18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

389 BUREAU OF HUMAN RESOURCES

Chapter 2 INTERMITTENT EMPLOYMENT

SUMMARY: This chapter defines the nature and purpose of intermittent employment and identifies specific rights, privileges and benefits to which intermittent employees are entitled under law.

1. DEFINITION OF INTERMITTENT POSITIONS

A. An intermittent position is one which is used from time to time to support and supplement a regularly scheduled work force.

B. Any one intermittent position shall not be occupied for more than 19 hours in any one week or more than 475 hours in any one calendar year.

C. Violation of either time limitation shall result in loss of the affected position.

NOTE: This definition applies only to hours worked after July 6, 1978. Any hours worked prior to this date are to be discounted for purposes of compliance with this definition.

2. ESTABLISHMENT OF INTERMITTENT POSITIONS

Establishment shall require individual agency justification that work to be done is not of sufficient amount or duration to warrant regularly scheduled hours and/or weeks.

3. POSITION USE

A. Once an employee is assigned to an intermittent position, no other employee may be assigned to work that same position unless or until the first employee is separated.

B. If during an employment year, an employee resigns an intermittent position before the position has been occupied for 475 hours, the position may be refilled only for the balance which remains.

C. An employee who is assigned to work one intermittent position shall not be eligible for employment in any other intermittent position unless and until the first is separated. In any event, if more than one intermittent position is worked during an employment year, the total of hours worked in all these positions is not to exceed 475.

4. BENEFITS AND PRIVILEGES

A. Examination and Certification

1. An intermittent employee who, on or after July 6, 1978, has been employed in intermittent status in excess of 1040 hours, and who meets standards for admission, shall be eligible to participate in agency and statewide promotional opportunity examinations.

2. Admission to an agency or statewide promotional examination opportunity shall further require that any interested and qualified intermittent employee file application with the Bureau of Human Resources.

3. Names of intermittent employees who qualify by examination shall be placed on agency and statewide promotional lists, together with the names of other employees entitled to placement on these lists.

4. As appropriate, certification will be by score from among all agency or statewide personnel whose names are included on these lists. If specifically requested by the appointing authority, and if approved by the Director of Human Resources, certification will be by score only (open competitive certification).

B. Vacation and Sick Leave

1. Vacation: Eligibility for credits

a. Individual eligibility to accrue and use vacation credits shall require employment in intermittent status for more than 1040 hours.

b. Rate of accrual shall be as follows:

Employment Period Rate of Accumulation

0 - 5th year 1 day per 173 hours of employment

6 - 10th year 1 1/4 days per 173 hours of employment

11 - l5th year 1 1/2 days per 173 hours of employment

16 - 20th year 1 3/4 days per 173 hours of employment

21 - 2 days per 173 hours of employment

NOTE 1: One year (12 months) of employment equals 2080 hours; one month of employment equals 173 hours.

NOTE 2: Accrual of more than one day per 173 hours is contingent upon continuous employment for the last 5 years.

c. Employment time to be credited shall include only hours worked after July 6, 1978.

2. Sick leave: Eligibility for credits

a. General eligibility to accrue and use sick leave credits shall require employment in intermittent status for more than 1040 hours. Specific eligibility shall further require that the employee must have been scheduled and/or notified to report for work at least one calendar day in advance of the day(s) (or portion(s) thereof) claimed for this purpose.

b. Rate of accrual shall be one (1) day per 173 hours of employment.

c. Employment time to be credited shall include only hours worked after July 6, 1978.

C. Holiday Pay

1. General eligibility for holiday pay shall require employment in intermittent status for more than 1040 hours. Specific eligibility shall further require that the employee has worked on the regular agency work day preceding and the regular agency work day following the holiday in question.

2. The amount of compensation for holidays authorized intermittent employees shall be an individual agency determination. This compensation shall be dependent upon work circumstances existing at the time and every reasonable effort shall be made by the agency to ensure that the eligible employee's total earnings for the week in which the holiday falls approach earnings which would have been realized were it not for the holiday.

