

STATE OF MAINE
BUREAU OF HUMAN RESOURCES

January 18, 1989

HUMAN RESOURCES MEMORANDUM 2-89

TO: All Agency Heads and Personnel Officers

SUBJECT: Arbitration Decision (Booth/McCarthy, State #1137) -
Merit Increase Procedure for Employees Serving on
Acting Capacity Appointments

The subject arbitration decision interprets the Personnel Rules which govern the merit increase procedure for State employees who serve on acting capacity as follows:

- (1) State employees who hold a status position and appointment are assigned a salary review date for merit evaluation purposes. This established salary review date remains unchanged when an employee is assigned to another classification on an acting basis.
- (2) In cases where this salary review date falls during the employee's acting capacity service and the employee:
 - A. is below maximum pay step in both the career classification and the classification held on an acting basis, the employee is eligible for merit increase consideration in both the career classification and the classification held on an acting basis.
 - B. is at maximum pay step in the career classification, but below maximum pay step in the classification held on an acting basis, the employee is eligible for merit increase consideration in only the classification held on an acting basis. **By law, employees who are at maximum pay step are ineligible for a merit increase.**
 - C. is below maximum pay step in the career classification, but at maximum pay step in the classification held on an acting basis, the employee is eligible for merit increase consideration in only the career classification.
 - D. is at the maximum pay step in both the career classification and the classification held on an acting basis, a merit increase cannot be granted.

(3) The regulations which govern the effective date for merit increases in an employee's career classification will also apply to merit increase consideration in a classification held on acting capacity basis.

(4) The subject arbitration decision does not address length of time in acting capacity service. Therefore, dependent on salary review date, an employee may become eligible for merit increase consideration in a classification held on an acting basis after only one day, one week or one month in acting capacity service. In these instances, merit increase determinations will need to be based primarily on service in the career classification. Conversely, when the majority of service is in a position held on an acting basis, merit increase determinations will need to be based primarily on the acting capacity service.

(5) Upon completion of acting capacity appointments, State employees must be returned to their career positions and career salaries. Future actions involving compensation will be based solely on this career salary unless an exception is requested and approved.

(6) The effective date of this interpretation is August 10, 1988, and this interpretation applies to all employees who are subject to the State's acting capacity rules.

Employees who do not hold a status position or appointment are not assigned a salary review date. However, in conjunction with this arbitration decision, an appointing authority may request a special salary adjustment for these employees for each 12 months of continuous acting or project service in the same classification.


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