

MAINE LEGISLATURE

**Personnel Policies
And Guidelines
For
Legislative Committee Clerks**

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131st MAINE LEGISLATURE

Presiding Officers

President of the Maine Senate

Senator Troy D. Jackson

Speaker of the Maine House of Representatives

Representative Rachel Talbot Ross

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LEGISLATIVE COMMITTEE CLERKS' HANDBOOK

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LEGISLATIVE COMMITTEE CLERKS' HANDBOOK

INTRODUCTION

The Joint Rules of the Maine Legislature vest responsibility and authority to the President of the Senate and the Speaker of the House to employ committee clerks to assist the joint standing committees of the Legislature and to establish the terms and conditions of employment for committee clerks. Legislative committee clerks are employees of the President of the Senate and the Speaker of the House, jointly, and are subject to the operating policies and direction established by the President of the Senate and the Speaker of the House (hereinafter sometimes referred to as the “presiding officers”).

The Legislative Council is charged with establishing, and modifying as appropriate, salary schedules and benefits and terms and conditions of employment for legislative employees. The Legislative Council is authorized by law to oversee the development of “relatively uniform salary schedules for House and Senate employees and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees.” It also is responsible for maintaining and improving legislatively controlled facilities and space.

The Legislative Council has established a standing Personnel Committee to assist the council and the presiding officers in fulfilling their human resources responsibilities, promoting effective legislative operations and maintaining a work environment that balances the needs of legislative employees and the demands of the legislative process.

This handbook is a compilation of the personnel policies and guidelines that the President of the Senate and the Speaker of the House have adopted consistent with the policies and salary schedules adopted by the Legislative Council. It codifies existing policies in some areas and establishes formal policies based on existing practices in other areas. This handbook supersedes all earlier publications and policies. As the presiding officers or the Legislative Council revise these policies and guidelines the changes will be incorporated as revisions to this handbook and made available to legislative committee clerks.

This handbook, as with other policies, handbooks, manuals or memoranda, is not a contract. It is not intended to and does not bestow any rights to employment or employment benefits to legislative employees and may not be relied on by employees to do so. By Joint Rule, legislative committee clerks (“committee clerks”) are appointed to their position for a fixed term that terminates at the end of the legislative session. Except as provided under collective bargaining agreements entered into by the Legislative Council, any policy or procedure contained in this handbook or otherwise established by the presiding officers is subject to change, with or without prior notice by the presiding officers. For positions covered by a collective bargaining agreement, the collective bargaining agreement governs over this handbook in cases where there are differences in policy or procedure between the two documents.

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It is each legislative committee clerk's responsibility to become familiar with and abide by the policies and guidelines contained in this handbook and to seek clarification or further direction from the LIO manager or executive director in the event of any questions as to legislative policies or practices. Except as expressly modified or superseded by collective bargaining agreements entered into by the Legislative Council, the policies and guidelines contained herein are binding on all legislative committee clerks. Employees are encouraged to make suggestions regarding additions or amendments to these policies through the manager of the Legislative Information Office ("LIO manager") or to the Legislative Council's human resources director. Suggestions regarding changes to existing policies or adoption of new policies will be reviewed and may be referred to the council's Personnel Committee for review and recommendation to the presiding officers.

The presiding officers and the Legislative Council authorize the executive director of the Legislative Council to update the policies and guideline in this handbook as necessary to keep the information current and in accordance with current law and State and legislative policies.

LEGISLATIVE COMMITTEE CLERKS' HANDBOOK

I. ORGANIZATION OF THE LEGISLATIVE COMMITTEE CLERKS

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A. ORGANIZATION OF LEGISLATIVE COMMITTEE CLERKS

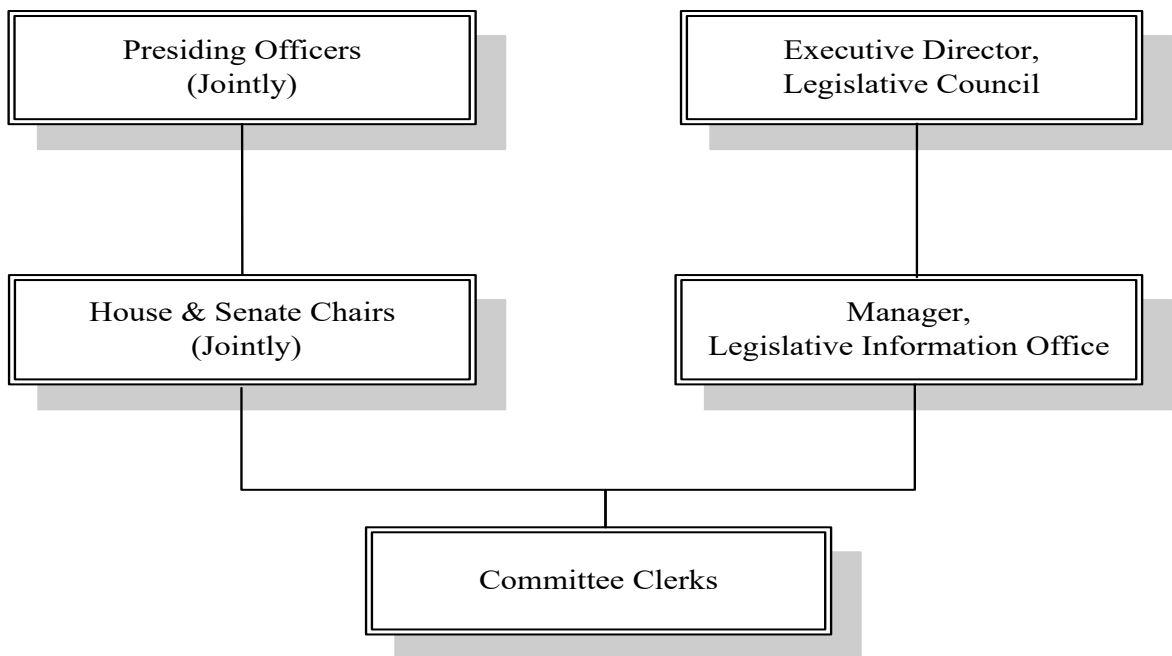
Legislative committee clerks are persons employed to work with the joint standing or select committees as may be established from time to time by the Legislature through the Joint Rules, its presiding officers or the Legislative Council. Currently, the Legislature has established the following joint standing committees:

- Agriculture, Conservation and Forestry
- Appropriations and Financial Affairs
- Criminal Justice and Public Safety
- Education and Cultural Affairs
- Energy, Utilities and Technology
- Environment and Natural Resources
- Health and Human Services
- Inland Fisheries and Wildlife
- Insurance and Financial Services
- Judiciary
- Labor, Commerce, Research and Economic Development
- Marine Resources
- State and Local Government
- Taxation
- Transportation
- Veterans and Legal Affairs

The organization and staffing of all committees are governed by the Maine Revised Statutes (3 MRSA §168), the Legislative Council and the Joint Rules and the Senate and House rules of each legislature. The chairs of each joint standing committee are appointed to their positions by their respective presiding officers at the beginning of each legislature. Committee chairs, jointly, have responsibility for the daily management, supervision, assignment of work and overall direction of the committee clerks within their committee, consistent with these policies and guidelines, and they are accountable to the President of the Senate and the Speaker of the House, respectively for the performance of their committees and committee clerks. Committee clerks are subject to operational policies established by the presiding officers, the Legislative Council or the executive director. The Legislative Information Office (LIO) Manager is charged with coordinating, in consultation with the presiding officers and the executive director, the work of legislative committee clerks and for ensuring that committee clerks adhere to the personnel policies and guidelines and operational procedures established by the presiding officers or the Legislative Council.

The Legislature has established organizational relationships among the joint standing committees and the presiding officers and the Legislative Council staff as they relate to legislative committee clerks, as depicted on the following organizational chart.

**Organizational Chart
relating to
Committee Clerks**



II. GENERAL EMPLOYMENT POLICIES

- A. NONDISCRIMINATION IN EMPLOYMENT**
- B. RELATIVES WORKING FOR THE LEGISLATURE**
- C. APPOINTMENT AND EMPLOYMENT STATUS**
- D. REEMPLOYMENT AFTER RETIREMENT**
- E. HOURS OF EMPLOYMENT**
- F. PAYROLL INFORMATION**
- G. EARLY RELEASE OR DELAY OR CANCELLATION OF REGULAR WORK DAY**
- H. OUTSIDE EMPLOYMENT AND ACTIVITIES**
- I. PERSONNEL RECORDS**
- J. RESIGNATION FROM EMPLOYMENT**
- K. RETIREMENT STIPEND**
- L. WORK PERFORMANCE**
- M. DISCIPLINE**
- N. SMOKING IN THE WORKPLACE**
- O. SECURITY AND ACCESS**
- P. FIRE ALARMS OR OTHER BUILDING EMERGENCIES**

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II. GENERAL EMPLOYMENT POLICIES

A. NONDISCRIMINATION IN EMPLOYMENT

The Legislative Council subscribes to a policy of nondiscrimination in hiring and employment consistent with state and federal law. The committee chairs and the presiding officers make hiring and employment decisions without regard to race or color, sex, sexual orientation, gender identity, familial status, marital status, pregnancy status of an employee, applicant, or an employee or applicant's partner, physical or mental disability, religion, ancestry or national origin, age, genetic information, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act.

Committee chairs are responsible for working with the LIO manager and the executive director of the Legislative Council to periodically assess existing practices and ensure such nondiscrimination in the workplace.

B. RELATIVES WORKING FOR THE LEGISLATURE

It is the policy of the Legislative Council to prohibit employment in, promotion into or transfer to any position in the Legislature that would result in a situation in which there would be a direct supervisor-subordinate relationship between immediate family members. This policy applies to relationships between employees and between employees and Legislators. "Immediate family member" means a spouse, parent, stepparent, father-in-law, mother-in-law, child, stepchild, sibling, brother-in-law or sister-in-law of a legislative employee.

The final decision as to whether a person will be hired or promoted by a legislative office may not be made in part or wholly by a person related to the job candidate by consanguinity, or affinity, within the 4th degree. Nothing in this prohibition, however, may deprive an applicant or employee of full consideration for hiring or promotion into a legislative position.¹

C. APPOINTMENT AND EMPLOYMENT STATUS

All legislative committee clerk positions are unclassified and not subject to the civil service law. As provided by 26 MRSA §979 et seq., certain legislative employees are eligible to bargain collectively and are bound by any collective bargaining agreements entered into by the Legislative Council and the covered employees' bargaining unit.

Subject to approval by the presiding officers and within budgetary constraints and the Legislature's job classifications for such positions, committee chairs are authorized to jointly

¹ See 5 MRSA §7051(3).

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hire qualified employees to legislative committee clerk positions within their joint standing committees.

For the purposes of these personnel policies, the following terms have the following meanings.

“Full-time employee” is a legislative employee who works a regular schedule of 40 hours per week on a year-round basis and occupies a position that is authorized to be filled 40 hours per week, 52 weeks per year.

“Part-time employee” is a legislative employee who works a regular schedule, on a year-round basis that is less than 40 hours per week. Two employees who share a single full-time position (i.e. “job share”) are considered part-time employees.

“Session employee” or *“Session-only employee”* is a legislative employee who is generally employed only during periods when the Legislature is in session. The session employee’s employment may be extended for other limited periods with appropriate authorization. A session employee will be informed of the approximate date of termination of employment at the time the employee is hired. The session employee’s employment is intermittent in nature. Committee clerks are session employees.

1. Establishing Work Anniversary Dates

Except as provided below, the initial date of hire into a position is considered the employee’s work anniversary date for the purpose of annual performance reviews and step increases. When an employee is promoted into a new position or takes an unpaid leave of absence for a period of more than 6 months within any 12-month period, the executive director shall establish a new anniversary date for that employee that coincides with the effective date of the promotion or is proportionately adjusted for the term of the leave of absence, unless prohibited by law.

For committee clerks, the employee’s work anniversary date for the purpose of annual performance reviews and step increases will be established once the following two conditions are met: the employee has been in the current position for exactly one year and the employee has successfully completed 1,040 hours exclusive of overtime hours worked. The employee’s work anniversary date will be either the date of hire or the date the employee successfully completes 1,040 hours exclusive of overtime hours worked, whichever is later. Thereafter, the committee clerk is eligible for step increases annually on the employee’s work anniversary date.

In the event a committee clerk was governed by the 2,080 work hour requirement of the previous policy and has not yet met the 2,080 work hour requirement of the previous policy,

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but does meet the new requirements of this policy of one year of employment in the position and completion of the 1,040 hours exclusive of overtime hours worked, that employee's anniversary date will be established as follows for purposes of annual performance reviews and step increases: October 1, 2015 for part-time employees and the date of return from session leave for session-only employees.

2. Fixed Term Appointment

Legislative Committee clerks are appointed for a fixed term, co-terminus with that of the legislative session. Committee chairs or the presiding officers may terminate the employment of a person within their employ without cause at any time. Neither the committee chairs nor the presiding officers are required or otherwise obligated to reappoint a committee clerk upon the termination of their committee clerk appointment, regardless of the committee clerk's work performance.

A committee clerk whose employment is terminated is entitled to compensation through the date of termination only.

D. REEMPLOYMENT AFTER RETIREMENT

In some circumstances, state employees, including legislative employees, retire from state service and may wish to return to employment with the Legislature. The following provisions with respect to reemployment with the Legislature apply. The retired employee:

- Must apply and compete for the position, with no assurance of reemployment into the employee's former or another position. Job qualifications and current requirements for posting of position vacancies and procedures for filling positions remain in effect;
- May not carry forward vacation, legislative leave or compensating time leave credits, and will accrue vacation and legislative leave at the lower rates;
- Will not be eligible for a longevity stipend;
- May have previously unused sick leave balances restored upon reemployment, excluding any sick leave that was applied to the employee's retirement benefit;
- May participate in the group health insurance plan for retirees, if eligible, but may not participate in the plan for active employees;
- Will be placed in a salary step in the position's salary schedule that is determined by the presiding officers, with no assurance of a salary grade or step equal to that of the employee's former position.

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A retired employee may not be reemployed by the Legislature for at least 30 days following the date of retirement.

Certain other reemployment rules may apply. See 5 MRSA §17859. Employees should consult with the Maine Public Employees Retirement System for additional information specific to their individual situation by calling 512-3100 or (800) 451-9800.

E. HOURS OF EMPLOYMENT

The Legislature's regular business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, year-round, exclusive of state-observed holidays, although the presiding officers may extend the hours of the committees to benefit the Legislature. Committee clerks are expected to work in their assigned committee rooms to serve their committee, other committee staff and the public during these hours. In addition, committee clerks are expected to work in their committee rooms at other times when the committees are working. Except when legislative or other operational needs prevent it, legislative employees are normally afforded a one-hour lunch break daily.

Any variations by a committee clerk from the standard work schedule are subject to the prior approval of the committee clerk's committee chairs and the LIO manager. Committee clerks are responsible for ensuring that their committee chairs and the LIO manager are notified of any unscheduled absence as soon as possible.

The legislative process, by its nature, often requires work outside of these normal business hours, and legislative employees are expected to work whenever the Legislature is in session. Committee chairs are responsible for scheduling work in a manner that is responsive to the requirements of the legislative process, and all committee clerks are expected to be available for work in accordance with schedules established jointly by the committee chairs and the LIO manager. The committee chairs determine the committee clerk's schedule for lunch and other breaks.