D. Health Insurance

Employees holding positions on an intermittent basis may elect to participate in, or continue participation in, the state employees' group health insurance plan, but eligibility for reimbursement by the state shall require employment in intermittent status for more than 1040 hours. Employees meeting this requirement for reimbursement will be billed directly on a quarterly basis by Blue Cross and Blue Shield. The state shall reimburse such employees twice annually, provided request for reimbursement is properly completed and filed with the Bureau of Accounts and Control. Reimbursement shall equal the percentage of hours worked to 1040 hours times the "state's share" as computed for full time employees. Until such time as the 1040 hour requirement is met and satisfied, however, participants must bear the full cost of premiums.

E. Probation

Employees who have 1040 hours in intermittent status shall upon the accumulation of an additional 1040 hours be considered to be "off-probation", and may be separated from their position only with just cause. Employment time to be credited for this additional 1040 hours shall include only hours worked after July 6, 1978.

F. Merit Evaluation

Individual eligibility to receive a step increase in salary on basis of performance shall require employment in intermittent status for 1040 hours. Employment time to be credited for this purpose shall include only hours worked after July 6, 1978, and evaluation date shall be that date after July 6, 1978, on which 2080 hours are earned and credited. Ratings shall be on basis of standards of performance established under requirements of the Performance Appraisal System prescribed by the Director of Human Resources.

G. Retirement

Employees assigned to positions having intermittent status are required to participate in the Maine State Retirement System. Contribution shall begin with the first day of employment. Credit shall be granted according to the following formula: Actual number of days worked x 1.6, converted to years, months, and days. One day equals 8 hours.

H. Transfers, Promotions and Demotions

1. A transfer from an intermittent position to another intermittent position, whether between positions in the same class or positions in different classes at the same pay range (and the employee has the needed minimum qualifications), shall be at the discretion of the agency to which transfer is requested. Employees who desire a transfer of this kind shall be responsible for contacting the appropriate agency (or sub-division) directly. An application shall be required by the Bureau of Human Resources only when transfer to a different class is requested.

2. Any transfer, demotion or promotion from an intermittent position to a position for which status is based on examination and certification from a register shall not be allowed unless and until eligibility for and placement on this register is accomplished. If specified by the requesting agency, names on transfer and demotion lists will be included as a supplement to a promotional or open competitive certification. Applications shall be required for this purpose and may be filed with the Bureau of Human Resources at such times as the class of position desired is open to recruitment and examination.

3. A promotion from an intermittent position to another intermittent position (e.g., movement from one intermittent position to another intermittent position at a higher pay range) shall be at the discretion of the agency involved. Employees shall by required to contact the appropriate agency (or sub-division) directly and must file an application with the Bureau of Human Resources to establish qualification for the class to which promotion is made.

4. A demotion from an intermittent position to another intermittent position, whether to a position in a related or unrelated class (and the employee has the needed minimum qualifications), shall be at the discretion of the agency to which demotion is requested. Employees who desire a demotion of this kind must contact the appropriate agency (or sub- division) directly. An application shall be required by the Bureau of Human Resources.

I. Classification

Present rules and procedures governing the classification of positions shall apply universally to all positions in the classified and unclassified service, regardless of position status (e.g., permanent part-time, project intermittent, limited period full-time, etc.).

J. Compensation

Compensation shall be according to the range/step salary schedule published and revised by the Bureau of Human Resources, unless and until this schedule (or portion thereof) is rescinded and replaced via the collective bargaining process.

K. Other Benefits

Any other benefits, rights or privileges not specifically addressed by this Chapter, but which are provided by Civil Service Law and Rules having universal and unqualified application to all classified employees are to remain in effect for persons employed in intermittent status.

AUTHORITY: 5 MRSA, Ch. 372 § 7053.

EFFECTIVE DATE (ELECTRONIC CONVERSION): April 24, 1996

NON-SUBSTANTIVE CORRECTION: June 4, 1996 - Correction of a conversion error in §4 paragraph H, changing “Use” to “the”.

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 8, 2025