

## CHAPTER 309

### INTERCHANGE OF GOVERNMENT EMPLOYEES

#### §3001. Declaration of policy

The State of Maine recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this State and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation. [PL 1967, c. 266 (NEW).]

#### SECTION HISTORY

PL 1967, c. 266 (NEW).

#### §3002. Definitions

For the purposes of this chapter: [PL 1967, c. 266 (NEW).]

**1. Receiving agency.** "Receiving agency" means any department or agency of the Federal Government or a state or local government which receives an employee of another government under this chapter.

[PL 1967, c. 266 (NEW).]

**2. Sending agency.** "Sending agency" means any department or agency of the Federal Government or a state or local government which sends any employee thereof to another government agency under this chapter.

[PL 1967, c. 266 (NEW).]

#### SECTION HISTORY

PL 1967, c. 266 (NEW).

#### §3003. Authority to interchange employees

Any department, agency or instrumentality of the State, county, city, town, municipality, land-grant college, or college or university operated by the State or any local government is authorized to participate in a program of interchange of employees with departments, agencies or instrumentalities of the Federal Government, another state or locality, or other agencies, municipalities or instrumentalities of this State as a sending or receiving agency, or both. [PL 1967, c. 266 (NEW).]

Except as provided in section 3003-A, the period of individual assignment or detail under an interchange program may not exceed 12 months, nor may any person be assigned or detailed for more than 12 months during any 36-month period. Details relating to any matter covered in this chapter may be the subject of an agreement between the sending and receiving agencies. Elected officials may not be assigned from a sending agency nor detailed to a receiving agency. [PL 2017, c. 279, §1 (AMD).]

#### SECTION HISTORY

PL 1967, c. 266 (NEW). PL 2017, c. 279, §1 (AMD).

#### §3003-A. Educator interchange program; period of assignment

The period of an individual assignment of an educator under an interchange program, authorized under section 3003, between the educator's school administrative unit as the sending agency and the Department of Education as the receiving agency may not exceed 36 months. For the purposes of this section, "educator" means a teacher, principal or other education professional employed by a school administrative unit. [PL 2023, c. 643, Pt. U, §1 (AMD).]

**SECTION HISTORY**

PL 2017, c. 279, §2 (NEW). PL 2023, c. 643, Pt. U, §1 (AMD).

**§3004. Status of employees of this State**

Employees of a sending agency participating in an exchange of personnel as authorized in section 3003 may be considered during such participation to be on detail to regular work assignments of the sending agency, or in a status of leave of absence from their positions in the sending agency. [PL 1967, c. 266 (NEW).]

Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency. [PL 1967, c. 266 (NEW).]

Employees who are in a leave of absence status shall be carried on leave without pay. They may be granted annual leave or other time off with pay to the extent authorized by law and may be granted authorized sick leave in circumstances considered by the sending agency to justify such leave. Except as otherwise provided in this chapter, employees who are in a leave of absence status shall have the same rights, benefits and obligations as employees generally who are in such leave status but notwithstanding any other provision of law such employees may be entitled to credit the period of such assignment toward all regular benefits as employees of the sending agency, such as retirement, seniority, longevity and insurance coverage. [PL 1967, c. 266 (NEW).]

An employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, must be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but may not receive benefits under that Act for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program. [RR 2023, c. 2, Pt. B, §62 (COR).]

**SECTION HISTORY**

PL 1967, c. 266 (NEW). RR 2023, c. 2, Pt. B, §62 (COR).

**§3005. Travel expenses of employees of this State**

A sending agency in this State may, in accordance with the travel regulations of such agency, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. If the assignment or detail will be for a period of time exceeding 8 months, travel expenses may include expenses of transportation of immediate family, household goods and personal effects to and from the location of the receiving agency. If the period of assignment is less than 8 months, the sending agency may pay a per diem allowance to the employee on assignment or detail. [PL 1967, c. 266 (NEW).]

**SECTION HISTORY**

PL 1967, c. 266 (NEW).

**§3006. Status of employees of other governments**

**1. Appointment or on detail.** When any unit of government of this State acts as a receiving agency, employees of the sending agency who are assigned under authority of this chapter may be given appointments in the receiving agency covering the periods of such assignments, with compensation to be paid from receiving agency funds or without compensation, or be considered to be on detail to the receiving agency.

[PL 1967, c. 266 (NEW).]

**2. Laws or regulations not governing.** Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. [PL 1967, c. 266 (NEW).]

**3. Not employees.** Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subsection 4, nor shall they be paid a salary or wage by the receiving agency during the period of their detail. The supervision of the duties of such employees during the period of detail may be governed by agreement between the sending agency and the receiving agency. [PL 1967, c. 266 (NEW).]

**4. Disability or death.** An employee of a sending agency assigned in this State who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, must be treated for the purpose of the receiving agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but may not receive benefits under that Act for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program. [RR 2023, c. 2, Pt. B, §63 (COR).]

#### SECTION HISTORY

PL 1967, c. 266 (NEW). RR 2023, c. 2, Pt. B, §63 (COR).

#### §3007. Travel expenses of employees of other governments

A receiving agency in this State may, in accordance with the travel regulations of such agency, pay travel expenses of persons assigned thereto under this chapter during the period of such assignments on the same basis as if they were regular employees of the receiving agency. [PL 1967, c. 266 (NEW).]

#### SECTION HISTORY

PL 1967, c. 266 (NEW).

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