

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System

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

Sec. 1. 5 MRSA §7036, sub-§5, as amended by PL 1999, c. 668, §10, is further amended to read:

5. Be responsible for development and implementation of system of registers of eligibles. Be responsible for the development and use of registers of eligibles and the updating of these registers.

~~The~~After meeting and consulting with collective bargaining representatives of affected employees, the director shall implement the procedures authorized by this subsection with the goal to establish an efficient hiring process that meets the satisfaction of the agencies that the office serves;

Sec. 2. 5 MRSA §7051, sub-§6, ¶B, as amended by PL 2007, c. 466, Pt. A, §15, is further amended to read:

B. The director shall establish a policy to protect persons in temporary positions from remaining in a temporary position for an unreasonable period of time, ~~not to exceed one year.~~

Sec. 3. 5 MRSA §7062, sub-§§1 and 3, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

1. Placement of names on register. In establishing registers of eligible persons pursuant to this section, the names of all persons attaining the minimum final earned ratings established by the director ~~shall~~must be placed on the register ~~in order of their ratings.~~

3. Removal from list prohibited under certain circumstances. ~~No~~A person may not be removed from a register of eligibles for:

A. Specifying the conditions under which the applicant will accept employment in a classification;

B. Specifying a department, bureau or division in which the applicant will accept employment in a classification; or

C. Specifying a department, bureau or division in which the applicant will not accept employment in a classification; ;

~~D. Failure to respond in less than 3 months' time to a written inquiry of the director or some other appointing authority relative to availability for appointment, except as provided by section 7034, subsection 5, with respect to the annual update of registers of eligibility. In this case, the register may be closed in the event that the person does not respond expeditiously, but the person's name shall not be removed from the register except in accordance with this paragraph; or~~

~~E. Failure to be appointed to a position following certification regardless of the number of certifications an applicant has received.~~

SUMMARY

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees:

It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees;

Current law limits the length of time a person in a temporary position may remain in that temporary position to no more than one year. This bill removes that limitation;

It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings; and

It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than 3 months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be removed from the register of eligible persons for failure to be appointed to a position following certification.