F. PAYROLL INFORMATION

Legislative employees are paid on a biweekly basis, for work for the prior two weeks. Committee clerks must submit signed time records to the LIO manager on a biweekly basis documenting all hours worked and leave taken. Biweekly payroll disbursements are credited to the employee, through direct deposit to the employee's designated financial institution, ordinarily on a Wednesday. For most employees, payroll deductions are made for items such as federal and state taxes; retirement contributions; health, life, dental and vision insurances; medical expense and dependent care reimbursement accounts; MSECCA; and deferred compensation. For session-only employees, the premiums for health, life, dental and vision insurances are direct billed to the employee.

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A legislative employee may choose the participating financial institution(s) into which the employee's paycheck is to be deposited. Most local banks and credit unions participate in this service. There is no state charge for this service. Applications for direct deposit may be obtained from the executive director's office.

Expense voucher reimbursements will be made by direct deposit into the employee's designated account.

G. EARLY RELEASE OR DELAY OR CANCELLATION OF REGULAR WORK DAY

Under most circumstances, legislative offices will be open during regular business hours. On rare occasions, due to adverse weather conditions or other situations, it may become necessary to delay or cancel the regular work day or close legislative offices early. A decision to delay or cancel the regular work day or close legislative offices early rests with the President of the Senate, Speaker of the House and chair of the Legislative Council. The presiding officers and the chair of the Legislative Council may authorize the release of all legislative employees or may require that certain legislative offices open or remain open to the regular close of business at a reduced staffing level.

Legislative offices will be open during regular business hours unless the President of the Senate, the Speaker of the House and the chair of the Legislative Council authorize a change in hours in the event of adverse weather or other situation. Unless the Governor issues a proclamation under the Governor's emergency powers that orders the closure or evacuation of state offices, the Governor's decision to close state offices applies only to executive branch employees, not to legislative employees. If a public service announcement communicating closure of state offices makes no specific reference to the Legislature, legislative employees are expected to report to work at the regularly scheduled time.

When a decision has been made to delay or cancel the regular work day or close legislative offices early, the following procedures will be used to notify employees.

1. For a Delay or Cancellation of Regular Work Day

Notification to Clerk, Secretary and office directors. The presiding officers and the chair of the Legislative Council will notify the executive director of the Legislative Council of the decision to delay or cancel a regular work day. The executive director will distribute a notice of delay or cancellation through a LENS notification and via email.

LENS. The Legislature has established a Legislative Emergency Notification System (LENS) to notify legislative employees and others of delays or cancellations of the work day or other emergencies via automated e-mail, text messages and telephone messaging. LENS is the primary mode of communicating these events to employees during non-work hours. All legislative employees should promptly register for LENS alerts. Information about LENS may be obtained through the executive director's office.

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Media. Notices will generally be aired on the following television and radio stations.

WCSH TV – Portland
WGME TV – Portland
WABI TV – Bangor
WMTW TV – Auburn
WAGM TV – Presque Isle
WVII TV – Bangor

Blueberry Broadcasting
Townsquare Media
Portland Radio Group

NOTE: A diligent effort will be made to have the notices aired by 6:30 a.m., although there is no guarantee that the station will actually air them by that time. If a legislative employee has any questions about whether to report for work, the burden is on the employee to contact his or her supervisor.

Internet. Look for a notice on the Legislature's website (legislature.maine.gov). Information may also be posted on the State of Maine's website (www.maine.gov), under "Citizen Alert."

2. For an Early Closure of Legislative Offices and Release of Employees

The presiding officers and the chair of the Legislative Council will notify the executive director of the Legislative Council of a decision to close legislative offices earlier than the usual closing time. The executive director will then distribute the notice of a decision to close legislative offices through a LENS notification and via email. Early release of legislative employees may be staggered to prevent traffic congestion or hazards or to coordinate the release of employees with the executive branch. Unless otherwise specified by the presiding officers and the chair of the Legislative Council, all legislative employees are expected to report to work at the regular time on the following work day.

Upon a decision to close legislative offices early, a committee may not continue to meet without the express authorization of the presiding officers, notice of which must be given to the executive director's office. For committee hearings and work sessions that are ongoing at the time of an early release notice, the Legislative Information Office is responsible for notifying committee chairs and staff of the early release. Committee staff are responsible for ensuring the prompt and orderly termination of the hearing or work session.

The Legislature does not expect legislative employees to risk their life or health to report to work in extreme weather conditions or an emergency; however, employees have an obligation to notify their supervisor of their decision to not report to work or to leave early due to the extreme weather or emergency. In addition, such employees must use accrued vacation, compensatory or legislative leave for all such absences during regularly scheduled

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business hours unless administrative leave is granted by the presiding officers or the chair of the Legislative Council for their respective employees. In the event that there is a delay, cancellation or early release, unless otherwise determined by the Presiding Officers or the Chair of the Legislative Council, legislative employees who have received prior approval to use paid or unpaid leave for that day must use that leave as originally approved.

Except as otherwise provided in collective bargaining agreements, and notwithstanding the definition of time worked for compensating time calculations, administrative leave granted for this purpose is intended to make the employee whole up to 8 hours in a day or the employee's regularly scheduled workday if that regularly scheduled workday is less than 8 hours.

H. OUTSIDE EMPLOYMENT AND ACTIVITIES

The Legislature's salary plan and benefits package reflect the Legislature's financial support for its legislative employees and its expectation that committee clerks will devote their full energies to their legislative employment during the legislative session. Committee clerks may not be otherwise employed in any activity that in any way conflicts with their ability to perform their duties for the Legislature. These activities include those for which the employee is paid and those for which the employee volunteers.

It is the policy of the presiding officers and the Legislative Council that no employee may accept honoraria, fees or other compensation from other than the Legislature for services related to the employee's legislative employment. This policy does not prohibit a committee clerk from being reimbursed for reasonable expenses incurred for attending off-site meetings approved jointly by the presiding officers.

I. PERSONNEL RECORDS

The LIO manager is responsible for maintaining files for all committee clerks that include documentation of every action that affects classification or employment status, including notification of appointment, transfer, promotion, demotion, dismissal, change of salary rate, leave of absence and other changes in status and records relating to employees' work performance. The Office of the Executive Director is responsible for maintaining personnel files for all legislative employees that relate to an employee's appointment, promotion or other employment status, salary rates and benefits history, payroll deductions and tax withholdings, performance evaluation, leaves of absence, residence and mailing address, contacts in the event of an emergency and changes in status. The LIO manager is responsible for providing prompt written notice to the Office of the Executive Director of the decision of the presiding officers to hire or terminate the employment of a committee clerk or any change in a committee clerk's position or salary rate.

A committee clerk, while still in the employ of the Legislature, is permitted to review his or her personnel file upon written request to, or after prior arrangements with, the LIO manager

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(or with the Office of the Executive Director if the information is located in the Office of the Executive Director). The review must take place during regular business hours and must be conducted under the supervision of the LIO manager or the executive director or their designees. Upon request, a committee clerk will be provided a copy of the committee clerk's personnel file in a timely manner.

Files established and maintained at the LIO manager level are for the purpose of documenting job requirements and performance. When a committee clerk leaves legislative employment, the committee clerk is entitled to receive in a timely manner, upon written request by the committee clerk to the LIO manager, a copy of performance appraisals and evaluations on file.

The LIO manager is responsible for ensuring that complete records of regular or overtime hours worked and of all leave accrued or taken for each committee clerk are reported to the executive director in a timely manner as required and in accordance with policies and procedures established by the Legislative Council or its executive director. Among other purposes, these records provide the basis for the preparation of payrolls by the executive director's office.

1. Confidential Records

The following records within employees' files are confidential, in conformance with state law (5 MRSA §7070):

- Medical information of any kind, including information pertaining to diagnosis or treatment of physical, mental or emotional disorders;
- Performance evaluations and personal references submitted in confidence;
- Information pertaining to the creditworthiness of a named employee;
- Information pertaining to the personal history, general character or conduct of members of the employee's immediate family;
- Personal information pertaining to the employee's race, color, religion, sex, national origin, ancestry, age, physical disability, mental disability and marital status; social security number; home telephone number and home address; and personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;
- Except as provided in 5 MRSA §7070-A, complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline; and

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- Other information to which access by the general public is prohibited by law.

2. Changes in Name and Address and Other Employee Information

Employees are responsible for promptly reporting all changes in names, address or marital or other family status to the Office of the Executive Director when there is a change in information or status. This information is important for tax, payroll and benefit and other purposes, so it is crucial that employee information maintained by the Office of the Executive Director is current and accurate at all times.

J. RESIGNATION FROM EMPLOYMENT

The quality of the legislative process and of legislative staff support to that process is highly dependent on the continuity of staff assignments during the course of the legislative session. Legislative employees are expected to commit to their legislative employment through adjournment sine die of the legislative session.

Committee clerks shall submit a written notice of resignation to their committee chairs and the LIO manager at least 14 calendar days prior to the effective date of the resignation. However, if the resignation occurs while the Legislature is in session or within 60 days before the start of a regular legislative session, the committee clerk must provide at least 30 calendar days' notice of resignation. It is expected that an employee who is resigning in good standing will work during this 30-day period. When a committee clerk relocates out of state or accepts employment outside of the Legislature that would preclude continued employment with the Legislature, the committee clerk must so notify the LIO manager promptly. The LIO manager is responsible for conveying such notification, including the effective date of resignation, promptly to the presiding officers and the executive director of the Legislative Council. A committee clerk's failure to give the required notice is considered a violation of this policy, and will be noted in the employee's personnel file and may be cause for denying the employee future employment with the Legislature. An employee may not use paid leave to artificially extend their notice of resignation period for the purpose of extending benefits.

The resignation notice period may be waived by the mutual agreement of the committee clerk, committee chairs and the LIO manager; any such waiver must be in writing.

K. RETIREMENT STIPEND

The Legislative Council recognizes the high level of knowledge and expertise that legislative employees achieve during their employment tenure, and also recognizes the importance of retaining and transferring that institutional knowledge in the case of the retirement of an employee. A legislative employee with at least 5 years of employment with the Legislature is eligible to receive a retirement stipend of \$500 provided that the employee submits a written notice of retirement to the LIO manager at least ninety (90) calendar days in advance of the

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pending retirement date. The retirement stipend, subject to applicable tax withholdings, will be paid in a single payment at the time of final payment of wages.

L. WORK PERFORMANCE

The Legislative Council strives to provide the training and support needed for employees to meet work performance expectations.

If the LIO manager determines that an employee is experiencing significant difficulties meeting expectations related to work performance, at the request of the employee, the LIO manager, the executive director or, if applicable, a union representative, a work performance plan must be developed to assist in enabling the employee to perform the employee's job duties in a manner that is satisfactory to both the employer and the employee. The work performance plan may include items such as, but not limited to, additional training, detailed expectations, mentoring, timelines for meeting expectations, information for the employee regarding EAP, ADA, FMLA, etc.

The plan must be developed by the LIO manager, in partnership with the 'committee chairs,' the employee, a representative of the union (if applicable) and other individuals as determined to be appropriate and as mutually agreed upon between the employee and the LIO manager.

If the LIO manager determines that the employee did not participate or did not meet the expectations of the plan within the required timelines, then the LIO manager may take disciplinary action, in which case a representative of the union will be notified by the LIO manager if the employee's position is covered by a collective bargaining agreement.

M. DISCIPLINE

The Legislative Council recognizes the importance of a working environment that is consistent and fair, within the constraints imposed by the pressures of the legislative process itself. To that end, the presiding officers and the council are committed to ensuring that the personnel policies they adopt are administered fairly and expeditiously.

The presiding officers have authorized the LIO manager, after consultation with the committee clerk's chairs, to take appropriate disciplinary action when a committee clerk has violated established policies or engaged in other misconduct or when the committee clerk's job performance is unsatisfactory. Disciplinary action is generally taken for remedial purposes, and reasonable efforts will be made to ensure that disciplinary action, when appropriate, is administered fairly and consistently. Provisions for immediate disciplinary action are described below.

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The LIO manager has the primary responsibility for ensuring that all allegations of misconduct or other complaints against an employee for which disciplinary action may be taken are investigated before any disciplinary action against the employee is taken.

Actions Warranting Immediate Disciplinary Action

Committee clerks serve at the pleasure of the presiding officers. Furthermore, the following actions constitute cause for immediate demotion, suspension or dismissal. These include the following or violations of similar magnitude as determined by the presiding officers:

- a. Political or partisan activity as described in this handbook (See Section III(B));
- b. Insubordination constituting a serious breach of discipline;
- c. Disgraceful personal conduct that impairs the employee's work performance or brings serious discredit to the Legislature;
- d. Use of the employee's position for personal advantage;
- e. Dishonesty, or falsification of legislative or other state records;
- f. Consumption of alcoholic beverages, use of marijuana or use of illegal substances in the workplace, or working while under the influence of any of these in the workplace;
or
- g. Assault, or sexual or other illegal harassment.

N. SMOKING IN THE WORKPLACE

Committee clerks are prohibited from smoking in the State House or the Cross Building or at any other location on the State House complex except in areas on the grounds that have been specifically designated for smoking.

In addition, the Legislature is committed to providing a work environment that is smoke-free by enforcing its anti-smoking policy so that legislative employees are not subjected to secondhand smoke, including vapors from e-cigarettes.

O. SECURITY AND ACCESS

The Legislative Council has instituted various measures designed to provide a comfortable and safe environment for Legislators, legislative employees and visitors while in the State House and other legislative areas. Among the measures is a security access card system that provides access control to the State House and Cross Building outside of regular business hours and to various legislatively controlled rooms and offices within the buildings. The

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executive director, in consultation with the LIO manager, is responsible for establishing building and room access rights, schedules and limitations for committee clerks.

Upon employment with the Legislature, a legislative committee clerk is issued a security access card. The committee clerk must keep the access card in his or her custody and must present it upon request by a Capitol Police or other law enforcement officer. A committee clerk may not loan or otherwise transfer the card to another person, or use the card to grant access to areas for another person who is not authorized for such access. The card remains the property of the Legislature and must be surrendered upon request by the LIO manager, the executive director or a presiding officer or upon termination of legislative employment. A committee clerk shall promptly report a lost, stolen or damaged access card. The Legislature may charge a committee clerk for replacement of the card, after the first replacement.

For further information or to report a lost, stolen or damaged security access card, committee clerks should contact the LIO manager.

P. FIRE ALARMS OR OTHER BUILDING EMERGENCIES

The Legislative Council has installed fire detection and suppression systems and established procedures for the safety of persons in the State House and other legislative areas. Upon activation of a fire alarm or issuance of a building evacuation order by an authorized official, legislative employees must immediately secure their office areas, leave the building and report to designated locations, in accordance with building emergency plans and procedures. An employee who violates this policy is subject to disciplinary action.

III. GENERAL STANDARDS OF EMPLOYEE CONDUCT

- A. LEGISLATIVE CONFIDENTIALITY AS APPLIES TO NONPARTISAN EMPLOYEES (ADVISORY)**
- B. POLITICAL ACTIVITY**
- C. TESTIFYING BEFORE LEGISLATIVE COMMITTEES**
- D. PERSONAL BEHAVIOR AND DRESS**
- E. HARASSMENT**
- F. ACCEPTANCE OF GIFTS**
- G. VIOLENCE IN THE WORKPLACE**
- H. NURSING MOTHERS IN THE WORKPLACE**
- I. REASONABLE ACCOMMODATION**

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III. GENERAL STANDARDS OF EMPLOYEE CONDUCT

A. LEGISLATIVE CONFIDENTIALITY AS APPLIES TO NONPARTISAN EMPLOYEES (ADVISORY)

Maine's Freedom of Access Act (1 MRSA §400 et seq.) requires information defined under the law as "public records" to be open to public inspection and copying. Among other exceptions, however, the law provides an exception to the disclosure requirement for public records for the following legislative documents:

Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over. (1 MRSA §402, sub-§3, ¶C)

While the Legislative Council supports public access to information concerning the legislative process, the Legislative Council must balance that access with the need to protect certain oral and written communications that, if disclosed, would hinder the legislative process. The Legislative Council has, therefore, adopted the following policies and procedures to govern disclosure of records that are excepted from the definition of "public records" and information contained in those records and disclosure of certain oral communications.

