

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 505

S. P. 279

In Senate, February 11, 1937.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Martin of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Provide for a System of Personnel Administration in State Employment; to Create a State Personnel Board, and a Director of Personnel; and to Define the Powers, Duties and Proceedings of Such Board and Director.

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

Sec. 1. Definition of terms. Certain words and phrases hereinafter used shall have for the purposes of this act, the following meaning:

1. "Board" means the "state personnel board."
2. "Director" means the "state personnel director."
3. "Appointing authority" means the officer, board, commission, person, or group of persons having the power by virtue of the Constitution, a statute, or lawfully delegated authority to make appointments.
4. "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by this act.
5. "Employee" means any person holding a position subject to appointment by an appointing authority.
6. "Eligible register" means whatever type of book, binder, or other

record which may be used having thereon the names of persons qualified by examinations to fill positions in the classified service.

Sec. 2. State personnel board. There is hereby created and established a state personnel board. It shall be composed of 3 members, not more than 2 of whom shall be of the same political party. The state budget officer shall be ex-officio member of the board, and its chairman. The 2 remaining members of the board shall be appointed by the governor with the advice and consent of the council. In the initial appointments of such members the governor shall designate 1 member for a term of 2 years and a 2nd member for a term of 4 years. The term of all subsequent appointive members of the board shall be 4 years and until their successors are appointed and qualified. Vacancies in the appointive membership of the board shall be filled within 60 days after the vacancy occurred by the governor with the advice and the consent of the council for the unexpired portion of the term.

Sec. 3. Powers and duties of the personnel board. (1) The personnel board shall have the following powers and duties:

(a) After public hearing, to prescribe and amend rules and regulations for the administration and enforcement of this act. (Due notice of the contents of such rules and regulations shall be given to appointing authorities and such rules and amendments shall be printed for public distribution.)

(b) After public hearing, to adopt, with or without modification, such classification plan as may be recommended by the director in accordance with the provisions of this act.

(c) After public hearing, to approve, with or without modification, such compensation plan and rules for its administration as may be submitted by the director.

(d) To make investigations and report its findings and recommendations in cases of dismissal from the classified service as is provided in paragraph 3 of section 18

(e) To make investigations either at the direction of the governor or the legislature, or upon the petition of an employee or a citizen, or of its own motion concerning the enforcement and effect of this act; to enforce through the director the observance of its provisions and the rules and regulations made thereunder.

(f) To receive, review, and transmit to the governor the annual report of the director. The report of the director may be supplemented by any additional comment, criticism or suggestions for the more effectual ac-

complishment of the purposes of this act that the board may care to submit.

(g) To keep full and complete minutes of its proceedings, which shall, subject to reasonable regulations, be open to public inspection.

(2) The rules and regulations, the classification plan and the compensation plan provided for in (a), (b), and (c) of this section shall be in effect and have the force of law upon the approval of the governor and council.

(3) In the course of any investigation under the provisions of this act, each member of the board shall have the power to administer oaths and to subpoena and require the attendance of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to such investigation. In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the superior court in any county on application of any one of the members of the board or of the director, when authorized by the board, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 4. Director of personnel. There is hereby created a director of personnel. Within 60 days after this act goes into effect the state personnel board shall appoint a director of personnel. The director shall be, at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of public personnel administration on the merit basis.

The director of personnel shall be appointed according to the following provisions: within 30 days after the passage of this act, and thereafter when a vacancy exists in the office of director of personnel, the board shall appoint an examining committee of 3 persons, competent in the field of personnel administration, to examine the qualifications of all persons applying for appointment to the office. As soon as practicable after its appointment, the examining committee shall certify to the board a list of names of 3 persons found by it to possess the necessary qualifications for the office of director of personnel. The board shall then appoint 1 of the persons so certified to the office of the director of personnel. No person who has not been certified by an examining committee as herein provided shall ever be appointed to the office of the director of personnel. The director shall be in the classified service and

shall not be removed by the board except on charges and after a public hearing by the board.

