18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

389 BUREAU OF HUMAN RESOURCES

Chapter 1 PURPOSE, ADOPTION AND AMENDMENT OF RULES AND DEFINITION OF TERMS

SUMMARY: This chapter states the purpose of Civil Service Rules, outlines the mechanism for adoption or amendment and gives listing of terms used in the body of the rules. Procedures for interpretation and/or advisory ruling are also presented.

1. PURPOSE OF RULES

These rules implement the State Civil Service Law (Title 5 MRSA, Chapters 56, 60, 65, 67, 68, 69, 71 and 372). The rules shall be applied in accordance with the objectives of the Civil Service Law which are interpreted to be:

A. Promoting effective service, and economy in state office and employment.

B. Providing a modern and comprehensive personnel administrative system, in which:

1. Positions essentially alike in content shall receive equal treatment in all personnel processes.

2. Fair and equal opportunity shall be afforded to all qualified Maine citizens to enter State Service, on the sole basis of merit, as determined through practical competitive examinations.

3. The State Service shall be made attractive as a career.

2. ADOPTION, AMENDMENT AND INTERPRETATION

A. The Director of Human Resources shall prepare, amend, and adopt rules in accordance with requirements of Civil Service Law and the Maine Administrative Procedure Act. New or amended rules will be adopted only after public hearing. Public notice will be made at least twenty days prior to this hearing and again, in the same newspapers, not more than ten nor less than seven days before the hearing.

B. Any person may propose a new rule or amendment to an existing rule by filing a petition in proper format with the Director of Human Resources. Notification of the disposition of each petition filed will be made within sixty days.

C. Copy of each rule or amendment adopted will be provided to:

1. All State Government agencies.

2. The Attorney General, for review and approval.

3. The Secretary of State for record; and inspection by and distribution to the public.

4. The general public upon request, and upon payment of actual cost of material requested.

D. Routine interpretation or clarification of any rule or statute administered by the Director of Human Resources will be provided upon request. Requests for routine interpretation or clarification need not be in writing.

Where a more authoritative interpretation is needed or desired in order to better understand the applicability of the law and rules to a particular circumstance, or set of circumstances, the Director of Human Resources may offer or provide interpretation through advisory ruling. Requests for advisory ruling must be in writing and provide clear and full description of the basis for this request. Advisory ruling, if made, will also be in writing. All advisory rulings will reflect only a best opinion in consideration of the particular circumstance(s) and the intent and practice of law and rules then in effect. In no case will an advisory ruling be legally binding upon the Director of Human Resources or this agency.

E. Personnel actions taken prior to the effective date of new or amended rules shall be governed by the rules in operation on the effective date of the action unless such rule or amendment is by its own terms retroactive.

3. DEFINITION OF TERMS

The following words and terms wherever used in these rules shall have the meaning indicated below:

A. "Agency" means a department, division, board, institution, or other branch of the State Service, in which all positions are under the same appointing authority.

B. "Allocate" means the assignment of a position to a class in the classification schedule as established or amended.

C. "Appointing Authority" means a person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make appointments to positions in the State Service.

D. "Class" (also classification) means a group of positions so sufficiently alike with respect to duties, responsibilities and authority that the same descriptive title may be used with clarity to designate each such position; the same knowledges, skills, and abilities applied, the same process used to recruit, qualify and examine persons for each such position; and the same schedule of pay applied with equity to each such position.

E. "Classification Plan" means a system of identifying and describing the different kinds and levels of work which comprise State Service whereby significantly similar positions are grouped under a common class title and pay schedule.

F. "Classification Schedule" means the listing of unique classes and their designated pay ranges, and any amendment/adjustments thereto, resulting from application of the classification plan.

G. "Day" means calendar day of 8 hours except where otherwise specified in the specific rule.

H. "Demotion" means a change of an employee from a position in one class to a position in another class with less responsible duties and a lower salary range.

I. "Department" means the Department of Administrative and Financial Services, Bureau of Human Resources, and the employees thereof.

J. "Eligible" means any person whose name is on an eligible register.

K. "Full-time Employee" means an employee normally expected to work at least the standard work week (40 hours) for the class and agency.

L. "Intermittent Employee" means an employee who is hired from time to time to work irregular hours or weeks. Note: See Chapter 2 for a more complete definition.

M. "Limited Period Position" is a position, as authorized by the State Budget Officer, of other than project nature which, because of budgetary limitations, has a time limit set at the time of establishment.

N. "Military Leave" means the leave of absence granted to employees entering active duty in the armed forces of the State or the United States.

0. "Organization Unit” means a geographic, organizational, or other unit of an agency which is approved by the Director of Human Resources as a unit for the purposes of employment or layoff, or both.

P. "Part-time Employee" means an employee working less than the standard work week for the class and agency, on regularly scheduled hours per week for the position.

Q. "Permanent Employee" means an employee who has been appointed to a position after successfully completing his probationary period.

R. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or intermittent employment of one person.

S. "Position Management" means an objective and documented evaluation of the organizational and functional components of an agency or subsection thereof. Evaluation considerations include, but are not limited to: overlapping responsibilities, layers of supervision, duplication of effort and poor mix of senior, journeyman, and junior positions.

T. "Probationary Period" means a working test period during which a new employee is required to demonstrate fitness for the position to which appointed by actual performance of the duties of the position.

U. "Project Position" is a position which is restricted to a planned work program to be completed within a specified limited period of time and which is not of a seasonal or regularly recurring nature.

V. "Promotion" means a change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range.

W. "Reallocate" means to alter an allocation decision by changing the assignment of a position to one class and reassigning it to another class in the Classification Schedule as established or amended.

X. 'Regular Appointment" means an appointment of an employee without current civil service rights from an open competitive register or an appointment to the non-competitive or labor division.

Y. "Seasonal Position" means a position established for less than full year periods and expected to be of a regularly recurring nature.

Z. "Substitute Appointment" means an appointment to fill a vacancy created by an employee on leave of absence.

AA. "Temporary Appointment" means an appointment for a period not to exceed three (3) months.

BB. “Transfer” means a change by an employee from one position to another position of the same class or of another class in the same salary range, usually involving the performance of similar duties and requiring essentially the same basic qualifications.

4. WAIVER OF RULES

The Director of Human Resources may waive, for up to a two-year period, with the possibility of extension, any one or a combination of the provisions of these rules for innovative or research projects designed to improve the merit system or its operation. Any such project shall be consistent with Federal standards for a merit system and shall comply with all applicable provisions of the Civil Service Law. Upon completion, any such project will be evaluated to determine whether its objectives have been achieved.

STATUTORY AUTHORITY: 5 M.R.S.A., Ch. 372, Sec. 7036

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