1. Policies and Procedures

Confidentiality is a responsibility of both Legislators and legislative employees. Legislative employees must treat the following documents and communications as privileged communications and, therefore, confidential unless the Legislator or other authorized person has given express permission to do otherwise. Legislative employees shall exercise diligence in protecting the confidentiality of these documents and communications, which includes taking appropriate steps to reasonably ensure the security of these materials. Confidential information may be shared among other nonpartisan legislative employees when necessary to carry out legislative functions in accordance with procedures established by the executive director.

2. Bill Drafts and Committee Reports and Amendments

Pursuant to 1 MRSA §402, sub-§3, ¶C, legislative papers, reports, drafts and interoffice and intraoffice memoranda that relate directly to a specific request for the drafting of a bill, order or amendment are not public records during the legislative session or sessions in which the papers or reports are prepared or considered or to

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which the paper or report is carried over and, therefore, are not subject to public disclosure during the legislative session(s).

Only the sponsor, committee or other requesting entity permitted by law or rule to file legislation may request that a nonpartisan legislative employee prepare or revise any draft of a bill, order or amendment. During the course of their legislative work, nonpartisan legislative employees may seek necessary drafting-related information of the requestor, the requestor's designee or other knowledgeable persons without divulging the specific request.

Nonpartisan legislative employees may release drafts of bills, orders and amendments and or other records, working papers and interoffice and intraoffice memoranda only to the sponsor or requesting entity unless that person or entity specifically authorizes the release to other persons in writing or orally.

Bill drafts, orders, amendments and other related information are no longer considered confidential once the information has been presented or distributed to a committee in a public hearing or work session or printed and distributed to the House or the Senate for reference or other action.

3. Requests for Assistance or Information

Under Legislative Council policy, a Legislator's or other authorized requestor's request for assistance, advice or information is confidential. No information concerning these requests may be divulged by nonpartisan legislative employees unless the Legislator or other authorized requestor specifically authorizes release to another person in writing or orally. During the course of their legislative work, nonpartisan legislative employees may seek necessary information of the requestor, the requestor's designee or other knowledgeable persons without divulging the specific request.

4. Release of Certain Information Authorized

Following the cloture date for submission of bill requests, Legislative Council offices shall make public the titles of bills, names of primary sponsors and the policy area to which the bills may relate, at the direction of the Legislative Council.

Upon the specific request of a presiding officer, the Secretary of the Senate or the Clerk of the House, the executive director or office director shall release to that requestor information on the number and status of bills, amendments and orders not yet released, as requested by the presiding officer. Notwithstanding the confidentiality provisions, each Leader, the Secretary of the Senate and the Clerk of the House, and only those individuals, must be given sufficient access to the amendment tracking system for the limited purpose of generating summary reports showing the number of unreleased floor amendments filed by Legislators that relate to impending action on bills in the House and the Senate, the House or Senate designation of the floor amendments and the bills to which the floor amendments relate. The summary reports must exclude any floor amendment that the sponsor has indicated, to the

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Revisor of Statutes, is to remain confidential until the sponsor specifically authorizes its release. Furthermore, the summary reports must exclude amendments relating to bills for which the total number of unreleased floor amendments is less than five. All information provided under this paragraph must be aggregated and reported in a manner that precludes disclosure of the sponsor, the drafter, the date requested or drafted or any substantive aspects of a bill, amendment or order.

Committee clerks should consult with the LIO manager for guidance if they have any questions regarding the application or implementation of this policy.

B. POLITICAL ACTIVITY

1. Statutory Provisions

5 MRSA §7056-A governs the political activity of officers and employees in the classified service and employees from the executive branch in the unclassified service of this State. The presiding officers and the Legislative Council expressly adopt the following related provisions, and legislative committee clerks are subject to them.

Use of official authority. An employee may not use that employee's official authority, influence or supervisory position for the purpose of:

- Interfering with or affecting the result of a partisan election or a nomination for elective office; or
- Attempting to intimidate, threaten, coerce, command or influence a person to give or withhold a political contribution or to engage or not engage in any form of political activity as defined in section 2 below.

“Use of official authority or influence” includes promising to confer or conferring a benefit such as compensation or a grant, contract, license or ruling; effecting or threatening to effect a reprisal; or taking, directing others to take, recommending, processing or approving any personnel action.

Political contributions. An employee may not:

- Give or offer to give a political contribution to an individual to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election; or
- Solicit, accept or receive a political contribution to vote or refrain from voting or to vote for or against any candidate or measure in any partisan election.

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Candidacy for elective office. An employee may not be a candidate for an elective state office in a partisan public election.

Right of voting. An employee retains the right to vote as that employee chooses.

2. Certain Other Activities Prohibited

The operations of all legislative offices are supported by taxpayers' dollars to carry out the work of the Legislature. Committee clerks may participate in partisan election and re-election campaigns only when the clerk is on session leave. It is the policy of the Legislature to segregate these political activities from the work of the Legislature to avoid actions that may affect the clerk's ability to serve all member of the committee regardless of party affiliation.

Participation by legislative employees in campaigns and campaign-related activities

A committee clerk who participates in campaigns may only do so when the clerk is on session leave. Participation in campaigns includes but is not limited to fund-raising for campaigns for elective office and directly related activities.

In addition, a committee clerk, unless the clerk is on session leave, is prohibited from participating in any activity, including advocacy on legislation that may come before the Legislature, that substantially compromises his or her ability to discharge his or her duties to the Legislature effectively and impartially.

Other activities from which Committee Clerks are prohibited from engaging during the Legislative Session include:

- a. Serving as an officer of a political party, as a member of a national, state or local committee of a political party or as an officer or member of a committee of a political club, or being a candidate for any of these positions;
- b. Organizing or reorganizing a political party or political club;
- c. Soliciting, collecting, disbursing or accounting for assessments, contributions or other funds for a political party or political club;
- d. Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a partisan candidate, a political party or a political club;
- e. Taking an active part in managing the campaign of a partisan candidate for public or political party office, or working for or donating personal time and service to a political cause;
- f. Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;

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- g. Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or partisan candidate;
- h. Driving voters to the polls on behalf of a political party or partisan candidate;
- i. Endorsing or opposing a partisan candidate for public office or political party office or supporting or opposing a political cause in a political advertisement, a broadcast, campaign literature, social media or similar material;
- j. Serving as a delegate, alternate or proxy to a political party convention;
- k. Addressing a convention or rally of a political party in support of, or in opposition to, a partisan candidate for public office or political party office;
- l. Signing, initiating or circulating a partisan nominating petition or a citizen initiative petition;
- m. Making a financial contribution to a candidate, political party or organization formed for the purpose of supporting any candidate for the Maine Legislature or other State office;
- n. Displaying political signs, posters, stickers, badges or buttons; or
- o. Lobbying the Legislature or Legislators or related activities, whether or not for compensation.

Use of legislative equipment and resources restricted

The computer system, including the Internet and network systems, telephones, copying machines and other equipment in the legislative offices are for use by legislative employees for the purpose of performing work related to their legislative employment. This equipment is purchased with public funds and its use is limited to the business of the Legislature. Pursuant to 3 MRSA §170-A, legislative employees are prohibited from using the computer system, telephones, copying machines and other legislative equipment at any time for work related to campaigns.

Display of campaign materials in the State House

Campaign materials for current candidates for public office may not be placed or displayed at any location in the State House, including in offices, hallways, elevators, information kiosks and legislative committee rooms, on the second floor of the Cross Building or on State House grounds.

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C. TESTIFYING BEFORE LEGISLATIVE COMMITTEES

The role and responsibilities of committee clerks generally preclude the presentation of testimony at a public hearing of a legislative committee or subcommittee, including joint standing and select committees, study committees, task forces, councils and commissions. Committee clerks may testify only upon the express, written approval of and under conditions established jointly by the presiding officers.

D. PERSONAL BEHAVIOR AND DRESS

A committee clerk's behavior and dress in the workplace must, at all times, be in keeping with a professional, business setting. Standards of professional attire may vary based on office, position responsibilities and season (interim vs. session). The LIO manager determines appropriate professional attire for committee clerks.

A committee clerk is prohibited from consuming alcoholic beverages, using marijuana or using illegal substances in the workplace, or working while under the influence of any of these.

E. HARASSMENT

The Legislative Council affirms the right of all legislative employees to work in an environment that is free from unlawful intimidation and harassment, including sexual harassment. Intimidation or harassment based on race, color, sex, sexual orientation, gender identity, marital status, physical or mental disability, religion, age, ancestry or national origin, genetic information, military or veteran status, whistleblower activity or a previous assertion of a claim or right under the Maine Workers' Compensation Act is a violation of Legislative Council policy. Any form of retaliatory action or threat or suggestion of retaliation by either employees or supervisors against any person filing a complaint under this policy or assisting in an investigation is a violation of this policy. The Legislative Council prohibits harassment of any employee by a supervisor, coworker, Legislator, lobbyist, contractor or vendor and prohibits retaliation against any employee for making a complaint or cooperating in the investigation of a complaint of harassment. The Legislative Council has adopted this policy to provide a work environment that is free from harassment.

Office directors and supervisors have special responsibility for ensuring compliance with this policy with respect to those employees who report to the director or supervisor. It is incumbent upon directors and supervisors to take prompt action to eliminate harassment; employees may perceive that directors or supervisors condone harassing behavior if a director or supervisor fails to intervene and take appropriate corrective action to eliminate harassment. All supervisory and managerial employees are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities of the position.

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Harassment is unacceptable conduct and will not be condoned or tolerated in the workplace. It undermines the integrity of the employment relationship, destroys morale, interferes with performance and demeans its victims. Harassment by an employee is grounds for disciplinary action, in accordance with the Legislative Council's policies on employee discipline.

Examples of harassment include but are not limited to the following, and may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments or contact;
- Threats;
- Offensive jokes;
- Ridicule, slurs or derogatory actions;
- Refusal to cooperate with employees in performing work assignments; and
- Basing employment decisions or practices on submission to harassment.

More specifically, sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.”

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome.

Examples of sexual harassment may include, but are not limited to: (1) repeated offensive sexual flirtations, advances or propositions; (2) continued or repeated verbal abuse of a sexual nature, (3) graphic or degrading verbal comments about an individual or his or her appearance; (4) the display of sexually suggestive objects or pictures; and (5) any offensive or abusive physical conduct.

Complaint Procedure

An employee who believes that he or she is being or has been subjected to harassment prohibited by this policy must report the harassment to his or her supervisor, the employee's office director, the human resources director or the executive director.. The Legislature has established the following procedures to facilitate a prompt resolution of complaints of harassment.

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Upon receipt of a written or oral complaint, the person notified shall immediately notify the human resources director, who shall investigate the complaint. Unless circumstances warrant otherwise, such investigations and appropriate corrective actions are generally in consultation with the employee's office director and the executive director. Any employee who is determined, after investigation, to have harassed another employee in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.

Employees have the right to file a complaint of harassment with the Maine Human Rights Commission and the Equal Employment Opportunity Commission as prescribed by law or rule, and are protected by law from retaliation for exercising this right.

F. ACCEPTANCE OF GIFTS

The acceptance of gifts by committee clerks may create a conflict of interest or the appearance of a conflict of interest, thus possibly jeopardizing not only their own effectiveness but also the effectiveness of their committee and the committee chairs.

Pursuant to 17-A MRSA §605, no state employee may accept or solicit a gift from any person or organization with whom the employee has, or may expect to have, work-related contact in the course of his or her employment if the gift is to influence the employee in the performance of the employee's official duties or vote, or is intended as a reward for action on the part of the employee.

In addition, under Legislative Council and presiding officer policy, legislative committee clerks may not accept gifts from individual Legislators, lobbyists and groups or organizations with whom the employee has work-related contact, except that employees may accept gifts having a value of \$65 or less from Legislators or legislative committees as expressions of appreciation for their legislative work and gifts from other legislative employees. The term "gift" does not include items having nominal value, including advertising or promotional items such as calendars, pens or pencils. Goods and services that have a pecuniary value, including meals and entertainment should be considered as gifts. Legislative employees are reimbursed for meals in conjunction with authorized meetings, conferences and work-related appointments in accordance expense reimbursement policies.

If an employee has questions regarding the application or implementation of this policy, the employee should consult with the LIO manager for guidance.

G. VIOLENCE IN THE WORKPLACE

The Maine Legislature, acting through the Legislative Council, is committed to providing a safe and secure work environment and expressly prohibits all violent acts, threats and other potentially violent behavior, either in or related to the workplace, among employees, Legislators and constituents. If an employee is the target of such behavior in the workplace

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or by another employee or Legislator, or is witness to such behavior, the improper conduct should be reported immediately to the a presiding officer, the executive director of the Legislative Council or the Legislature's human resources director. An investigation of the report will be undertaken immediately by the executive director or his/her designee.

Actions and Implementation

Any employee who, upon investigation, is reasonably believed to have committed or threatened to commit a violent act in the workplace or related to the workplace against another employee will be subject to appropriate sanctions up to and including termination of employment. Furthermore, if an employee is threatened either in the workplace or elsewhere by a person not employed by the Maine Legislature, and the threats or conduct may threaten his or her security in the workplace, such threats or conduct should be reported immediately so that appropriate safety and security measures may be taken. The Legislative Council recognizes the sensitivity of the information and will adhere to confidentiality procedures to recognize and respect the privacy of the reporting employee to the extent possible.

The Legislative Council recognizes that violence, including domestic violence, affects the lives and compromises the safety of its victims with destructive and dangerous results. Domestic violence is defined as a pattern of coercive behavior that is used by a person against family or household members to establish and maintain power or control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control and destruction of personal property. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often affects the workplace, compromising the safety of both victims and coworkers and resulting in lost productivity, increased health care costs, increased absenteeism and increased employee turnover.

Leave for Victims of Domestic Violence

Pursuant to 26 MRSA Section 850, the Legislative Council will grant reasonable and necessary leave from work, with or without pay, for an employee to:

- Prepare for and attend court proceedings;
- Receive medical treatment or attend to medical treatment for a victim who is the employee's child, parent or spouse; or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The Legislative Council will consider an employee's request for leave if it is needed because the employee or the employee's child, parent or spouse is a victim of violence, assault, a sexual assault crime under 17-A MRSA chapter 11, stalking or any act that would support an order for protection under 19-A MRSA §§4001 – 4014. An employee who wishes to request

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this leave should meet with the human resources director to discuss arrangements for the leave; the human resources director will discuss the request with the LIO manager.

Leave must be requested with as much advance notice as is reasonable under the circumstances. Leave may be denied if the Legislature or legislative office would sustain an undue hardship by virtue of the employee's absence, the request for leave is not communicated to the LIO manager within a reasonable time under the circumstances, or the leave is impractical, unreasonable or unnecessary based on the facts made known to the human resources director.