Sec. 5. Powers and duties of the director. The director of personnel shall have the power and duty to administer and make effective the provisions of this act, and the rules and regulations of the personnel board as provided for in section 3 of this act. Such duties shall include:

The preparation and administration of classification and compensation plan; formulation of employment and re-employment registers; certification of persons qualified for employment; transfer, promotion, lay-off, and dismissal of employees; evaluation of employees' services; supervision of programs of employee training; maintenance of a service roster card for each employee, and other records and files; certification of individual pay vouchers; investigation of working conditions; receipt of appeals and investigations; make provision for public hearings with respect to dismissals; enforce regulation of emergency, provisional, temporary, and exceptional appointments; make recommendations for changes and improvements in these rules and regulations; preparation of monthly and annual reports of the operations of the personnel unit and of the distribution, turn-over, and other matters relating to employment; and do all things lawful which he deems necessary or desirable to secure the successful operation of the merit system in accordance with the provisions of this act.

Sec. 6. Classified service. The classified service shall consist of all persons holding offices and employments now existing or hereafter created in the state service, except persons who are holding or shall hold offices and employments exempted by section 7 of this act.

Appointments to and promotions in the classified service shall be made according to merit and fitness, from eligible lists prepared upon the basis of examinations, which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted, or reduced as an officer, clerk, or employee or laborer in the classified service in any manner or by any means other than those prescribed in this act and in the rules of the personnel board made in pursuance to this act.

The classified service shall be divided into the following divisions:

(1) The competitive division shall comprise all positions to which appointment is made from eligible lists prepared upon the basis of open competitive examinations.

(2) The non-competitive division shall comprise positions which are hereafter specified in section 16 of this act.

(3) The labor division shall comprise those positions that can be filled

satisfactorily by unskilled laborers. Appointments to positions in this division shall be made upon certification from eligible lists prepared under rules of the board which shall take account of priority of application, location of work and the factor of convenience arising therefrom, and, whenever warranted, physical and related tests.

Sec. 7. Unclassified service. The unclassified service comprises positions held by officers and employees who are:

- (1) Chosen by popular election or appointed to fill an elective office.
- (2) Officers who, under the constitution or statutes, are chosen by the legislature.
- (3) Heads of departments and members of boards and commissions required by law to be appointed by the governor with or by the advice and consent of the council.
- (4) Officers and employees in the judicial service of the state.
- (5) Officers and employees of the senate and house of representatives of the legislature of the state of Maine.
- (6) Officers and enlisted men in the national guard and naval militia of the state.
- (7) The private secretary, assistant secretary and stenographers in the governor's office.

Sec. 8. Preparation of eligible registers. (1) The director shall, as in his estimation the need requires, prepare for each class of position in the classified service, registers of persons eligible for appointment to positions in each such class. Each eligible register shall consist of a list of all of the persons, who have shown by competitive tests, as provided for in section 12 of this act, that they possess the qualifications which entitle them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared, and of employees who have resigned or been dismissed, laid off, or granted leaves of absence and whose names have been restored to the eligible register in accordance with the provisions of this act.

(2) The names of all persons attaining the minimum final earned ratings established by the director in advance of the giving of the test shall be placed upon the register in order of their ratings. Each eligible register shall remain in force until exhausted, until replaced by a more recently prepared register, or until 2 years from the date of its preparation. However, the names of persons who have indicated in writing to the director that they are unwilling to accept appointment or who have been certified for appointment 3 times and not appointed may, at the discretion of the

director, be dropped from the register. Any person who has twice waived appointment may, at the discretion of the director, be placed at the foot of the register. Any appointing authority or any other person who shall procure the signing of a waiver by an eligible by fraud, misrepresentation, duress, or promise shall be guilty of a misdemeanor.

