

STATE OF MAINE

DEPARTMENT OF PERSONNEL

June 15, 1979

PERSONNEL MEMORANDUM 14-79

TO: All Agency, Department Heads/Departmental Personnel Officers.

SUBJECT: Acting Capacity - Administrative Services, OMS, P & T, Law Enforcement and Supervisory Services Bargaining Units.

This memorandum establishes procedures for processing payments for employees serving in an Acting Capacity under Article XXXI of the MSEA Agreements. Any questions on interpretation of the contract provision printed below should be directed to the Governor's Office of Employee Relations:

AGREEMENT PROVISIONS

Article XXXI. Acting Capacity

When an employee is assigned temporarily by his/her appointing authority to a job for which he/she is qualified in a higher pay grade for a period of ten (10) or more consecutive work days, the employee shall be paid retroactively from the initial date of the temporary transfer for the duration of the temporary assignment. The employee shall be paid one step higher in his/her current grade, or the minimum of the job to which he/she is assigned, whichever is greater, as if the employee had been promoted. In no event may an employee acquire any status in a higher classification as a result of his/her temporary assignment. Acting capacity assignments shall not be made on an arbitrary or capricious basis.

This article shall not be used in lieu of the proper processing of any request for reclassification or reallocation of a position pursuant to the Personnel Rules and Article XXVIII, Reclassifications.

PROCEDURES

Agency Responsibility

1. Article XXXI gives agencies the responsibility for determining that the assigned employee is qualified to perform the duties required by the class specification and job description governing the higher class.
2. Submit a roster sheet to Personnel (see attached form) in triplicate, which shall include the following: Name, Social Security Number, Present Class, Range and Step, Acting Capacity Class, Range and Step, Present Salary, Temporary Salary, Inclusive Date of Acting Capacity assignment and amount due.

3. The roster sheet shall be signed by the appointing authority; said signature shall be construed as certifying the requested action as accurate and authorized. The roster sheet shall also explain why it was necessary to use the acting capacity for a period in excess of 10 consecutive working days.
4. Submit the original copy of the roster sheet to Accounts and Control for payment with the next Cycle A or B payroll as appropriate.
5. Notify the Personnel Department, in writing by memorandum, when the employee completes the acting capacity assignment and is reassigned to the regular position.

Personnel Department Responsibility:

1. Audit the roster sheet immediately upon receipt to ensure that salary dates are correct.
2. Authorize the increased payment by signature on the listing and return the original and third copy to the agency within one work day of receipt and retain the second copy.

JADINE R. O'BRIEN
COMMISSIONER

- Attachment

MAY BE REPRODUCED LOCALLY TO MEET DISTRIBUTION NEEDS

STATE OF MAINE

Inter-Departmental Memorandum Date _____

To Jadine R. O'Brien, Commissioner Dept. PERSONNEL

From _____ Dept. _____

Subject ACTING CAPACITY

NAME: _____ SOCIAL SECURITY # _____

PRESENT CLASS	RANGE STEP	TEMP. CLASS	RANGE STEP	PRESENT SALARY	TEMP. SALARY	INCLUS. DATES	AMOUNT TO BE PAID
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I certify that the listed employee(s) have been performing duty in the higher class for a period of 10 consecutive working days, and that each meets the minimum qualifications for the higher class. The reasons for this are:

- (1)
- (2)
- (3)

(Signed) Appointing Authority

(Typed) Appointing Authority
(Name and Title)

TO:

FROM: Jadine R. O'Brien, Commissioner, Department of Personnel

SUBJECT: Authorization of Acting Capacity Salary Adjustment

1. In accordance with the provisions of Article 21, Admin. Services, OMS, P & T, L.E. and Supervisory Services contracts:

(A) The above payment is verified and authorized.

(B) Is corrected to \$ _____, because _____

Signed