Actions Taken Against Employees Who Commit Violence

To further protect employees from violence in the workplace, the Legislative Council will:

- Hold accountable and take appropriate corrective or disciplinary action against any employee who engages in the following behavior:
 - Misusing legislative resources to commit an act of violence;
 - Committing an act of violence from or at the workplace or from any location while on official legislative business; or
 - Misusing the employee's job-related authority to assist perpetrators in locating a victim or in perpetrating an act of violence.
- Hold accountable and take appropriate corrective or disciplinary action against any employee who is found to have threatened, harassed or abused a family or household member at the workplace, from the workplace or on state business using any workplace resources or equipment.

H. NURSING MOTHERS IN THE WORKPLACE

The Legislative Council is pleased to provide reasonable break time and private space for nursing mothers to express milk. Several rooms within the State House and Cross Office Building are available for this purpose. Nursing mothers should contact the human resources director for information about the available spaces.

I. REASONABLE ACCOMMODATION

The Legislative Council will adhere to all applicable state and federal laws, regulations and guidelines with respect to providing reasonable accommodation to afford equal employment opportunity to any qualified individual with a disability. Requests for reasonable accommodation will be handled in a timely manner for any qualified individual with a disability who is an employee or applicant for employment in accordance with the provisions

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of the Maine Human Rights Act, the federal Americans with Disabilities Act and the federal Rehabilitation Act of 1973. Requests for accommodation may be directed to the office director or to the human resources director.

IV. COMPENSATION AND PERFORMANCE APPRAISAL

- A. JOB CLASSIFICATION AND COMPENSATION**
- B. JOB RECLASSIFICATION**
- C. OVERTIME**
- D. SALARY SCHEDULES AND GENERAL SALARY INCREASES**
- E. STEP INCREASES**
- F. LONGEVITY STIPENDS**
- G. PERFORMANCE EVALUATION**

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IV. COMPENSATION AND PERFORMANCE APPRAISAL

A. JOB CLASSIFICATION AND COMPENSATION

The Legislative Council has statutory authority for establishing job classifications for all legislative employees under its direction, for establishing salary schedules for all employees of legislative agencies, departments and offices and for establishing benefit schedules for legislative employees (3 MRSA §162). Within those job classifications, the presiding officers, jointly, have the authority for defining specific job duties and responsibilities for committee clerks and for establishing initial salary levels and subsequent salary rates. Committee clerks are usually assigned to Step 1 of the salary grade for committee clerks at the time of their initial appointment to the position. The presiding officers may give consideration to placement in a higher step based upon an employee's prior relevant legislative experience in another position.

The classification and salary plan for legislative employees, including position descriptions, is designed to achieve internal consistency and equity among the staff offices and to establish legislative staff salaries at competitive levels relative to comparable positions outside of the Legislature. The plan provides for relating salary increases and job advancement to job performance and appraisal. The plan also establishes a structure for identifying new job titles and job classes as may be necessary in the future. It is the responsibility of the presiding officers to ensure equity between committee clerk positions and they have final authority for approving the salaries of all committee clerks. The executive director of the Legislative Council has overall responsibility for implementing and maintaining the classification and salary plan, in consultation with the presiding officers.

Committee clerks should direct questions regarding specific job assignments, job classification or re-classification and salary adjustments to the LIO manager.

B. JOB RECLASSIFICATION

The reclassification of a position may be warranted from time to time as a result of the restructuring of an office, consolidation of positions, the implementation of new technologies or functions or other situations that cause an essential change in the roles and responsibilities assigned to the position. The executive director or a legislative employee may initiate a request to reclassify a position. All reclassification requests must be in writing, describing the change requested and the justification. The executive director shall forward the request and a recommendation to the presiding officers. The presiding officers, jointly, shall decide all proposals for a position reclassification, and such decision must be in writing. The presiding officers have final authority to decide position reclassifications for committee clerks, subject to budgetary constraints. In deciding requests, the presiding officers shall consider the request in the context of comparable positions and their responsibilities and overall consistency and equity with the classification and salary plan.

C. OVERTIME

Due to the unique schedule and nature of the work of the Legislature, most legislative employees are required to work overtime at times during the legislative session, including evenings, weekends and state-observed holidays. The Legislature recognizes the demands that such work schedules place on its employees and has adopted a salary and benefit plan and overtime and leave policies designed to, among other things, fairly compensate employees for the overtime required to perform their legislative work.

1. Obligation to Manage Overtime by Legislative Employees

Overtime is a necessary aspect of legislative work; however, it is incumbent on committee chairs and the LIO manager not only to manage work to meet operational and legislative needs but also, to the extent feasible, to minimize the amount of overtime required of employees. The LIO manager may authorize a committee clerk to work overtime only when it is essential to meet operational needs. The presiding officers and the executive director of the Legislative Council are responsible for periodic review of overtime by committee clerks and ensuring general compliance with this policy.

2. Accrual of Compensating Time

Committee clerks are eligible to accrue compensating time for necessary overtime worked, in accordance with the schedule below. Time during which an employee is excused from work with pay under only Section VI(A): Holidays, Section II(G): Early Release or Delay or Cancellation of Regular Work Day, and Section VII(A): Bereavement Leave is considered “hours actually worked” for the purpose of computing overtime.

Rate of Accrual: Compensation at one and one-half times the employee’s regular rate of pay for hours actually worked beyond 8 in a day or 40 in a workweek, including time worked on Saturdays, Sundays and state-observed holidays. All overtime, except for overtime required for a committee clerk to staff a committee hearing, requires the prior approval of the LIO manager. During the legislative session, the use of compensating time will be considered by the LIO manager in accordance with the provisions for use of vacation leave.

Accrual Limit: 120 hours in a calendar year.

Form of Compensation: Subject to approval by the LIO manager, a committee clerk may elect either to receive overtime pay or to accrue compensating time. This option must be elected upon return from session leave, or within 30 days of hire into the position if after January 1st. Once the committee clerk makes an election, it may not be changed during the calendar year. If necessary to meet operational needs, the LIO manager may require that all overtime be paid, in lieu of being awarded as compensating time. Committee clerks will continue to accrue compensating time above the standard 120 hour cap. Compensating time that remains unused will be paid out to the employee upon the start of session leave. During

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the legislative session, the use of compensating time will be considered by the LIO manager in accordance with the provisions for use of vacation leave.

3. Administration

All overtime hours must be recorded on weekly time reports that are maintained in each office and forwarded to the Office of the Executive Director in accordance with procedures established by the executive director.

Committee clerks will be paid for all unused compensating time following adjournment sine die of the legislative session in which the overtime was accrued or upon completion of their session duties, whichever is later. Upon termination of legislative employment, committee clerks must be paid for unused compensating time up to their accrual limit. For purposes of this Section, termination of legislative employment includes death of an employee.

D. SALARY SCHEDULES AND GENERAL SALARY INCREASES

The Legislative Council, in consultation with the presiding officers, establishes the salary schedules for legislative employees and may grant general salary or cost-of-living increases for legislative employees or modify the salary schedules as budgetary or other needs require. General salary increases approved for other branches of State Government do not apply to committee clerks unless so approved by the Legislative Council in consultation with the presiding officers.

See Appendix A for the current salary schedule for Committee Clerks.

E. STEP INCREASES

The classification and salary plan adopted by the Legislative Council defines 15 salary grades, with each legislative position being assigned a specific salary grade. Each grade has 12 steps. Employees assigned to steps 1 – 8 are eligible to be considered for a step increase annually, on their work anniversary date. The last 4 steps in each grade, steps 9 through 12, are steps related to length of service and are not considered eligible steps for hiring purposes. Employees must have reached the following years of service in Maine State Government as defined in Section IV(F) , respectively, to be eligible to be advanced to each of the last 4 steps.

Step 9	10 years
Step 10	12 years
Step 11	14 years
Step 12	16 years

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A legislative employee is eligible to be considered for a step increase annually on the employee's work anniversary date, subject to available budgeted resources. Salary advancements within any of the salary grades established by the Legislative Council are not automatic. Salary advancements for committee clerks are dependent upon the specific recommendation of the committee chairs and the LIO manager and the joint approval of the presiding officers. After consultation with the committee clerk's chairs, the LIO manager shall make a recommendation for a step increase based upon established standards of performance and the committee clerk's performance in the position, and submit it in writing to the presiding officers and the executive director's office. In cases of marginal or unsatisfactory performance by a committee clerk, the LIO manager may recommend that the committee clerk not receive a step increase or that a step increase be postponed for 3 to 6 months, pending a reevaluation of the committee clerk's performance.

Upon the timely receipt of the required approvals and the completed performance evaluation in the executive director's office, a step increase becomes effective on the first day of the pay week following the week on which the anniversary date falls. The executive director shall report all step increases granted to legislative employees to the presiding officers, upon request.

F. LONGEVITY STIPENDS

Except as provided in Section II(D): Reemployment after Retirement or as otherwise provided by a collective bargaining agreement, legislative employees who have completed 10 or more years of service in Maine State Government, whether continuous or non-continuous, are eligible for a longevity stipend subject to available budgeted resources and Legislative Council approval. Service in Maine State Government includes service in any of the three branches of State Government and service as a Legislator, but does not include any non-status employment such as temporary, project, or internship employment.

Once a session-only employee has an established work anniversary date, eligibility for a longevity stipend is calculated using the number of calendar years of service.

Longevity stipends will be paid as a biweekly stipend added to the employee's base pay on the date of eligibility as follows.

- Employees with 5 years but less than 10 years of eligible service must be paid a longevity stipend of ten cents (\$0.10) per hour added to the employee's base pay.
- Employees with 10 years but less than 15 years of eligible service must be paid a longevity stipend of twenty cents (\$0.20) per hour added to the employee's base pay.
- Employees with 15 years but less than 20 years of eligible service must be paid a longevity stipend of thirty cents (\$0.30) per hour added to the employee's base pay.

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- Employees with 20 years but less than 25 years of eligible service must be paid a longevity stipend of forty cents (\$0.40) per hour added to the employee's base pay.
- Employees with 25 years but less than 30 years of eligible service must be paid a longevity stipend of sixty cents (\$.60) per hour added to the employee's base pay.
- Employees with 30 or more years of eligible service must be paid a longevity stipend of seventy cents (\$.070) per hour added to the employee's base pay.
- Employees who have retired from state service and who are reemployed by the Legislature are not eligible for a longevity stipend.

G. PERFORMANCE EVALUATION

An effective performance evaluation process ensures regular communication between a supervisor and an employee on work-related issues, including goals and objectives for work, timeliness and standards of quality. A sound performance evaluation system is essential to many important human resource decisions, including salary increases, promotion and termination of employment. In adopting a unified classification and salary plan for employees, the Legislative Council committed to the development of a performance evaluation system, which provides a consistent and fair process and meaningful job-related criteria for evaluating employees' performance.

The Legislature's harassment policy must be reviewed with the employee at the time of the employee's performance evaluation.

The presiding officers charge the LIO manager with ensuring a consistent and fair performance appraisal system for committee clerks and that committee clerks receive regular written evaluations of their work performance.

V. PAID LEAVE

- A. VACATION LEAVE**
- B. SICK LEAVE**
- C. CATASTROPHIC SICK LEAVE BANK (CSL BANK)**
- D. LEGISLATIVE LEAVE**

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V. PAID LEAVE

A. VACATION LEAVE

1. Vacation Leave Accrual

Full-time legislative employees accrue paid vacation leave at the following rate:

Years of State Service Completed	Rate of Accrual (per calendar month)
0 to 5	10 hours
>5 to 10	11 hours
>10 to 15	12 hours
>15 to 20	14 hours
>20	16 hours

For the purposes of this provision, “state service” means full-time equivalent employment in any of the three branches of State Government, whether continuous or noncontinuous, and service as a Legislator, but does not include any nonstatus employment such as temporary, project or internship employment.

Part-time and session employees accrue leave at the same rate as full-time employees, but in proportion to the amount of time they are regularly scheduled to work. For example, a first-year employee who works 30 hours per week accrues vacation leave at the rate of 6 hours per month.

Vacation leave is credited to the employee on the last business day of each month. Partial accruals are not granted. An employee in active status on the last day of the month is granted the full month’s vacation accrual. An employee not in active status on the last day of the month is granted no vacation accrual.

2. Transfer of Vacation Leave from Another State Agency to the Legislature

The Legislature may accept the transfer of unused vacation leave that was accrued during the course of employment with another state agency when an employee transfers employment to the Legislature. The employee must make arrangements for the transfer of leave through the executive director’s office at the time the employee transfers employment to the Legislature.

3. Use of Vacation Leave

Legislative employees must schedule all vacation leave in advance and in consultation with the LIO manager and the employee’s committee chairs. Use of accrued vacation leave is subject to operational needs of the employee’s office. Use of vacation leave is limited during

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the legislative session. When evaluating a request for vacation, it is the responsibility of the LIO manager to consider the operational needs of the office, the extent to which the job responsibilities can otherwise be covered, the employee's availability in case of emergency, the advance notice requested by the employee in comparison to the unpredictability of the work load, the risk of interrupted legislative operations if the employee is absent, the nature and circumstances surrounding the request and the potential impact on other legislative offices. If an employee's request for use of vacation leave is denied by the LIO manager, the employee may appeal the LIO manager's decision to the executive director.

Legislative committee clerks will be paid for all unused vacation leave for which they are eligible following adjournment sine die of the legislative session in which the leave was accrued or upon completion of their session duties, whichever is later.

4. Payment of Vacation Leave

Upon termination of state employment, legislative employees must be paid for all unused vacation leave for which they are eligible based on their length of state service. For purposes of this Section, termination of employment includes death of an employee.

B. SICK LEAVE

1. Sick Leave Accrual

Session employees accrue sick leave at the rate of 8 hours for each month they are in pay status with the Legislature.

Unused sick leave in excess of 960 hours is recorded as lapsed sick leave credits and may be used by an employee in the case of an extended illness, upon the recommendation of the executive director and the approval of the Legislative Council.

Sick leave is credited to the employee on the last business day of each month. Partial accruals are not granted. An employee in active status on the last day of the month is granted the full month's sick leave accrual. An employee not in active status on the last day of the month is granted no sick leave accrual.

2. Transfer of Sick Leave from Another State Agency to the Legislature

The Legislature may accept the transfer of unused sick leave that was accrued during the course of employment with another state agency when an employee transfers employment to the Legislature. If a legislative employee has previously been employed by the State of Maine within 5 years of the date of hire with the Legislature, the employee may have unused sick leave from that previous employment reinstated and credited to the employee. The employee must make arrangements for a transfer or reinstatement of leave through the executive director's office at the time the employee transfers employment to the Legislature.

3. Use of Sick Leave

A legislative employee may use accrued sick leave for illness, necessary medical or dental care or the disability of the employee or a member of the employee's immediate family who requires the attention or presence of the employee. For the purposes of this section, "immediate family" means the spouse, parents, spouse's parents, stepparents, guardian, children, stepchildren, siblings, stepbrothers, stepsisters, wards, grandparents and grandchildren of the employee.

The executive director or the LIO manager may require a physician's statement attesting to an employee's illness that necessitates absence from work when a committee clerk uses sick leave for 3 or more consecutive work days or is absent from work repeatedly.

Misuse or abuse of sick leave in violation of this policy may be subject to discipline, including termination of employment.

Sick leave is not transferable to another employee, except as provided under the provisions of Section V(C): Catastrophic Sick Leave Bank. Sick leave has no cash value; a legislative employee may not be paid for unused sick leave upon termination of legislative employment. However, unused sick leave may be used in calculating creditable service for retirement purposes, in accordance with rules of the Maine Public Employees Retirement System. An employee who has questions about applying unused sick leave toward creditable service should consult with the Office of the Executive Director.