(3) All persons competing in any test shall be given written notice of their final earned ratings, and of their relative standing upon the eligible register or of their failure to attain a place upon the register.

(4) Whenever an employee is laid off because of shortage of funds, or curtailment of service, or for any other reason beyond his control, his name shall be placed at the head of the same register from which he was originally appointed.

(5) In the case of employees who have been granted leaves of absence, they shall be restored to the appropriate register with due consideration for their previous position on that register and the provisions of section 21 of this act.

Sec. 9. Classification plan. (1) Preparation of plan. It shall be the duty of the director of personnel to ascertain and record the duties and responsibilities of all positions in the service and to establish classes for such positions, in conformance with procedures adopted therefor by the personnel board. The classification plan shall include appropriate titles for each class of position, and shall specify for each class the duties and responsibilities, the education, the experience and other qualification requirements, and the probable lines of promotion. The classification plan shall be so constructed that all positions substantially similar with respect to required qualifications and authority, responsibility, and character of work shall be included in the same class, and that the same salary range can be made to apply with equity to all positions in the class.

(2) **Adoption of the plan.** The director shall transmit the proposed classification plan and rules for its enforcement to the board for its review and approval. After reasonable opportunity to be heard has been given to employees, appointing authorities, and the general public, and after incorporating any modifications, changes or amendments it deems advantageous, the board shall adopt the classification plan and the rules for its enforcement. Thereafter the class titles so established shall be used in all personnel, accounting, budget, appropriation, and financial records of all state departments, commissions, and institutions. Additional classes may be established and existing classes may be divided, combined, altered, or abolished upon the recommendation of the director and approval of the board after public hearing. Such action may be initiated

either by the director or by the direction of the board on request of an appointing authority. Appointing authorities intending to establish new positions shall so notify the director and, except as otherwise provided by this act, no person shall be appointed to or employed for any such position until it has been properly classified as herein provided and an appropriate eligible register established therefor.

(3) **Allocation of positions.** After adoption of the classification plan by the board, the director shall allocate every position in the classified service to one of the classes established by the plan. Thereafter, as new positions are created or additional classes are established, or existing classes are divided, combined, altered, or abolished, the director shall make such allocations or re-allocations of positions to new or existing classes as are necessitated thereby.

Sec. 10. Compensation plan. (1) Preparation of plan. The director shall, as soon as practicable after the adoption of the classification plan, submit to the board a proposed plan of compensation showing for each class of position in the classified service minimum and maximum salary rates and such intermediate rates as he deems desirable. In arriving at such rates he shall take into consideration the advice and suggestions of appointing authorities and other supervising officials, prevailing rates for comparable service in other public employment and in private business, the current costs of living, and the state's financial policies, conditions and appropriations.

(2) **Adoption of plan.** After reasonable opportunity to be heard has been given to employees, appointing authorities, and the general public, and after incorporating any modifications, changes or amendments it considers desirable, the board shall, not later than 40 days after submission of the proposed compensation plan, formally approve and adopt the plan, and order its application to all positions in the classified service. When the board has adopted the compensation plan, it shall constitute the official compensation schedule for positions in the classified service; thereafter, except as otherwise specifically provided by legislative action, no person in the classified service shall ever be paid a salary that is greater than the maximum or less than the minimum rates fixed in the approved compensation plan or by amendments thereto for the position he holds. A copy of the compensation plan shall be given to the governor, the heads of all departments, commissions, and institutions.

Compensation rates shall be established for new classes of positions or existing classes which are divided, combined, or altered and the compensation plan shall be modified, changed or altered in the same manner

as the compensation plan is originally adopted in order to accord with general economic conditions and the financial condition of the state. Such action may be initiated either by the director or at the direction of the board or request of an appointing authority.

(3) **Administration of plan.** When the compensation plan has become effective through its adoption by the board, it shall constitute the official schedule of salaries for all classes of positions in the classified service. No position shall be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan. Salaries of persons holding positions in the classified service shall not be approved by paying authorities unless such salaries conform to the adopted compensation plan.

