

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 1405 - L.D. 2090

An Act to Modify Probationary Periods for Dispatchers

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

Sec. 1. 5 MRSA §7051, sub-§5, as corrected by RR 2023, c. 1, Pt. B, §21 and affected by §50, is amended to read:

5. Probationary period; permanent appointments. All original appointments to the classified service and all subsequent promotional appointments within the classified service must be for a probationary period. The duration of the probationary period, which may not be for less than 6 months in any case, is determined by the officer in consultation with the director or commissioner of the agency, ~~but in no case may it be for less than 6 months except that in the case of dispatchers, the probationary period may be extended for more than 6 months as determined by the director or commissioner of the agency, unless otherwise provided for in a collective bargaining agreement.~~ An agency that employs a dispatcher shall adopt a written policy regarding the length of the probationary period for dispatchers and disclose the policy to the dispatcher at the time of hire. For the purposes of this subsection, "dispatcher" has the same meaning as in section 18313, subsection 1.

A. An employee during the probationary period must be reviewed at the end of the employee's 3rd month of employment by the employee's supervisor. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.

B. An employee during the probationary period must be included in the payroll of the department in which the employee has been hired at the time of the commencement of the employee's duties. An employee during the probationary period must be compensated in the same manner as a permanent full-time employee, as long as the employee has been hired in accordance with all applicable laws and procedures.

C. During the probationary period, an employee is not entitled to a pre-disciplinary hearing and may be dismissed, suspended or otherwise disciplined without cause. Dismissal, suspension or any other disciplinary action against an employee during the probationary period is not subject to the grievance and arbitration provision of the collective bargaining agreement.

Sec. 2. 30-A MRSA §2701, first ¶, as amended by PL 1993, c. 744, §15, is further amended to read:

Except as specifically provided otherwise by charter or ordinance, any reference to cause and hearing in this Part only applies to an employee who has completed a reasonable probation period established by the municipality. Periods of probation may not exceed 6 calendar months or the length of time in effect in a municipality on January 1, 1984, whichever is greater, except in the case of police officers, who upon being hired shall complete an employment probationary period that lasts for at least one year after graduation from the Maine Criminal Justice Academy or the date the board waives the basic training requirement., and except in the case of dispatchers, who upon being hired shall complete an employment probationary period that lasts for at least 6 months except as otherwise provided for in a collective bargaining agreement. An agency that employs a dispatcher shall adopt a written policy regarding the length of the probationary period for dispatchers and disclose the policy to the dispatcher at the time of hire. For the purposes of this paragraph, "dispatcher" has the same meaning as in Title 5, section 18313, subsection 1.