C. CATASTROPHIC SICK LEAVE BANK (CSL BANK)

The Legislative Council has established a Catastrophic Sick Leave Bank (CSL Bank) for use by legislative employees who are seriously ill or who are caring for a seriously ill child, spouse, domestic partner, sibling, or parent, and who have exhausted all of their sick and other paid leave provided by the Legislature.

1. Contributions to the Sick Leave Bank

Any legislative employee may contribute to the CSL Bank by transferring up to 16 hours of an employee's accrued vacation leave, in 4-hour increments, in a calendar year as long as, at the time of transfer, the employee has accrued a minimum of 160 hours of sick and vacation leave combined. The accrued leave requirement is pro-rated for part-time employees.

An employee may contribute to the CSL Bank by notifying the employee's office director in writing and specifying the number of vacation hours to be transferred to the CSL Bank. The office director shall forward the notice to the Executive Director and the transfer of time becomes effective upon the receipt of the notice by the Executive Director. Leave that has been contributed to the CSL Bank may not be refunded or otherwise credited back to the employee donor once it has been transferred.

2. Eligibility for Using the Catastrophic Sick Leave Bank

Legislative employees may not draw more than a total of 16 weeks (640 hours for a full-time employee; pro-rated for part-time employees) from the CSL Bank in a calendar year for catastrophic illness. A Legislative employee is eligible to use time from the CSL Bank when the following conditions are satisfied:

- a. The employee has a catastrophic illness or must care for a child, spouse, domestic partner, or parent with a catastrophic illness. For purposes of this Section, catastrophic illness includes an accident, disease, or condition that poses an imminent danger of death or permanent impairment; requires hospitalization for purpose of an organ transplant, limb amputation, or procedure of like severity; or requires constant home health care or care in a nursing facility; and
- b. The employee has exhausted all accrued paid leave, including sick, vacation, and legislative leave, compensating time, and any temporary disability income benefits that may have been made available to the employee.

Prior to drawing further from the CSL Bank, the employee must use any type of leave that accrues to an employee during a period in which the employee is drawing time from the CSL Bank. Session employees are eligible to draw time from the CSL Bank only for periods of active employment.

3. Accessing the Catastrophic Sick Bank

A Legislative employee who wishes to use the CSL Bank and who meets the requirements of section 2 shall complete, on a form provided by the Executive Director, a request for access to the CSL Bank, describing the reason for the leave, including the nature of the illness or injury and the amount of time needed, and submit the form to the Legislative employee's office director. The office director or the Executive Director may request supporting medical documentation certifying the nature of the illness or injury for which the request is being made. The employee's office director shall forward the form and any documentation to the Executive Director, with a recommendation for approval, denial, or modification of the request. If the request is denied, the reason for the denial must be provided to the Legislative employee in writing.

D. LEGISLATIVE LEAVE

Session employees and other legislative employees who work less than 12 months per calendar year and legislative employees who are on a leave of absence during the legislative session do not accrue legislative leave.

VI. PAID BENEFITS

- A. HOLIDAYS**
- B. HEALTH INSURANCE COVERAGE**
- C. PRESCRIPTION DRUG COVERAGE**
- D. DENTAL INSURANCE COVERAGE**
- E. GROUP LIFE INSURANCE COVERAGE**
- F. STATE EMPLOYEE RETIREMENT PLAN**
- G. TEMPORARY DISABILITY INCOME BENEFITS**
- H. PARENTAL LEAVE**
- I. EYE EXAMINATIONS FOR CERTAIN LEGISLATIVE EMPLOYEES**
- J. WORKERS' COMPENSATION**
- K. PROFESSIONAL DEVELOPMENT AND TRAINING**

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VI. PAID BENEFITS

A. HOLIDAYS

The Legislature observes the following legal holidays.

- New Year's Day – January 1st
- Martin Luther King, Jr. Day
- Presidents' Day
- Patriot's Day
- Memorial Day
- Juneteenth
- Independence Day – July 4th
- Labor Day
- Indigenous Peoples Day
- Veterans Day – November 11th
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Day – December 25th

The specific dates for holidays for the current calendar year will be made available to each office by the executive director's office. A holiday falling on a Saturday will be observed on the preceding Friday and a holiday falling on Sunday will be observed on the following Monday.

Eligible legislative employees are entitled to be paid for the legal holidays. To be eligible for pay for the holidays, legislative employees, including part-time and session employees, must be in active pay status (i.e., working or using paid leave) on the work days that immediately precede and follow the holiday. Holiday pay for part-time employees is prorated based on their authorized work schedule (e.g., for a part-time employee regularly scheduled to work 25 hours per week, five hours of holiday pay would be provided).

A committee clerk may, for bona fide religious reasons, choose to observe another established religious holiday if it is not a Legislature-observed holiday. The committee clerk must arrange for the time off in advance with the LIO manager and must use accrued leave for that time off.

B. HEALTH PLAN COVERAGE

The Legislature participates in the state employee health and benefits program, which provides coverage, subject to certain conditions and copayments, for physician care, hospital services, emergency room care, mental health and substance abuse services and diagnostic exams and services to eligible employees and their qualified dependents.

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Except as provided in Section II(D): Reemployment after Retirement, the Legislative Council will provide a health insurance plan for full-time legislative employees and part-time legislative employees whose regular work schedule is 20 or more hours per week.

Except as provided in Section II(D): Reemployment after Retirement, the Legislative Council will provide a health insurance plan for session-only legislative employees whose regular work schedule during the legislative session is 20 or more hours per week.

The Legislative Council will pay a portion of a full-time or part-time legislative employee's individual health insurance premium as provided below and 60% of the premium for health plan coverage for eligible dependents for employees electing dependent coverage. Payroll deductions of premiums for dependent coverage will be made for employees electing such coverage.

The Legislative Council will pay a portion of a full-time or part-time employee's individual premium based on the employee's annual rate of pay on July 1st of each state fiscal year as follows:

- For an employee whose base annual rate of pay is projected to be less than or equal to \$50,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the Legislative Council will pay 95% of the individual premium;
- For an employee whose base annual rate of pay is projected to be greater than \$50,000 and less than \$100,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the Legislative Council will pay 90% of the individual premium; and
- For an employee whose base annual rate of pay is projected to be \$100,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the Legislative Council will pay 85% of the individual premium.

The Legislative Council may pay a greater portion of the total cost of the individual premium for those employees who meet specific benchmarks for healthy behavior in accordance with the provisions of 5 MRSA §285, sub-§7-A.

For a session-only employee while the employee remains employed by the Legislature, the Legislative Council will pay a portion of the employee's premium equal to that provided for full-time employees and 60% of the premium for health plan coverage for eligible dependents for employees electing dependent coverage while the employee is in active work status during the period from the first Wednesday in January through the date of statutory adjournment of a regular session. At all other times, while the employee remains employed by the Legislature and is not covered by another health insurance plan, the Legislative Council will pay the same portion of the premium for health plan coverage for the employee, irrespective of the healthy behavior credit as provided under 5 MRSA §285, sub-§7-A, and the same portion of the premium for health plan coverage for eligible dependents, for

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employees electing dependent coverage, that the Legislative Council pays when that employee is in active work status. The payment by the Legislative Council of premiums for health insurance for session-only employees not in work status is not intended to provide an incentive for employees to artificially delay notice of resignation.

The employee is responsible for that portion of the premium not paid for by the Legislative Council.

The state employee health and benefits program provides a summary of benefits and a booklet explaining the benefits and terms and conditions of coverage. Legislative employees are responsible for reading the information and becoming familiar with the benefits and requirements of the program.

The health insurance plan provided under the state employee health and benefits program is a point of service plan that provides a higher level of benefits when care is coordinated or provided by the legislative employee's primary care physician. Levels of coverage, amounts of required copayments, deductibles and premiums and terms and conditions of health plan coverage may change from time to time in accordance with the plan requirements established by the state employee health and benefits program. The health insurance plan provided by the Legislative Council will be administered in accordance with the requirements of the plan, and employees are subject to the plan requirements.

1. Application Procedure

Although health insurance is a state-paid benefit for legislative employees, health plan coverage is not automatic. Legislative employees must apply for health plan coverage within 60 calendar days from the date of their initial employment with the Legislature. If an employee does not apply for health plan coverage within the 60-day period, the employee may be required to file evidence of insurability before the employee may obtain health plan coverage for himself or herself or for dependents. The addition or removal of dependents generally may be made only within the annual enrollment period unless there has been a recent life event. "Life event" includes certain events or circumstances as defined under the health insurance plan.

Upon acceptance in the health insurance program, health plan coverage commences on the first day of the month following the first full month in which the employee is first employed. For example, if an employee begins work and applies for coverage on December 31st, health plan coverage is effective beginning on February 1st. However, if an employee begins work and applies for coverage on January 2nd, health plan coverage is effective beginning on March 1st.

Health insurance application forms and related information are available from the executive director's office, and completed forms must be returned promptly to the executive director's office for acceptance and processing. Upon acceptance in the health insurance program, employees will receive insurance cards and information directly from the insurance provider or the state employee health and benefits program.

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Questions regarding general health plan coverage and premiums should be directed to the Office of the Executive Director. Questions regarding claims and billing should be directed to the Division of Employee Health and Benefits at 624-7380 or by calling [the](#) insurance provider directly.

C. PRESCRIPTION DRUG COVERAGE

The health insurance plan provided under the state employee health and benefits program includes prescription drug coverage. Except as provided in Section II(D): Reemployment after Retirement, the current plan provides full-time, part-time and session-only legislative employees and their qualified dependents with access to prescription medications through retail pharmacies, mail and online services. Certain conditions and limitations established under the plan apply. The employee's insurance card includes information relevant to the prescription drug coverage. Coverage is provided in conjunction with the employee's health insurance. No separate application for prescription drug coverage is required. Questions regarding prescription drug coverage, including coverage and copayments, should be directed to the executive director's office.

D. DENTAL INSURANCE COVERAGE

As part of the Legislature's participation in the state employee health and benefits program and except as provided in Section II(D): Reemployment after Retirement, full-time, part-time and session-only legislative employees and their eligible dependents are eligible for coverage under a comprehensive dental insurance plan. The plan works with a participating dentist network; using a participating dentist normally will result in paying less for dental services. The plan also provides for use, with certain benefit limitations and copayments, of nonparticipating dentists.

The Legislative Council will provide a dental insurance plan for full-time employees and part-time employees whose regular work schedule is 20 or more hours per week. The Legislative Council will pay 100% of the premium for dental plan coverage for the employee. The cost of premiums for dependent coverage, if dependent coverage is elected, must be paid by the employee. Payroll deductions for premiums for dependent coverage will be provided for employees electing such coverage.

The Legislative Council will provide a dental insurance plan for session-only legislative employees whose regular work schedule during the legislative session is 20 or more hours per week. For a session-only employee, once eligible under the plan requirements, the Legislative Council will pay 100% of the premium for dental plan coverage for the employee. The cost of premiums for dependent coverage, if dependent coverage is elected, must be paid by the employee. Session-only employees will have applicable premiums payroll deducted while in session and will be billed directly by the insurance provider for their premiums during the interim.

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The employee's share of the costs of dependent dental plan coverage is subject to change annually.

The state employee health and benefits program provides a summary of benefits and a booklet explaining the benefits and terms and conditions of coverage. Legislative employees are responsible for reading the information and becoming familiar with the benefits and requirements of the dental insurance plan. The dental insurance program provided by the Legislative Council will be administered in accordance with the requirements of the plan, and employees are subject to the plan requirements.

Levels of coverage, amounts of required copayments, deductibles and premiums, and terms and conditions of dental plan coverage may change from time to time in accordance with the procedures established by the state employee health and benefits program.

1. Application Procedure

Although participation in the dental insurance plan is a state-paid benefit for legislative employees, dental plan coverage is not automatic. Legislative employees must apply for dental plan coverage within 60 calendar days from the date of their initial employment with the Legislature. If an employee does not apply for dental plan coverage within the 60-day period, the employee must wait until the dental plan provider offers an open enrollment period to apply. Upon acceptance in the dental insurance plan, coverage commences on the first day of the month following the first full month in which the employee is first employed. For example, if an employee begins work and applies for coverage on December 31st, dental plan coverage is effective beginning on February 1st. However, if an employee begins work and applies for coverage on January 2nd, dental plan coverage is effective beginning on March 1st.

Dental insurance plan application forms, a list of participating dentists and related information are available from the executive director's office, and completed forms must be returned promptly to the executive director's office for acceptance and processing. Upon acceptance in the dental insurance plan, employees will receive dental insurance cards and information directly from the dental plan provider or the state employee health and benefits program.

Questions regarding general plan coverage and premiums should be directed to the Office of the Executive Director. Questions regarding claims and billing should be directed to the Division of Employee Health and Benefits at 624-7380 or by calling Northeast Delta Dental directly at (800) 832-5700. Information is also available online at www.nedelta.com.

E. GROUP LIFE INSURANCE COVERAGE

The Legislature participates in the state group life insurance program administered by the Maine Public Employees Retirement System. The program provides life and accidental

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death and dismemberment insurance for state employees, including legislative employees. The program includes the Basic Plan, the Supplemental 1, 2 and 3 Plans and the Dependent A/B Plans. Full-time employees, and part-time and session-only employees whose regular work schedule is 20 or more hours per week, are eligible to participate in the group life insurance program.

1. Basic Plan

The Basic Plan provides basic life and accidental death and dismemberment insurance. It is a state-paid benefit and eligible legislative employees will automatically be enrolled in the program unless they specifically refuse the insurance coverage in writing at the time of initial employment with the Legislature. The value of basic life insurance coverage is equal to the employee's salary for the prior calendar year rounded up to the next \$1,000, unless already a multiple of \$1,000, and is updated annually in April. Basic accidental death and dismemberment insurance coverage is determined according to a schedule established for the state group life insurance program. Persons who refuse coverage when first eligible must file an Evidence of Insurability Application in order to participate at a later date.

2. Supplemental Plans

The supplemental plans provide additional coverage for the employee in amounts equal to one, two or three times the amount available under the Basic Plan. All amounts are rounded up to the next \$1,000, if not already a multiple of \$1,000. Legislative employees must complete the Maine Public Employees Retirement System application at the time of initial hire in order to obtain supplemental group life insurance coverage. The cost for obtaining the supplemental insurance is borne by the legislative employee.

3. Dependent Plans

The Dependent Plans provide life insurance for the employee's eligible dependents, which may include an employee's spouse and children. Dependent Plan A provides spouse coverage in the amount of \$5,000 and up to \$5,000 for eligible children. Dependent Plan B provides spouse coverage in the amount of \$10,000 and up to \$5,000 for eligible children. Legislative employees must complete the Maine Public Employees Retirement System application at the time of initial hire in order to obtain dependent group life insurance coverage. The cost for obtaining the dependent insurance is borne by the legislative employee.

Applications and designation of beneficiary forms may be obtained from the executive director's office. Questions regarding group life insurance, including application procedures and coverage, should be directed to the executive director's office.

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F. STATE EMPLOYEE RETIREMENT PLAN

The Maine Public Employees Retirement System operates a retirement plan for state employees, teachers and certain other eligible persons. It is established and administered pursuant to 5 MRSA chapters 421, 423 and 425. Legislative employees, except employees appointed for a fixed term, are required to become members of the Maine Public Employees Retirement System as a condition of employment. Membership is optional for employees who are appointed for a fixed term.