The minimum or entrance rate of pay for any class of position shall be payable to any person on 1st appointment to a position allocated to the class. However, if a person already in the classified service is transferred, or a former employee is re-employed in the class in which he was employed, he may, with the approval of the director of personnel, enter the position at the same rate of pay as he had been receiving. Appointments at a salary rate other than the minimum or entrance rate may be authorized by the director of personnel, subject to the approval of the board, on certification by the appointing officer that such action is justified by exceptional qualifications of the appointee, outstanding service rendered in another class of position, or is otherwise deemed to be for the best interests of the service.

Salary advancements within an established range shall not be automatic, but shall be dependent upon specific recommendation of the appointing officer and approval of the director of personnel and the board. Such recommendation shall be based upon standards of performance as indicated by merit ratings or other pertinent data. No advancements in salary shall be made until the employee has completed the probationary period.

Sec. 11. Positions in the classified service; how filled. Vacancies in the classified service shall be filled by original appointment, promotion, transfer, reinstatement, or demotion in pursuance of rules and regulations established by the personnel board and administered by the director of personnel.

Sec. 12. Examinations. (1) All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office of employment sought by them, but due regard shall be shown for the capacity of the applicant for promotion to higher positions in the service.

(2) The personnel director, subject to the approval of the personnel board, shall determine the character, type and content of examination for admission to the classified service; the time and place of holding examinations; the forms of application blanks for admission to the examination to be filed by applicants; the minimum requirements for admission to the examination; and the value for each phase of the tests used in determining the average rating of the applicant.

(3) Public notice of the time, place, and general scope or nature of every examination or test shall be given in the manner prescribed by rules drawn up by the director and approved by the board.

Sec. 13. Discrimination prohibited. No question in any form of application or any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened or promised, by anyone in the personnel administration against or in favor of any applicant, registrant on an eligible register, or employee in the personnel service because of his political or religious opinions or affiliations. It is hereby further expressly provided that, in carrying out the provisions of this act, no discrimination shall be made on account of sex or marital status.

Sec. 14. Appointments to vacancies. (1) Appointing authorities shall give written notices to the personnel director of the existence of any vacancy to be filled in any office or employment under the provisions of this act, and within a reasonable time after the receipt of such notice the director shall certify from the register of eligibles appropriate for the grade and class in which the position is classified, the 3 names at the head thereof.

(2) The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates whose name is certified in the manner above set forth, to fill such vacancy unless objection is made, in writing and sustained by the personnel board, to the 3 names certified.

Sec. 15. Promotions. (1) Vacancies in positions shall be filled, so far as practicable by promotion from among persons holding positions in the classified service and from the lower class or group within that particular vocational or career classification in accordance with rules of the board. Promotions shall be based upon merit and fitness to be ascertained by examinations, and upon the record of efficiency, character, conduct and seniority as shown by his previous service.

(2) No promotion shall be made to a position in the classified service from a position in the unclassified service.

Sec. 16. Provisional, emergency, exceptional and temporary appointments. Positions in the classified service may be filled without competition only as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify from an eligible list persons deemed sufficiently appropriate for the vacancy, the appointing authority may nominate a person to the director for non-competitive examination; and if such nominee is certified by the said director as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy only until a selection and appointment can be made after competitive examination; but no person shall receive more than one provisional appointment or serve more than 4 months in any one calendar year as a provisional appointee.

(2) In case of an emergency an appointment may be made without regard to the provisions of this section, but in no case to continue longer than 30 days, and in no case shall successive emergency appointments be made. This provision shall apply to both persons and positions.

(3) In case of vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the personnel board upon recommendation of the director may suspend the requirements of competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual report of the director with the reasons for the same.

