

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1668

S.P. 682

In Senate, March 22, 2016

**An Act To Facilitate Internal Hiring by Reforming the Use of
Registers in the State Civil Service System**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland. (GOVERNOR'S BILL)

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

2 **Sec. 1. 5 MRSA §7036, sub-§5**, as amended by PL 1999, c. 668, §10, is further
3 amended to read:

4 **5. Be responsible for development and implementation of system of registers of**
5 **eligibles.** Be responsible for the development and use of registers of eligibles and the
6 updating of these registers.

7 ~~The~~ After meeting and consulting with collective bargaining representatives of affected
8 employees, the director shall implement the procedures authorized by this subsection with
9 the goal to establish an efficient hiring process that meets the satisfaction of the agencies
10 that the office serves;

11 **Sec. 2. 5 MRSA §7051, sub-§6, ¶B**, as amended by PL 2007, c. 466, Pt. A, §15,
12 is further amended to read:

13 B. The director shall establish a policy to protect persons in temporary positions
14 from remaining in a temporary position for an unreasonable period of time, ~~not to~~
15 ~~exceed one year.~~

16 **Sec. 3. 5 MRSA §7062, sub-§§1 and 3**, as enacted by PL 1985, c. 785, Pt. B,
17 §38, are amended to read:

18 **1. Placement of names on register.** In establishing registers of eligible persons
19 pursuant to this section, the names of all persons attaining the minimum final earned
20 ratings established by the director ~~shall~~ must be placed on the register ~~in order of their~~
21 ~~ratings.~~

22 **3. Removal from list prohibited under certain circumstances.** ~~No~~ A person may
23 not be removed from a register of eligibles for:

24 A. Specifying the conditions under which the applicant will accept employment in a
25 classification;

26 B. Specifying a department, bureau or division in which the applicant will accept
27 employment in a classification; or

28 C. Specifying a department, bureau or division in which the applicant will not accept
29 employment in a classification; or

30 ~~D.— Failure to respond in less than 3 months' time to a written inquiry of the director~~
31 ~~or some other appointing authority relative to availability for appointment, except as~~
32 ~~provided by section 7034, subsection 5, with respect to the annual update of registers~~
33 ~~of eligibility. In this case, the register may be closed in the event that the person does~~
34 ~~not respond expeditiously, but the person's name shall not be removed from the~~
35 ~~register except in accordance with this paragraph; or~~

36 ~~E.— Failure to be appointed to a position following certification regardless of the~~
37 ~~number of certifications an applicant has received.~~

1 **SUMMARY**

2 This bill makes the following changes to the law relating to recruitment, hiring and
3 retention of state employees:

4 It specifies that, prior to implementing procedures regarding developing and
5 implementing a system of registers of eligible persons, the Director of Human Resources
6 within the Department of Administrative and Financial Services is required to meet and
7 consult with collective bargaining representatives of affected employees;

8 Current law limits the length of time a person in a temporary position may remain in
9 that temporary position to no more than one year. This bill removes that limitation;

10 It eliminates the requirement that the Director of Human Resources place the names
11 of eligible persons on the register in order of their ratings; and

12 It repeals language providing that a person may not be removed from the register of
13 eligible persons for failure to respond in less than 3 months' time to a written inquiry of
14 the Director of Human Resources or appointing authority regarding availability for
15 appointment. It also repeals language providing that a person may not be removed from
16 the register of eligible persons for failure to be appointed to a position following
17 certification.