

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 119

S.P. 100

In Senate, February 9, 1989

Submitted by the Department of Administration pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.

Cosponsored by Senator CARPENTER of York, Representative BEGLEY of
Waldoboro and Representative JOSEPH of Waterville.

STATE OF MAINE

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

An Act Relating to State Personnel Administration.



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

3 **Sec. 1. 5 MRSA §7051, sub-§1,** as enacted by PL 1985, c. 785,
Pt. B, §38, is repealed.

5
7 **Sec. 2. 5 MRSA §7062, sub-§3, ¶¶D and E,** as enacted by PL 1985,
c. 785, Pt. B, §38, are repealed.

9 **Sec. 3. PL 1979, c. 739, §7** is amended to read:

11 **Sec. 7. Supervisory differentials.** An appointing authority may
13 recommend and the Governor may approve the payment of a salary
15 differential to a confidential employee who is at the maximum of
his the employee's salary grade and who is earning less than a
subordinate who is at the maximum of his the subordinate's grade
17 and who is receiving nonstandard premium pay pursuant to a labor
agreement or a salary differential pursuant to this Act. The
total salary paid to any such confidential employee shall not
19 exceed equal the total salary of the subordinate ~~by more than the~~
~~difference between the maximum standard base salary of the~~
21 ~~confidential employees grade and the next lower grade~~ increased
by 3%.

23
25 **Sec. 4. PL 1979, c. 739, §10** is amended to read:

27 **Sec. 10. Provision for temporary disability.** The appointing
authority, ~~at his discretion may~~ shall provide to a confidential
employee continued salary benefits in the event of that
29 employee's temporary disability, according to the provisions
herein in this section.

31 Any confidential employee, who, after 6 consecutive months
33 of employment, becomes totally disabled and incurs a loss of time
from work as a result of sickness or accidental bodily injury
35 which prevents the employee from performing any and every duty of
his the employee's occupation may shall receive a benefit payment
37 while he the employee remains totally disabled and under the care
of a licensed physician. The benefit payment shall commence on
39 the day immediately following completion of the greater of his
the employee's accumulated sick leave or 30 days of continuous
41 total disability. It shall continue up to the earliest of:

43 **1. Last day of disability.** The last day on which the employee is
unable to perform the duties of any gainful occupation;

45
47 **2. Balance of 180-day period.** The balance of the 180-day
period of continuous total disability; or

49 **3. Eligibility for disability retirement allowance.** The first day
the employee is eligible for a disability retirement allowance
51 under the Maine Revised Statutes, Title 5, section 1122.

1

3

5

7

The benefit payment shall equal 66 2/3% of the employee's weekly salary at date of disablement. Any state retirement allowance shall be deducted from the benefit payment. No payment shall be made if the sickness or bodily injury is covered under workers' compensation. No payments shall be made for disabilities occurring prior to the effective date of this Act.

9

11

The ~~Commissioner--of--Personnel~~ Director of Human Resources may promulgate rules and regulations for the uniform administration of this temporary disability plan.

13

15

17

An employee who is provided temporary compensation under authority of this Act shall continue to receive the benefits which were provided immediately prior to the first date of disability.

19

STATEMENT OF FACT

21

23

25

27

29

Section 1 repeals the appointment preference which was provided to United States citizens by a 1986 amendment to the United States Civil Service Law. This preference is in conflict with the United States Federal Immigration Reform and Control Act of 1986, the United States Civil Rights Act of 1964, Title VII and the State's Code of Fair Practices and Affirmative Action which prohibit discrimination in hiring, discharging or recruiting because of national origin.

31

33

35

37

39

41

43

45

47

Section 2 repeals register removal restrictions which were added to the United States Civil Service Law as part of the 1986 Reorganization Act. The repeal of Maine Revised Statutes, Title 5, section 7062, subsection 3, paragraph D, will restore a former practice established by Civil Service Rule to remove a register candidate who fails to respond to a written inquiry within 5 days or a telegraphed inquiry within 2 days. This former practice and rule further provide that any candidate removed for these reasons may, with justification, be restored to the register for the balance of the register's duration. The repeal of Title 5, section 7062, subsection 3, paragraph E, will enable register removal decisions which are based on several unsuccessful referrals to be addressed administratively through the rule-making or collective bargaining process. The established procedure previously in effect provided for the removal of a candidate after 6 unsuccessful referrals.

49

51

Section 3 standardizes the formula for computing salary differentials which may be authorized for confidential employees under authority of Public Law 1979, chapter 739. The existing formula enables an adjustment which can range from less than the total pay of the subordinate to about 3% more than the total pay

1 of the subordinate. This degree of variation may promote
2 inequity and a formula which provides a fixed adjustment is
3 preferred.

5 Section 4 corrects a reference to the former Commissioner of
6 Personnel and adds language to ensure that confidential employees
7 who receive temporary disability compensation continue the
8 benefits which were available to them immediately prior to the
9 disability. It assures the availability of the temporary
10 compensation on a nondiscriminatory basis by removing the
11 discretionary provision.