(4) Where the services to be rendered by an appointee are for a temporary period not to exceed 3 months, and the need of such service is important and urgent, the director may certify for such temporary service any person on the proper list of those eligible for the permanent appointment without regard to his standing on such list. Successive temporary appointments to the same position or of the same person shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

(5) The director shall prepare and maintain lists of eligibles for

appointment to seasonal positions, such positions being those which are not continuous throughout the year but recur in each successive year. Seasonal positions shall be subject to the provisions and regulations of the board applicable to positions to be filled by competitive examination.

Sec. 17. Probationary period; permanent appointment. All original appointments to the classified service shall be for a probationary period. The duration of such probationary period shall be determined by the personnel director, but in no case shall it be for less than 6 months. During such probationary period the appointing authority shall report to the director every 60 days concerning the work of the employee and after 6 months from the date of appointment no salary or other compensation shall be paid to any such person, unless the appointing authority has filed with the director a statement in writing that the services of the appointee during the probationary period have been satisfactory and that it is desired that he be continued in the service. Any employee may be dismissed by the appointing authority during the probationary period for reasons relating to the employee's qualifications or the good of the service stated by the appointing authority in writing and filed with the director.

Sec. 18. Transfers and reinstatements. (1) No transfer or reinstatement in the classified service shall be made from a position in one grade and class to a position in another grade and class unless the same be specifically authorized by the director subject to approval of the board. Section 14 of this act and the rules adopted thereunder shall be interpreted with this section and the rules adopted hereunder, and where the transfer involves a promotion the requirements of the rules and regulations on promotion shall be observed.

(2) Any person who has held a position by permanent appointment in the classified service and who has been separated from the service without any delinquency or misconduct on his part but owing to reasons of economy or otherwise, may be reinstated with the approval of the board within 1 year from the date of such separation to positions in the same or similar grade or class in the state service.

(3) The commission may provide by rule for the reinstatement of persons who have served meritoriously less than 3 months in seasonal employments, the need for which may reasonably be anticipated and is likely to recur each year or shorter period.

Sec. 19. Transfers and demotions. (1) An appointing authority may at any time transfer any classified employee under his jurisdiction from one position to another in the same class of position. In every such case the appointing authority shall give written notice of his action to the

director, according to rules therefor prescribed by the board. Transfer of a classified employee from a position under the jurisdiction of 1 appointing authority to a position under the jurisdiction of another appointing authority, may be made subject to rules established therefor by the board, with the approval of the director and of both appointing authorities concerned. Any transfer of an employee from a position in a lower classification to a position in a higher classification shall be deemed a promotional appointment and may be accomplished only in the manner hereinbefore provided for the making of promotional appointments. No person shall ever be transferred from a position in the unclassified service to a position in the classified service unless he or she has obtained a position on an eligible register.

(2) An appointing authority may with the approval of the director demote a classified employee under his jurisdiction from a position in a class to a position in a lower class, subject to rules therefor prescribed by the board. In every such case the appointing authority shall give the director written notice of his intention to effect the demotion not less than 15 days before the date it is intended to become effective. The director shall make such investigation of the circumstances as he may consider necessary and then, not later than 10 days after receipt of the notice, shall either approve the demotion or direct the transfer of the employee to a position under the jurisdiction of an appointing authority other than the one intending to effect the demotion. A transfer under such circumstances shall be approved by the director and the appointing authority having jurisdiction over the position to which the employee is to be transferred but not necessarily by the appointing authority intending to effect the demotion.

Sec. 20. Suspension; lay-offs; dismissals. (1) An appointing authority may, for disciplinary purposes, suspend a classified employee without pay for a period not exceeding 30 days in any twelve-month period. In every such case the appointing authority shall, before the effective date of the suspension, give written notice of his intention to the director. Any suspension which would have the effect of making the total time during which the affected employee is suspended without pay during any twelve-month period greater than 30 days shall be deemed a dismissal and shall be subject to the provisions concerning dismissals hereinafter specified.