The retirement plan is a defined benefit plan, providing retirement benefits based on a member's average final compensation and years of creditable service. By law, vesting occurs upon the earlier of five years of service credit or the earning of one year's service credit immediately preceding retirement at or after reaching retirement age in accordance with retirement system requirements. Normal retirement age for legislative employees is age 60 or 62, depending on the employee's years of creditable service as of July 1, 1993, and age 65 for employees hired after July 1, 2011 and employees who had less than 5 years of creditable service on July 1, 2011. Retirement benefits are reduced if a member retires before normal retirement age.

By law, the retirement plan is a shared contribution plan. Currently, legislative employees must contribute to the retirement system at a rate of 7.65% of gross salary. These contributions are deducted from each paycheck. Currently, the Legislature contributes approximately 11.54% of gross salary, although this percentage may fluctuate somewhat each year. Federal income taxes on retirement contributions generally are deferred. Maine income taxes on retirement contributions are not deferred.

Upon termination of employment with the State, an employee may apply for a refund of the accrued retirement contributions and allowable interest in accordance with rules of the Maine Public Employees Retirement System. Withdrawal of accumulated retirement contributions results in the forfeiture of retirement benefits.

Maine Public Employees Retirement System membership forms may be obtained from the executive director's office. Further information on the retirement plan benefits and requirements is available through the executive director's office, or legislative employees may contact the Maine Public Employees Retirement System directly at (207) 512-3100 or (800) 451-9800.

G. TEMPORARY DISABILITY INCOME BENEFITS

Temporary disability income benefits provide continued income benefits for a limited period to legislative employees under certain conditions. The Legislative Council's temporary disability income benefits plan is entirely supported from funds appropriated to the Legislature; there are no employee contributions or fees. Temporary disability income is a discretionary benefit, subject to review and final approval by the Personnel Committee,

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except that a request for temporary disability income benefits on account of the employee's pregnancy and childbirth requires only review by and approval from the LIO manager.

1. Eligibility and Benefit Payment

A legislative employee is eligible for a benefit payment after six months of full-time equivalent employment. An eligible employee may receive up to 2/3 of his or her weekly salary, paid biweekly, for a limited period not to exceed the benefit payment period on account of:

- The employee's total disability due to illness or injury such that the employee is unable to perform the functions of the employee's position;
- The employee's responsibility to care for a seriously ill child, parent, spouse or domestic partner; or
- The employee's pregnancy and childbirth.

An employee who has accrued paid leave may not augment the temporary disability income benefit payments with that leave.

2. Benefit Payment Period Due to the Employee's Illness or Injury

Benefit payments on account of total disability due to illness or injury while the employee remains under the care of a licensed physician commence no earlier than on the day immediately following exhaustion of all of the affected employee's accrued sick leave and other paid leave, or the day after the 30th day of continuous disability, whichever is later, and continue for a period not to exceed 26 weeks from the date the benefit payments commenced.

Payments to the employee continue until the earliest of the following dates:

- The first day the employee is able to return to gainful employment or is no longer under the care of a licensed physician;
- The first day following 26 weeks from the date the benefit payments commenced;
- For session employees, adjournment sine die of the regular session of the Legislature during which the employee became disabled;
- The first day the employee is eligible for a permanent disability allowance under 5 MRSA §17901 et seq.; or
- Such other time period less than 26 weeks that the Personnel Committee deems appropriate.

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Benefit payments may be extended by the Personnel Committee for up to an additional 16 weeks if the employee provides evidence that he or she has filed an application for disability retirement benefits with the Maine Public Employees Retirement System.

3. Benefit Payment Period Due to the Serious Illness of an Employee's Child, Parent, Spouse or Domestic Partner

Benefit payments to an employee who is caring for a seriously ill child, parent, spouse or domestic partner will commence no earlier than on the day immediately following exhaustion of all of the affected employee's accrued sick leave, vacation leave, legislative leave and compensatory time, or 30 days of continuous absence from work, whichever is greater, and continue for a period not to exceed 16 weeks from the date the benefit payments commenced.

Payments to the employee may continue until the earliest of the following dates:

- The first day the employee's family member or domestic partner is no longer under the care of a licensed physician;
- The first day the employee's service as a caregiver is no longer needed;
- The first day following 16 weeks from the date the benefit payment period commenced;
- For session employees, adjournment sine die of the regular session of the Legislature during which the employee's giving care became necessary; or
- Such other time period less than 16 weeks that the Personnel Committee deems appropriate.

4. Benefit Payment Period Due to the Employee's Pregnancy and Childbirth

Except as specified below, benefit payments on account of pregnancy and childbirth commence on the date following the exhaustion of the Parental Leave benefit (in accordance with Section IV.H of this policy) by a legislative employee and will continue for a period of six weeks following. An employee who seeks benefit payments due to pregnancy and childbirth is not required to exhaust all accrued sick leave or other paid leave before benefit payments may commence. Session employees are eligible for benefit payments for any portion of the six-week period following the exhaustion of the Parental Leave benefit that falls within a period that the Legislature is convened in regular session. Benefit payments may commence prior to childbirth for pregnancy-related complications or extend beyond six weeks after the exhaustion of the Parental Leave benefit for birth-related complications only with a medical statement of disability or necessity from the employee's physician, but in any case may not continue for more than a total of 26 weeks.

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An employee has the option of not using the benefit available under this policy if the employee has other available temporary disability income benefits, sufficient accrued leave to cover the period of absence at full pay or the option of using a combination of accrued paid leave or family medical leave to extend the total period of absence following childbirth. Paid leave following pregnancy and childbirth leave is subject to the operational needs of the office and may be taken only with the prior approval of the employer. However, the qualifying employee may be entitled to take unpaid leave for the balance of the employee's leave up to a total of 12 weeks as provided under the Family and Medical Leave Act.

5. Conditions, Limitations and Exceptions

- Benefit payments are not authorized for any period during which the employee is receiving payments under workers' compensation laws due to the illness or injury or through the use of accrued paid leave.
- The employee continues to receive benefits, including membership in state insurance plans and earned employee benefits, that the employee was eligible for immediately prior to the start of temporary disability income benefit payments. An employee who qualifies for benefit payments on account of illness and injury and must undergo a period of unpaid leave before benefit payments commence continues to receive employee benefits during that period of unpaid leave.
- The employee may not receive benefit payments for more than a total of 42 weeks in any 12-month period.
- Periods of benefit payments must be counted toward an eligible employee's entitlement of 12 weeks per year of family and medical leave.

6. Application

Except with respect to requests for temporary disability income benefits on account of the employee's pregnancy and childbirth, a committee clerk who qualifies for temporary disability income benefits and is interested in receiving such benefits must submit a written request to the LIO manager, together with a statement disclosing any other payments the employee is entitled to receive on account of the employee's temporary disability or the family member's or domestic partner's medical situation. The LIO manager must then forward the request along with the LIO manager's recommendation as to whether benefits should be approved to the executive director of the Legislative Council. The employee must also submit a statement from the treating physician that attests to the employee's qualifying condition or family member's or domestic partner's condition and need for the employee's care, whichever is applicable. The employee may also be required to submit additional information related to the temporary disability so that the executive director or the Personnel Committee may make a determination whether or not to grant the requested benefit. After consultation with the LIO manager, the executive director shall forward the request and recommendation to the Personnel Committee for its consideration and final decision. The Personnel Committee will report its decision to the Legislative Council following the

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Personnel Committee's decision on the employee's request but may not publicly disclose the medical or other reasons for the request. During any period when an employee is receiving temporary disability income benefits, the LIO manager or the executive director may require periodic statements from the treating physician attesting to the continued disability of the employee or the family member's or domestic partner's need for care.

With respect to requests for temporary disability income benefits on account of an employee's pregnancy and childbirth, an employee who qualifies for such temporary disability income benefits and is interested in receiving such benefits must submit a written request to the LIO manager, who shall review and make a determination regarding the employee's request. Upon determination of an employee's request, the LIO manager shall transmit that determination to the Executive Director's office.

H. PARENTAL LEAVE

Paid parental leave for childbearing and adoption shall be granted to an employee with pay for their regularly scheduled hours during a period of time not to exceed thirty (30) work days, beginning on and directly following the birth or adoption of the child or children taken continuously, beginning no later than twelve (12) weeks directly following the birth or adoption of the child or children.

I. EYE EXAMINATIONS FOR CERTAIN LEGISLATIVE EMPLOYEES

With the support of the Legislative Council and the presiding officers, legislative offices have established appropriate conditions for the use of computers to support the legislative process. These include selection of appropriate computer monitors (video display terminals) and furnishings, which may be adjusted to provide for proper and ergonomically correct use.

The Legislative Council finds that regular eye examinations are an important component of good personal health care. Based on studies relating to the potential effects of sustained use of video display terminals, the presiding officers and the Legislative Council have adopted the following policy.

1. Work Breaks from Continuous Use of Video Display Terminals

An employee whose primary task is to operate a computer or other electronic equipment having a video display terminal for more than four consecutive hours, exclusive of breaks, on a daily basis should be assigned to other work that does not require use of a video display terminal 15 minutes for every two hours of continuous use of a video display terminal. Lunch and other breaks must be counted toward the 15-minute work reassignments.

The LIO manager is responsible for ensuring that work is scheduled in accordance with this policy. Certain other requirements also apply in accordance with 26 MRSA §252 and are coordinated by the executive director's office.

2. Limited Reimbursement for Eye Examinations and Corrective Lenses

Legislative employees are eligible for limited reimbursement for eye examinations and corrective lenses after six months of full-time equivalent employment.

An employee is entitled to reimbursement for a routine eye examination by a qualified eye care professional annually after the employee has first sought coverage for that examination under the health insurance plan. Employees will be reimbursed up to \$100 per calendar year for an eye examination or contact lens evaluation.

An employee will be reimbursed up to \$150.00 per calendar year for the cost of corrective lenses or contacts or an annual supply of disposable contact lenses if the eye examination results in a determination that prescription lenses are needed. Reimbursement will be made directly to the employee, not to the employee's eye care professional or other assignee.

To receive reimbursement benefits, the employee must, within 30 calendar days of the date of service, submit the following to the executive director's office: (1) the Computer Users Eye Examination form, provided by the executive director's office, completed by the eye care professional; and (2) a detailed receipt showing payment in full. Special lens enhancements are not eligible for reimbursement. The 30-calendar-day time limit may be extended if the employee shows that the receipt showing payment in full is not yet available due to reasons beyond the employee's control.

J. WORKERS' COMPENSATION

The Workers' Compensation system was established to ensure that employees who are injured on the job or in the course of their employment are compensated during their period of injury.

1. Eligibility

Qualifying injuries must have been incurred in the course of and arising out of employment. The employee must have been performing an activity that was related to the performance of his or her work duties at the time of injury.

2. Compensation

Compensation available to eligible employees may include the following:

- Partial replacement of lost wages;
- Reimbursement of medical expenses incurred as a result of the injury; and

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- Provision for vocational rehabilitation, if necessary, to help the employee return to work.

3. Required Notice of Injury

Under presiding officer and Legislative Council policy, a legislative employee must immediately report an injury to the committee chairs and the LIO manager. The LIO manager shall immediately notify the executive director's office of the injury and take the appropriate steps to arrange for medical attention as needed. The injured employee and the LIO manager must file a report of injury with the executive director's office, on forms provided by the executive director's office, within 24 hours of the injury. A failure to file the required reports is grounds for disciplinary action as provided in this handbook.

In order to provide for early intervention for all state employees who are injured in the workplace and to reasonably control workers' compensation costs, the State of Maine has contracted with certain medical care providers for workplace injury management. Injured employees will be directed to the contracted medical care providers for initial examination and treatment. An injured employee may not refuse initial examination by a medical care provider to whom the injured employee is directed. An employee's primary care physician will ordinarily not be the employee's initial medical care provider for work-related injuries, although an injured employee is not required to continue using a medical care provider contracted by the State after the first 10 days of treatment. If an employee intends to change medical care providers, the employee must provide the name of the new medical care provider to the executive director's office.

Upon a notification of a workplace injury, the executive director's office will arrange for an appointment with an appropriate medical care provider. The medical care provider is responsible for directing the care of the injured employee, and will work closely with physicians and other appropriate service providers if the initial examination indicates that additional medical care is necessary. The executive director's office is responsible for coordinating all workers' compensation claims arising from or in connection with the legislative workplace and for maintaining records of each claim.

In emergency circumstances, established emergency procedures should be followed that give the injured employee access to necessary immediate medical attention.

K. PROFESSIONAL DEVELOPMENT AND TRAINING

The presiding officers encourage committee clerks to seek professional development and training opportunities that help them gain new skills and knowledge, thereby enhancing the employees' value to the Legislature.

VII. LEAVES OF ABSENCE

- A. BEREAVEMENT LEAVE**
- B. COURT SERVICE LEAVE**
- C. FAMILY MEDICAL LEAVE**
- D. MILITARY LEAVE**

VII. LEAVES OF ABSENCE

A. BEREAVEMENT LEAVE

A legislative employee is allowed up to five days of leave with pay for absence resulting from the death of a spouse, domestic partner, child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, ward, grandparent or guardian of the employee, or the employee's spouse's or domestic partner's parent, stepparent, or sibling.

"Domestic partner" means a person with whom an employee is in a relationship when neither person is married, the relationship is intended to remain indefinitely, there is joint responsibility for each other's common welfare, there are significant shared financial obligations and there is a shared primary residence. This relationship must have existed for at least six (6) continuous months before bereavement leave benefits may be provided.

Bereavement leave is not charged against any other kind of accrued leave balance of the employee.

B. COURT SERVICE LEAVE

1. Jury Duty

Jury duty is a privilege and an obligation of citizenship. A legislative employee who is required to appear in court pursuant to a subpoena or other order of a court related to the employee's employment or to perform jury service when such appearance or service will result in an absence from work will ordinarily be granted court service leave for the period of time necessary to fulfill that requirement. The committee clerk is responsible for notifying the LIO manager of any request for court appearance or jury service that requires absence from work so that the committee chairs and the LIO manager may assess the impact on committee operations and determine whether it is necessary to request of the court that the employee be excused temporarily from appearance or jury service. The LIO manager shall notify the executive director of required court service by a committee clerk. The executive director shall make all requests to the court by or on behalf of the Legislature or a legislative office asking that an employee be excused from appearance or service. The committee clerk is responsible for making such a request to the court on his or her own behalf. It is understood that a committee clerk will not volunteer themselves to serve jury duty of their own accord.

A committee clerk who makes an appearance and whose service is not required must return to work as soon as practicable after release. An employee on court service leave for a full day will receive regular pay and will be allowed to keep payment received for court service, including any travel allowance, assuming that the committee clerk has not volunteered to serve jury duty of their own accord. If an employee wishes to volunteer for jury duty, then that employee must first submit a detailed request for leave to that employee's office

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director, who must assess the request in light of the projected operational needs of the office during the duration of the potential jury service. If the office director approves the request, the employee must use their own accrued leave.

Court service leave is not charged to any kind of accrued leave balance of the employee.

2. Other Court Appearances

A legislative employee who is summoned to appear or otherwise appears before a court or other body as a party to any private legal action that is not job related is not eligible to receive court service leave.

C. FAMILY MEDICAL LEAVE

The Legislative Council will comply with its obligations under the state Family and Medical Leave Act ("FMLA") in effect on October 18, 2021. The Legislative Council will also voluntarily comply with the provisions of the federal FMLA to the extent it is not obligated to do so, with the exception of the provisions governing intermittent leave. The Legislative Council will provide intermittent leave benefits to employees under the federal FMLA only if required by law.

