

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 897

S. P. 709

In Senate, March 30, 1935.

Tabled by Senator Bissett of Cumberland pending acceptance of report and 1,000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Establishing the Classification and Compensation Plan of the Personnel Service of the State of Maine in Accordance with Paragraph 2, Section 3, Chapter 81, Public Laws 1933.

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

Sec. 1. Classification and compensation plan. There is hereby established a system of classification and compensation, hereinafter called the "plan," covering all state employees except those hereafter enumerated. There shall be established in addition to classification specifications and compensation ranges, such rules and regulations as may be deemed necessary to carry out properly, provisions of the plan. The class specifications, salary ranges, rules and regulations hereby provided for shall be prepared by the administrative agency named in section 2 hereof and presented to the governor and council for their approval, whereupon the plan shall become operative immediately.

Sec. 2. Administration. The plan shall be administered by the bureau of budget and for purposes of proper administration a division of personnel is hereby established under the said bureau. The state budget officer is hereby designated as director of personnel and he may employ, with the approval of the governor and council, such assistants as may be necessary to carry out the provisions of this act.

Sec. 3. Application and scope of plan. Provisions of the plan shall apply to all employeés in the state's service, except officials elected by popular vote or by the legislature, officers and employeés of the legislature, officials specifically named in the constitution, and temporary or emergency workers in the unskilled labor class. Department or institutional heads, or other officials appointed by the governor, shall not come within the regulations of the classified service but shall come under the regulations in the matter of compensation, except those whose salaries are fixed by law.

Sec. 4. Purposes and provisions of plan. The purposes of this plan shall be to establish a classification of positions as to duties, typical tasks and minimum qualifications; to establish the merit system in determining appointments and promotions within the personnel service; to fix definite standard rates of compensation by salary ranges, which shall have a minimum entrance rate, a definite rate of increase or decrease, and a maximum rate in each given range. The division of personnel shall maintain lists of persons who have made applications for positions in the state's service, and determine by careful check as to general qualifications of such applicants. Any department or institution needing an employeé shall first apply to the said division, which shall certify to the said department or institution a list of names of not less than three persons from which a selection shall be made. In case no eligible person for any particular position is listed with the division, the position may be filled by the selection of some person agreed upon by the department or institution head and the division of personnel. In every instance the department or institution head shall be the actual employing agency, with the approval of the bureau of personnel. The division of personnel may delegate authority to any department or institutional head to employ persons, particularly such departments and institutions as are now operating under some form of civil service examinations and appointments, and in all cases the regular salary ranges must be adhered to and such reports made to the division of personnel as it shall require. The division of personnel shall continuously make a study of personnel requirements of departments and institutions to the end that the state's service may be improved. It shall make compensation studies at least once in 2 years, investigate and report to the governor and council the need for existing and new positions, test and pass upon the qualifications of applicants for appointment to or promotion in the service, establish and maintain employment and reemployment lists, regulate transfers, annual, sick and special leaves, attendance and overtime pay, layoffs, promotions, suspensions or removals, investigate the effects of the administration of the law and the rules and regulations promulgated thereunder, make a

biennial report to the legislature and the governor and council, and perform such other duties as may be necessary to establish and maintain the personnel service.

Sec. 5. Adjustments. Adjustments in placing all state employees coming within the provisions of the plan under the proper classification, in the proper salary range, and on the proper salary unit within the said range, shall be made by the division of personnel in accordance with the rules and regulations governing the plan. In determining the compensation to be established initially for the several employees of the state, the following rules shall further govern: (1) in computing the existing compensation of employees any allowance for maintainance, with particular reference to employees in institutions, shall be included; (2) if the employee is receiving compensation less than the minimum rate of the range in which his classification falls, compensation may be increased to that minimum rate; (3) if the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rate fixed therein, no change shall be made in the existing compensation, except that length of service and meritorious service may be considered in such cases; (4) if the employee is receiving compensation within the range of salary prescribed for the appropriate grade but not at one of the rates fixed therein, the compensation shall be adjusted to the rate nearest the existing compensation in the following manner: if the nearest rate is equally distant, either more or less to the present compensation, then length of service and meritorious service shall govern the establishment of the new rate; (5) if the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, compensation may be reduced to the maximum rate of the range to which such employee is allocated; (6) all new appointments, unless specifically excepted under the rules, shall be made at the minimum rate of the appropriate range applying to the class.

Sec. 6. Increases in compensation. Increases in compensation to the next higher rate within the salary range of the class shall be allowed only in accordance with the rules and regulations governing the plan, and upon the attainment and maintenance of the required efficiency rating; provided further that in no case shall the compensation of any employee be increased unless the legislature has appropriated sufficient money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade in which his position is allocated. Nothing herein contained however shall be construed to prevent the promotion of an employee from one class to a vacant position in a

higher class at any time, in accordance with the rules and regulations governing the plan, and when so promoted the employee shall receive compensation according to the salary range established for the class to which he is promoted.

Sec. 7. Temporary appointments. Nothing contained in this act shall be construed to make permanent any temporary appointments now existing.

Sec. 8. Inconsistent acts repealed. All acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.