(2) An appointing authority may lay off a classified employee whenever he deems it necessary because of material change in duties or organization, or shortage or stoppage of work or funds. In every case of lay-off, the appointing authority shall, before the effective date thereof,

give written notice of his action to the director. Any person who has been appointed to a position in the classified service under the provisions of this act, other than a temporary appointee, and who has been laid off for the reasons specified in paragraph 4, of section 8, of this act, shall have his name placed at the head of the appropriate register. In any case where the appointing authority refuses or fails to certify before the effective date thereof, that the lay-off was for reasons not reflecting discredit to the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals hereinafter specified.

(3) An appointing authority may dismiss a classified employee whenever he considers the good of the service to be served thereby. Any removal or separation of an employee from the classified service shall be deemed to be a dismissal except as herein specifically provided. In every such case of dismissal, the appointing authority shall, before the effective date thereof, give written notice of his action to the director. The director shall make such investigations of the circumstances surrounding the dismissal and the fairness thereof as he may consider desirable and shall, not later than 10 days after submission of the notice of dismissal, report to the board his findings as to the justice of the dismissal and recommend action. The dismissed employee may file with the board a statement in writing concerning the dismissal. The board after consideration of the director's report and the statement of the employee, if made, and after such investigation of its own as it deems desirable, may, not later than 30 days after receipt of the director's report, present its findings and recommendations to the appointing authority. If such report is submitted and if, within 10 days after its submission, the appointing authority decides to rescind or modify his original action, such decision shall be reported in writing to the director and shall become effective immediately. If the board does not submit a report of findings and recommendations to the appointing authority within 40 days after submission of the notice of dismissal to the director, or if such report of findings and recommendations is submitted and no report of rescission or modification is submitted to the director within 10 days thereafter, the original action of the appointing authority shall become final and binding and shall not be subject to appeal or further review. The board may, in its discretion, order that the name of any person whose dismissal from the classified service has become final and binding be placed at the head of the appropriate eligible register or transferred, provided that such action is taken not later than 30 days after the dismissal has become final and binding.

(4) When an employee has become physically or mentally incapable

of or unfit for the efficient performance of the duties of his position by reason of infirmities due to advanced age or other disability, it shall be the duty of the appointing authority to recommend his retirement or transfer to less arduous duties. The director likewise may recommend such action. Retirement in either case shall be effected under the same methods of procedure as is presented herein for removals.

Sec. 21. Leaves of absence; resignations; hours of service; vacations; sick leave. (1) An appointing authority may, with the approval of the director, grant a leave of absence, subject to the rules therefor prescribed by the board, to any classified employee under his jurisdiction for a period not exceeding 1 year. Upon the termination of each such leave, the employee shall be returned to his position if the vacancy therein has not been filled or the position abolished, or otherwise, according to the provisions of section 8 of this act, if he so requests.

(2) Resignations from the classified service shall be subject to such rules as the board may prescribe. Any person who has resigned in good standing from the classified service and whose resignation has been accepted may, at his request submitted not later than one year after the date of his resignation, have his name placed on the appropriate eligible register, with due consideration for his previous position on the register.

(3) The director, after the approval of the board, shall provide by regulation for the hours and conditions of service, for the length and period of vacations and for the regulation of sick leave in the state service.

Sec. 22. Personnel records. (1) Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty, and other temporary or permanent change in status of employees in both the classified service and the unclassified service shall be reported to the director at such time, in such form, and together with such supporting or pertinent information as the board shall by rule prescribe. Appointing authorities having jurisdiction over positions in the unclassified service at the time this act takes effect shall, at the director's request, report to him the titles of the positions, the names of the persons occupying them, the dates of their appointments, and the salary rates being currently paid.