In accordance with the requirements of the federal Family and Medical Leave Act and state law for family medical leave, the presiding officers and the Legislative Council have adopted a policy of family medical leave that provides qualifying legislative employees with up to 12 weeks of leave in any 12-month period for certain family and medical reasons without jeopardizing the employee's job or benefit status. This leave is available to eligible employees for the purposes described below at any time during the year. An employee who uses this leave is entitled to return to the position held at the time the leave commenced or to a position of comparable seniority, benefits and pay.

1. Eligibility for Leave

Qualifying legislative employees are eligible for up to 12 weeks of unpaid family medical leave if they have been employed by the Legislature for at least 12 months and have worked at least 1,250 hours during the previous 12 months.

Family medical leave under this policy is unpaid leave; however, as an alternative, the employee may substitute sick or other accrued paid leave for unpaid leave if used for family medical leave purposes. Any periods of substituted paid leave used by an employee must be counted toward the employee's family medical leave entitlement.

It is the LIO manager's responsibility to notify the human resources director when an employee is absent from work for more than 10 consecutive or nonconsecutive work days for the same reason, which could qualify the employee for family medical leave.

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In addition, Maine law provides that an employee is eligible for family medical leave to care for a domestic partner under certain conditions. Refer to 26 MRSA §843 et seq.

2. Reasons for Leave

Family medical leave may be taken under the following circumstances:

- The employee is unable to work because of a serious health condition;
- To care for an immediate family member with a serious health condition. “Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or that requires continuing treatment by a health care provider. “Immediate family member” means the employee’s spouse, child or parent;
- Birth and care of a newborn child of the employee;
- Placement of a child 18 years of age or under with the employee in connection with the employee’s adoption of the child or assumption of the role of foster parent or legal guardian; or
- Qualifying exigency leave or military caregiver leave for covered military members and their families.

Qualifying spouses, when both are employed by the same employer, are jointly entitled to a combined total of 12 weeks of family medical leave for the birth and care of their newborn child, for placement of a child for adoption or foster care or to care for a parent who has a serious health condition.

Leave for birth and care or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, federal law now entitles a “spouse, son, daughter, parent or next of kin” up to 26 workweeks of family leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” “Next of kin” is defined as the closest blood relative. Spouses employed by the same employer who wish to take leave to care for the service member may take an aggregate of 26 weeks of family medical leave during the 12-month period.

3. Intermittent or Reduced Schedule Leave

A qualifying employee may take leave on an intermittent basis or in the form of a reduced work schedule up to a total of 12 weeks when it is medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. Intermittent or reduced schedule leave to be taken to care for a newborn or newly placed adopted or foster child is subject to approval by the presiding officers.

4. Job Restoration and Maintenance of Benefits

During the period in which an employee is taking unpaid family medical leave, the Legislature will continue payment of state-paid health, life and dental insurances for the duration of the leave on the same terms as if the employee had continued to work. Other employee benefits, including sick, vacation and other paid leave, do not accrue to the employee for any periods of unpaid leave.

Upon return from family medical leave, an employee is entitled to the position held at the time leave commenced or to a position of comparable seniority, salary grade and step and benefits in effect at the time of leave. Use of family medical leave will not result in the loss of any employee benefit the employee accrued or was entitled to before using family medical leave. Under specified and limited circumstances in which restoration to employment would cause substantial and grievous economic injury to its operations, the presiding officers may refuse to reinstate certain highly paid key employees after the employees used family medical leave for a period during which health plan coverage was maintained, as provided under federal law and regulations.

5. Advance Notice and Medical Certification

A committee clerk who qualifies for and intends to use family medical leave under this policy must give notice to the LIO manager and the executive director including both the intended dates upon which family medical leave will commence and terminate. Such notice must be given at least 30 days in advance of the leave, except when such notice is precluded by the emergency nature of the situation. A legislative employee is required to provide medical certification from a health care provider to the executive director supporting the need for leave because of a serious health condition affecting the employee or an immediate family member. The executive director may require second or third medical opinions, at the Legislature's expense, and periodic recertification and reports during the leave regarding the employee's status and intent to return to work.

When intermittent leave is requested for planned medical treatment to care for an immediate family member or the employee's own illness, the employee must make reasonable efforts to schedule treatment so as not to unduly disrupt committee operations.

6. Childbearing and Adoption Leave

Under this family medical leave policy, childbearing and adoption leave may supplement and extend leave beyond the periods of leave available under the temporary disability income benefits plan after childbirth and family medical leave. A legislative employee is eligible to take childbearing and adoption leave without pay for a period of up to one year and may return to his or her position in the Legislature at the salary grade and step in effect at the time the leave period commenced.

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An employee may also retain membership in state health, life and dental insurance plans during childbearing and adoption leave, but the employee is required to pay the insurance premiums during any period that extends beyond the period of time when insurance coverage is provided under the temporary disability income benefits plan or family medical leave authorized for that employee. Other employee benefits, including sick, vacation and other paid leave, do not accrue to the employee during the period of unpaid leave.

A committee clerk must submit a written request for childbearing and adoption leave and a proposed leave schedule to the LIO manager and the executive director as soon as possible for review and approval, but no later than 30 days in advance of the leave, so that the LIO manager may plan for coverage during the period of the leave.

D. MILITARY LEAVE

Legislative employees who are members of a branch of the United States Armed Forces, including the Army, Air Force, Coast Guard, Marine Corps and Navy, or of the Reserves, the National Guard or any other authorized state military or naval forces, are entitled to a leave of absence to fulfill their military obligations. This leave entitlement includes leave for active military service (voluntary or involuntary) and leave to fulfill annual military training requirements.

1. Military Leave of Absence with Pay (Annual Training)

A legislative employee who is a member of a branch of the military service is entitled to a leave of absence from his or her respective duties for the purpose of annual training for periods not to exceed 17 work days in any calendar year, without loss of pay, and shall accrue sick and vacation leave and seniority, as specified by provisions of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The amount of paid leave is prorated for part-time and session-only employees. The employee must notify the LIO manager in writing of the need for leave at least 30 calendar days prior to commencement of the leave, or as soon as practicable if such notice is precluded by military necessity or factors beyond the control of the employee. At the time of notice or as soon as possible thereafter, the employee must provide a copy of the employee's service orders and military schedule. During such leave, the employee is entitled to receive the same health, dental and group life insurance benefits that the employee would have received had the employee not been on the leave of absence.

2. Military Leave of Absence without Pay

A legislative employee who is a member of a branch of the military service and who volunteers for or is ordered to active duty is entitled to a leave of absence as provided under the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Such leave is without pay. The employee may, but is not required to, use accrued vacation or legislative leave or compensating time while on the leave of absence. The employee must notify the LIO manager in writing of the need for leave at least 30

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calendar days prior to commencement of the leave, or as soon as practicable if such notice is precluded by military necessity or factors beyond the control of the employee. At the time of notice or as soon as possible thereafter, the employee must provide a copy of the employee's service orders and military schedule. If the employee's military leave is 30 or fewer days, the employee is entitled to receive the same health, dental and group life insurance benefits that the employee would have received had the employee not been on the leave of absence. If the employee wishes to continue health, dental and group life insurance coverage while on military leave longer than 30 days, the employee is entitled to do so up to a maximum of 24 months as provided under USERRA but must pay the full premium cost (100% of the employer and employee shares) to maintain the coverage.

Notwithstanding the above, it is the policy of the Legislative Council that a legislative employee who volunteers for or is ordered to active duty for more than 30 days during the Iraqi conflict is entitled to receive the same health, dental and group life insurance benefits that the employee would have received had the employee not been on the leave of absence, for a period not to exceed 18 months from the date of commencement of active duty. **Note:** The employee is eligible for military health insurance (TRICARE) on the day the employee goes on active duty if the order to active duty is for more than 30 days.

VIII. TRAVEL AND EXPENSE REIMBURSEMENTS

- A. AUTHORIZATION AND TRAVEL ARRANGEMENTS**
- B. EXPENSE REIMBURSEMENT**

VIII. TRAVEL AND EXPENSE REIMBURSEMENTS

A. AUTHORIZATION AND TRAVEL ARRANGEMENTS

1. Out-of-State Travel

In the ordinary course of their work, committee clerks do not travel out-of-state.

2. In-State Travel

The LIO manager may authorize reasonable in-state travel for a committee clerk, within budgeted resources, when such travel is essential to fulfill the requirements of an employee's job assignment. In addition, travel outside of the Augusta area requires the prior approval of the presiding officers.

B. EXPENSE REIMBURSEMENT

Committee clerks are entitled to be reimbursed for actual and necessary expenses as follows. Requests for reimbursement of expenses must be made on expense vouchers.

1. Mileage Allowance and Other Travel Expenses

For authorized travel using an employee-owned or employee-leased motor vehicle in the performance of the employee's duties, the mileage allowance is that amount specified in 5 MRSA §8.

Effective July 1, 2021, the mileage allowance is the rate included in the bargaining agreement representing the most employees, or the federal rate of reimbursement, whichever is lower. Employees with a disability and who operate their own personal wheelchair lift or other specially equipped vehicle on legislative business may receive an additional \$0.10 per mile. When an employee travels out of state using a motor vehicle in lieu of air travel, the mileage reimbursement may not exceed the cost of the most economical and practical airfare for that travel.

Mileage is calculated from the State House or the employee's residence, whichever distance is less. The Legislature may require that legislative employees use state-provided vehicles in lieu of mileage reimbursement.

Upon presentation of receipts, a legislative employee will also be reimbursed for actual costs of highway and bridge tolls, parking fees, taxi fares and other reasonable and necessary travel expenses incurred during the course of authorized travel. A receipt is not required for an expense that is less than \$5.00.

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2. Lodging, Meal Expenses and Incidental Expenses

Legislative employees in travel status in the performance of their duties are entitled to be reimbursed for the actual costs for necessary and reasonable lodging and meal expenses. Overnight lodging is generally applicable only when the travel is more than 50 miles from the legislative employee's residence or the State House, whichever is closer. Receipts are required for reimbursement of lodging expenses. Receipts are also required for meals in excess of \$12.00 when associated with in-state travel or out-of-state travel.

Meals, inclusive of taxes, gratuities and snacks, will be reimbursed up to the following maximum rates.

When associated with in-state travel:

Breakfast:	\$8.00
Lunch:	\$10.00
Dinner:	\$20.00

When associated with out-of-state travel:

Breakfast:	\$10.00
Lunch:	\$12.00
Dinner:	\$24.00

Meals associated with an extended work day:

From time to time, the legislative schedule requires legislative employees to work overtime such that it precludes legislative employees from eating dinner at their home. The Legislature provides limited reimbursement to legislative employees for meals consumed during an extended work day. A legislative employee, including a session-only or part-time employee, is eligible to be reimbursed for the actual meal expenses for a meal consumed during an extended work day, or immediately afterwards, as follows.

- The employee must have worked at least 11 hours in a work day or a total of 15 hours in a 24-hour period; and
- The Legislature or the committee to which the employee is assigned must be in session during the extended work day or the employee was specifically required to work the extended work day by both committee chairs.

After the 11-hour or 15-hour work requirement has been met, an employee is eligible to be reimbursed for the actual cost of meals in an amount not to exceed \$14.00. After working 16 or more continuous hours, an employee is eligible to receive an additional reimbursement of up to \$5.00, increasing the maximum reimbursement to \$19.00. If an employee is required to work on a weekend, the threshold for that employee to be eligible for a meal allowance is reduced to 6 or more hours for a weekend day. The \$14.00- dollar limit applies. If an employee works 16 or more continuous hours on a weekend day, the employee is eligible to receive an additional reimbursement of up to \$5.00.

Detailed receipts are required for all meal purchases associated with an extended work day or weekend work if the total amount requested for the day exceeds \$10.00. The receipts must include the date of purchase, detail on the food items purchased, and must indicate which food item or items are associated with an employee if a receipt is a group purchase. Reimbursement forms must also indicate the hours worked during the day for which a meal reimbursement is requested. Expenses for alcoholic beverages or personal items are not reimbursable. Reimbursement may not be requested for meals that are provided.

3. Expense Vouchers

Expense vouchers for reimbursement of expenses should be completed within 10 calendar days from the date of completion of travel or the date an extended day meal allowance is claimed, signed by the employee and the LIO manager, and sent to the executive director's office for authorization and payment.

If an employee has not submitted an expense voucher for reimbursement of expenses within six months from the date of completion of travel, the Legislature is not obligated to reimburse those expenses.

The reimbursement of extended day meals is taxable per IRS guidelines. Travel and expense vouchers submitted after the last day of the month following the month in which the expense was incurred will be reported as income on IRS Form W-2. (For example, all January travel submitted on or after March 1 will be reported as income.) The payment will be subject to applicable payroll withholding taxes.

**IX. VEHICULAR ACCIDENT REPORTING AND LIABILITY INSURANCE
COVERAGE**

A. ACCIDENT REPORTING REQUIRED

B. LIABILITY INSURANCE COVERAGE

IX. VEHICULAR ACCIDENT REPORTING AND LIABILITY INSURANCE COVERAGE

A. ACCIDENT REPORTING REQUIRED

A legislative employee who is involved in an accident while traveling on state business, regardless of whether the vehicle is a state-owned or a personal vehicle, must report the accident as follows.

- The employee must immediately report the accident to the local or state law enforcement authorities so they may render assistance and investigate the accident.
- The employee must report the accident in writing on an “Accident/Incident Report” form to the executive director’s office and to the Risk Management Division within 24 hours of the accident unless the accident involves any bodily injury or property damage estimated by the employee to be in excess of \$1,000, in which case the employee must also contact the Risk Management Division immediately at the telephone number listed below. Accident report forms may be obtained through the executive director’s office or the Risk Management Division.
- The employee must also contact the employee’s insurance agency if the accident involves the employee’s personal vehicle or if otherwise required by the employee’s insurance policy.

Risk Management Division: (800) 525-1252 (toll-free 24 hours per day/7 days per week)

For further information, contact the executive director’s office.

B. LIABILITY INSURANCE COVERAGE

The Risk Management Division provides liability insurance coverage in an amount up to \$400,000 per occurrence for legislative employees while they are using their personal vehicles to conduct state business. Vehicle and other property damage are not covered. Under the Maine Tort Claims Act, the State is the excess insurer; the employee’s automobile insurance is primary.

X. OTHER BENEFITS AVAILABLE TO LEGISLATIVE EMPLOYEES

- A. STATE EMPLOYEE ASSISTANCE PROGRAM**
- B. MAINE STATE CREDIT UNION**
- C. DEFERRED COMPENSATION PROGRAM**
- D. MAINE STATE EMPLOYEES COMBINED CHARITABLE APPEAL (MSECCA)**
- E. U.S. SAVINGS BOND PROGRAM (REPEALED)**
- F. MEDICAL EXPENSE AND DEPENDENT CARE REIMBURSEMENT ACCOUNTS**
- G. VISION INSURANCE**
- H. LONG-TERM CARE INSURANCE**

X. OTHER BENEFITS AVAILABLE TO LEGISLATIVE EMPLOYEES

A. STATE EMPLOYEE ASSISTANCE PROGRAM

The State of Maine has established the Employee Assistance Program (EAP), a confidential assessment, short-term counseling and referral program for state employees, including legislative employees and retirees, and their families whose personal issues, such as alcoholism, drug abuse, family difficulties, emotional stress or financial or legal concerns, affect their job performance. The EAP provides a Maine network of counselors in communities throughout the State.

