Any appropriation for personal services, allocation or other resource made available to an account may be used during the biennium to carry out the intent of this section. For the purpose of complying with any appropriation or allocation, one full-time position shared by more than one person shall be considered one full-time position. Continued funding of these costs shall be requested as current services in accordance with chapter 149.

4. **Prohibition.** Positions listed in section 711, subsection 2, and in Title 2, section 6, may not be filled by persons employed under any job-sharing authority.

5. **Report.** The commissioner shall report to the Joint Standing Committee on State Government the state's progress in establishing alternative working hours. The report shall at a minimum contain a specific breakdown of the number of employees seeking and the number of employees working alternative working hours employment by each category of such employment, the increase or decrease in the number of employees from the preceding year by each category, the number of persons over the age of 60 by each category of alternative working hours employment, an estimate of savings achieved or costs imposed and a narrative summary of the efforts taken by the State to encourage the development of alternative working hours employment.

Sec. 5. Application. Nothing in this Act shall affect the provisions of any collective bargaining agreement pursuant to the Revised Statutes, Title 26, chapter 9-B, that is in effect on the effective date of this Act.

STATEMENT OF FACT

This new draft establishes a system of "alternative working hours" for state employees, and provides a safeguard to assure that the system does not impose more costs than would be realized under the current system.

The salient features are:

1. **Scope.** Alternative working hours employment is defined to include flexible hours, job-sharing and part-time employment;

2. **Establishment.** For employees in collective bargaining units, the alternative working hours program will be established through collective bargaining. For employees not in bargaining units, it will be established by rules adopted by the commissioner or other chief executive officer of an agency with the approval of the Commissioner of Personnel; and

3. **Limits.** A provision is included to limit any negative effects on costs. There is a requirement that all fringe benefits be prorated. This would mean, for example, that if 2 people shared a full-time job, one working 40% of the time and the other 60%, then the State will pay for the first person 40% of a full-time employee's health insurance costs and 60% for the second. This provision is also extended to state payments for health insurance for persons not working "alternative hours," but working less than full time, who are employed after

November 1, 1981. The proration also is intended to apply to retirement benefits. This would mean that an eligible person who worked full time for 1/3 year or a person who worked 1/3 time for one year would receive 1/3 of a year's credit toward retirement for that year.

This bill could result in possible future costs for workers' compensation and unemployment benefits, as it relates to more than one person filling a full-time position.