(2) The director shall maintain a perpetual roster of all officers and employees in the classified and unclassified services, showing for each person the title of the position held, his departmental or other agency assignment, his salary rate, date of appointment, complete employment history, and such other data as the director deems pertinent. The director

shall also maintain such other personnel records as he considers desirable or as the board directs, and shall make available to the Governor, the budget director, department and institution executives, and other persons having a proper interest therein tabulations and analyses of such personnel data as he has available.

Sec. 23. Training programs. (1) The director shall devise plans for and co-operate with appointing authorities and other supervising officials in the conduct of employee training programs to the end that the quality of service rendered by persons in the classified service may be continually improved.

Sec. 24. Service ratings. As soon as practicable after the passage of this act and after consultation with appointing authorities and other supervising officials, the director shall establish standards of performance for each class of position and a system of service ratings based upon such standards. The system of service ratings, which shall be administered by the director, shall be designed to permit as accurately and fairly as is reasonably possible the evaluation by his superior or superiors of each employee's performance of his duties. Such ratings shall be considered in determining salary increases and decreases, the order of lay-offs, the advisability of transfers, demotions and dismissals, and shall be a factor in promotional tests. The board shall by rule prescribe the extent to which such ratings and reports upon which they are based shall be open to inspection of the public and of the affected employees. The board may establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in class and compensation of the person holding the position concerned, and may further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the board proceeding substantially as provided in this act in the case of removals for cause under section 20. It shall be the duty of the director to report such unsatisfactory records to the proper appointing authority.

Sec. 25. Political campaign contributions prohibited. No officer or employee in the classified service of this state shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk or employee of the state or from any outsider. Every said officer, agent, clerk or employee who has charge or control in any building, office or room occupied for any purpose of said government, or

who occupies space in any public building or public office, is hereby authorized to prohibit the entry of any person for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription or contribution, and no person shall enter, or remain in any said office, building or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution. Any person who violates any provision of this section shall be guilty of a misdemeanor, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service.

Sec. 26. Certification of payrolls. (1) No fiscal officer of the state shall draw, sign, or issue, or authorize the drawing, signing or issuing of any warrant or check upon the state treasurer or other disbursing officer of the state, for the payment of a salary or other compensation for personal services, nor shall the state treasurer or other disbursing officer of the state pay any salary or other compensation for personal services unless a payroll or account for such salary or other compensation, containing the names of all persons to be paid and the amounts to be paid them, has been certified by the director or a person designated by him to the effect that the persons named on the payroll or account are either in the unclassified service or have been appointed or employed or otherwise established in their positions according to the provisions of this act, and that the payment of the amounts shown on the payroll or account will not violate the provisions of the compensation plan or the rules pertaining thereto.

(2) Any payment violating the provisions of the compensation plan or the rules pertaining thereto or made to a person appointed or established in his position in a manner contrary to the provisions of this act may be recovered from the appointing authority, the director, or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person. Action for such recovery may be maintained by the board or any member thereof, any officer or employee of the state service, or any citizen of the state. All moneys recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 27. Appropriations. A sum of \$10,000 is hereby appropriated out of any money in the general fund not otherwise appropriated to pay any and all expenses which may be incurred in the administration and en-

forcement of the provisions of this act during the first biennium after this act goes into effect. Thereafter the personnel director, with the approval of the personnel board, is hereby authorized to submit to the advisory committee on the budget, biennially an estimate of the necessary expenditures for the ensuing biennium.

Sec. 28. Status of present employees. The employees in the personnel service of the state at the effective date of this act shall be admitted to the classified service upon recommendation of the personnel board and upon meeting such evidence of fitness as it may prescribe.

Sec. 29. Violations of act and rules; penalty. Any person violating any of the provisions of this act or of the rules established in accordance with this act shall be deemed guilty of a misdemeanor. Any person holding a public office or position who is convicted under this section shall be deemed to have vacated the office or position and such person shall be incapable of holding public office for a period of 5 years after the date of such conviction.

Sec. 30. Repealing clause. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.