Employee participation in the EAP is voluntary and strictly confidential. If a legislative employee wants to utilize the EAP services, the employee should contact an EAP counselor directly to arrange for an appointment; no records of counseling, diagnosis, referrals or EAP results are maintained in personnel files of legislative employees. With the approval of the executive director, an employee may take administrative leave, with pay, for appointments to see an EAP counselor. If an EAP counselor recommends treatment or other services requiring extended time away from the employee's job, the employee may use paid leave for necessary time away from the job or request a leave of absence without pay.

While there is no cost to the legislative employee for counseling services provided by an EAP counselor, costs for counseling services from other specialists or resources, if needed, must be paid by the employee or paid for under the health insurance plan to the extent the services are covered.

For additional information, contact the Office of the Executive Director or the State Employee Assistance Program at (844) 207-5465 or www.guidanceresources.com (Organization Web ID: LivingME).

B. MAINE STATE CREDIT UNION

Legislative employees are eligible to join the Maine State Credit Union. The main office of the credit union is located at 200 Capitol Street in Augusta. The telephone number is 623-1851 or (800) 540-8707. The credit union maintains an ATM on the first floor of the Cross Building. As with local banks and other credit unions, the Maine State Credit Union offers checking and savings accounts, IRAs, mortgage and personal loans and travelers' checks. Arrangements may be made through the executive director's office for payroll deduction of checking and savings deposits and loan payments.

C. DEFERRED COMPENSATION PROGRAM

The State of Maine has adopted a 457 Deferred Compensation Program for state employees, including legislative employees. All state employees who receive a paycheck from the State of Maine are eligible to join the deferred compensation program. The plan is designed to supplement an employee's retirement income. It offers employees the opportunity to invest a portion of their salary in a low-cost retirement savings plan, with state and federal taxes deferred until retirement or withdrawal at termination of employment. The money an employee contributes is automatically deducted from the employee's paycheck. The contribution reduces the employee's current taxable income. Investment options are not guaranteed or FDIC-insured.

Deferred compensation can be withdrawn only at certain times and under certain conditions so it should not be viewed as a short-term savings account. Limited provisions are made for emergency withdrawals without penalties; however, the withdrawn amount becomes taxable in the year taken. Rollover to another deferred compensation plan (United States Internal Revenue Code of 1986, §457) is allowed.

The IRS limits the amount an individual can contribute on a pretax basis to deferred compensation plans each calendar year. Deferred compensation plans include plans established under sections 401(k), 403(b) and 457 of the federal Internal Revenue Code. For 2017, the 457(b) deferral limit is \$18,000. For employees 50 years of age or older an additional "catch up" contribution is available.

The program currently provides employees with three financial services organizations from which to choose a plan. They are VALIC, MassMutual Financial Group and Voya Financial. Contact information can be found at www.mainesaves457.com.

Employees may change the amount they contribute at any time. To make changes, employees will need to contact their current financial services organization representative directly. In addition, employees may change their investment options within their current financial services organization at any time. Employees may also change their financial services organization once in a 12-month period.

To participate in the deferred compensation program, employees must complete and sign an agreement form. Informational booklets about the State of Maine 457 Deferred Compensation Program are available from the executive director's office.

D. MAINE STATE EMPLOYEES COMBINED CHARITABLE APPEAL (MSECCA)

The Legislature participates in an annual fund-raising drive conducted by the Maine State Employees Combined Charitable Appeal (MSECCA) and administered by MaineShare for the United Way and national and international health and service agencies. Participation by an employee is strictly voluntary. Employees who wish to contribute may do so through

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biweekly payroll deductions for the calendar year or by a single contribution by check. Payroll deductions may be initiated at any time by new employees. MSECCA applications are available from the executive director's office.

E. U.S. SAVINGS BOND PROGRAM (REPEALED)

The State no longer offers a U.S. Savings Bond program for employees.

F. MEDICAL EXPENSE AND DEPENDENT CARE REIMBURSEMENT ACCOUNTS

Reimbursement accounts (also called "Flexible Spending Accounts") provide a mechanism for state employees, including legislative employees, to set money aside on a pretax basis for dependent care expenses and for medical expenses for the employee and dependents that are not covered by insurance.

The current annual set-aside limit for a medical expense reimbursement account is \$2,600. The annual set-aside limit for a dependent care reimbursement account is \$5,000. There is an administrative fee for these accounts, currently \$1.85 biweekly for each account. This fee is deducted from the employee's account. If an employee is enrolled in both a medical expense and a dependent care reimbursement account, the administrative fee is deducted from the dependent care reimbursement account.

1. Medical Expense Reimbursement Accounts

Medical expense reimbursement accounts may be used to pay for medical expenses typically not covered by insurance. Such expenses may include: insurance deductibles, copays, and coinsurance; eye exams not covered by insurance; eye glasses and contacts; dental care not covered by insurance; orthodontia; medical exams not covered by insurance; hearing aids and batteries; contraceptives; and certain psychological therapy and substance abuse programs prescribed by a physician that are not covered by insurance. Generally, costs for services that are prescribed by a physician for treatment of an illness or injury are likely to be eligible for reimbursement. Expenses for general health improvement or maintenance are not eligible. Cosmetic treatments are not eligible.

2. Dependent Care Reimbursement Accounts

Dependent care reimbursement accounts may be used to pay for day care expenses for a child, newborn through kindergarten age. For a child, kindergarten age through age 12, a dependent care reimbursement account may be used for before and after school programs, vacation programs and most day camps. A dependent care reimbursement account may also be used for non-overnight care for a dependent child, age 13 or older, who is not capable of self-care, such as an adult child or a child living with a disabled adult.

3. Enrollment

The enrollment period for medical expense and dependent care reimbursement accounts is limited. Open enrollment occurs annually, usually in late fall, for the following calendar year. Extensions of an open enrollment period are not permitted. The Division of Employee Health and Benefits that administers this program, usually initiates announcements for open enrollment, and the executive director's office is responsible for distributing announcements, informational materials and enrollment forms to legislative employees.

4. Limitations

It is very important for an employee who participates in a medical expense or dependent care reimbursement account to plan carefully. These accounts are governed by Internal Revenue Service regulations. Among other things, the IRS regulations require that an employee *forfeit* any money that has been set aside in a medical expense or dependent care reimbursement account but not used in the calendar year in which it was set aside.

An employee has limited opportunities to change the amount of money to be set-aside once enrolled in the reimbursement accounts program.

Program terms and costs are subject to change from time to time in accordance with IRS regulations and other program requirements.

For further information or to obtain enrollment forms, contact the executive director's office. In addition, questions about the reimbursement accounts program may be directed to Navia Benefit Solutions at (800) 669-3539 or to the Division of Employee Health and Benefits at 624-7380.

G. VISION INSURANCE

The Legislature participates in a vision insurance plan offered by the State of Maine. The vision insurance plan offers limited coverage for examinations, lenses, frames and contact lenses, and is separate from the employee's health insurance plan. The vision insurance provider contracts with various providers, including independent optometrists and ophthalmologists as well as retail locations; maximum benefits are achieved when members access their benefits from an authorized vision insurance provider. In addition, the providers agree to preferred pricing that may be significantly below retail. Members may also be able to achieve savings on additional-pair purchases, contact lenses, lens treatments, specialized lenses and various other items.

Since this is a voluntary benefit, the Legislature does not make any contributions to the payment of the premium; the employee who participates pays all premiums for this benefit. Open enrollment is held in the fall of each year, for the upcoming calendar year.

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Specific questions can be directed to the current vision insurance provider Anthem Blue View Vision at (866) 723-0515 and may be answered by visiting the website at www.anthem.com or by contacting the executive director's office.

H. LONG-TERM CARE INSURANCE

The state no longer offers long-term care insurance. Coverage still exists for those who enrolled in the past. Questions about this coverage should be directed to The Prudential Insurance Company of America at (800) 732-0416.

XI. USE OF STATE EQUIPMENT

A. STATE PROPERTY

B. COMPUTER SYSTEMS, E-MAIL, INTERNET AND TELEPHONE USE

C. USE OF LEGISLATIVE ROOMS AND SPACE

XI. USE OF STATE EQUIPMENT

A. STATE PROPERTY

Consistent with 5 MRSA §20-A, no legislative employee may remove state property, including furnishings, from the State House or the Cross Building or their assigned locations without the prior approval of the executive director. The employee is responsible for the appropriate care while the equipment is in the employee's custody and for returning the equipment in serviceable condition. The employee is responsible for any damage to the equipment while in the custody of the employee.

Installation or placement of electrical equipment, such as refrigerators, toaster ovens, microwaves and space heaters, and other personal furnishings in legislative areas requires the prior approval of the executive director. Hot plates, stoves and fish tanks are not allowed in legislative offices.

B. COMPUTER SYSTEMS, E-MAIL, INTERNET AND TELEPHONE USE

Computer systems, e-mail, the Internet and telecommunications services are resources made available to authorized legislative employees and Legislators to enable them to perform legislative work and communicate with each other, other governmental entities, private sector organizations and individuals. These resources are made available to legislative employees and Legislators in order to assist them in the performance of their legislative responsibilities, for the benefit of the Legislature.

1. Computer Hardware and Software

The Office of Legislative Information Technology is responsible for the installation, setup and maintenance of computer hardware and peripherals, legislative networks and software owned or used by the Legislature. It is also responsible for ensuring the security of computers, software applications and network systems. Computer systems are legislative property and intended for legislative business. Legislative employees may not use the systems for personal gain or to carry out or advocate for nonlegislative business or other purposes.

Computer resources that are assigned to legislative employees and Legislators or to a specific location may not be relocated, swapped, substituted or reassigned without the prior approval of the Office of Legislative Information Technology or the executive director. The legislative employee or Legislator to whom computer resources are assigned is responsible for keeping the computer resources free from damage, loss or theft and for their general upkeep.

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Legislative employees may not download or install on legislative computer systems:

- Computer software that jeopardizes the security or integrity of legislative computer systems or that is incompatible with other legislatively authorized software;
- Unlicensed or pirated software or software the installation of which would violate copyright laws or license conditions;
- Beta versions of software; or
- Software that is for other than legislative business use.

No software that is purchased using legislative funds may be installed without the prior approval of the Office of Legislative Information Technology or the executive director. No legislative employee may circumvent virus detection software or other security controls used on legislative systems.

The LIO manager or the executive director may inspect computer resources assigned to or used by the employee to ensure compliance with this policy.

2. E-Mail

The legislative e-mail system is designed to facilitate legislative business communications for legislative employees and Legislators via messages, memoranda, information transfer and scheduling. As with other e-mail systems, transmission of e-mail relies on networks and transmissions that are not completely secure from access or observation by others. In addition, e-mail can be misdirected by the sender or by an error in the e-mail routing process, thus being transmitted to unintended recipients. While the Legislature has taken some measures, such as use of user passwords and limiting access to network systems to authorized personnel, legislative employees and Legislators should have no expectation that e-mail communications are private. The legislative e-mail system is not intended for and should not be used to transmit or receive confidential or sensitive materials, which may be more appropriately communicated by written memorandum or personal communication. In addition, e-mail messages have been determined by court decision to be public records and may be subject to public disclosure under the Freedom of Access Act, depending on their content.

The e-mail system is legislative property and intended for legislative business. Legislative employees may not use the system for personal gain or to carry out or advocate for nonlegislative business or other purposes. All data or other electronic messages within the e-mail system or stored on legislative computers are the property of the Legislature and are subject to retrieval and review in accordance with legislative policies. The LIO manager or other authorized person may access, in accordance with legislative policy, an employee's e-mail if it is necessary to carry out legislative business including during a time when the employee is on vacation or other leave or is transferred to another legislative office. Upon

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suspension or termination of legislative employment, legislative employees have no right to the contents of e-mail messages and are not allowed access to the e-mail system.

Legislative employees may not intentionally intercept, eavesdrop, record, alter or corrupt another person's e-mail. However, nothing in this policy prohibits authorized employees from intercepting, filtering, isolating and removing computer viruses or other electronic transmissions that threaten the integrity or reliability of the e-mail and other computer systems or from assisting law enforcement personnel in the course of authorized civil or criminal investigations.

Legislative employees shall use passwords to legislative computer networks and e-mail systems, including user mailboxes, and must change passwords periodically as directed by Office of Legislative Information Technology staff to provide reasonable security for the e-mail system. Legislative employees and Legislators may not share their passwords with others and must take reasonable precautions to prevent access by unauthorized individuals.

3. Internet Use

The Legislature provides authorized legislative employees and Legislators access to the Internet through use of legislative computer systems in order to facilitate legislative business communications and information transmittal and receipt, for the benefit of the Legislature. As with the e-mail system, Internet transmissions are not completely secure from access or observation by others. Legislative employees and Legislators should have no expectation that e-mail communications or other information transfers through the Internet are private. The Internet is not intended for and should not be used to transmit or receive confidential or sensitive materials, which may be more appropriately communicated by written memorandum or personal communication. Furthermore, legislative employees are prohibited from transmitting or knowingly receiving computer viruses or illegal or other inappropriate materials through the Internet.

4. Prohibited Uses

The following uses of the legislative e-mail system and the Internet are prohibited:

- Sending threatening or abusive communications;
- Sending or knowingly receiving sexually explicit or pornographic images;
- Sending racist communications or ethnic slurs;
- Sending communications that may be reasonably construed as sexual harassment;
- Communications or uses prohibited by federal or state law;
- Solicitations for commercial ventures or religious or political causes;

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- Other uses that are unbecoming to the Legislature or inappropriate in a public setting;
- Receiving orders for goods or services or otherwise operating a business;
- Access to Internet resources, including websites, chat rooms and news groups, that are inappropriate in a business setting; and
- Any other use that may compromise the integrity of the Legislature.

5. Incidental Personal Use of E-mail System, Internet and State Telephones

Under conditions set forth in this policy and subject to approval and limitations set by the LIO manager, authorized legislative employees may use the e-mail system, Internet and state telephones on an occasional basis on personal time at work. Such use must be incidental to the employee's work and may not interfere in any way with the performance of legislative responsibilities. Such use may include brief e-mail messages or telephone calls to family or friends, making appointments, self-study or training opportunities that relate to the employee's work and general Internet information searches. Such use may not be during public hearings or work sessions held by the committee clerk's committee.

Legislative employees are obligated to use the e-mail system, Internet and state telephones in a responsible and professional manner and conform to network and telephone etiquette and courtesies. The LIO manager or the executive director may prohibit incidental use by a legislative employee or remove access to the e-mail system, Internet or state telephones for reason of operational need or convenience, or for abuse of the incidental use privilege by the employee. The LIO manager is responsible for monitoring personal use to ensure compliance with this policy.

6. Violations of Policy

A legislative employee who violates this policy is subject to disciplinary action in accordance with the discipline policy in this handbook and other applicable rules or laws.

7. Special Prohibition on Use of Legislative Equipment

Pursuant to 3 MRSA §170-A, legislative employees are prohibited from using the computer system, telephones, copying machines and other legislative equipment at any time for work related to campaigns.

C. USE OF LEGISLATIVE ROOMS AND SPACE

Use of legislative rooms or other legislative space during regular business hours for nonlegislative activities is governed by the legislative employee or elected official who is charged with responsibility for the room or space. Use of legislative rooms, including committee rooms, by legislative employees for nonlegislative activities outside of regular

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business hours requires the prior approval of the executive director. Rooms or other legislative space may not be used for commercial business or activities that are inappropriate in a legislative setting.

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