

TO: All State of Maine Employees
FROM: Governor Paul R. LePage
DATE: June 28, 2017
SUBJECT: Potential Shutdown of State Government on July 1, 2017

Summary

The purpose of this memo is to provide information and guidance in the event of a state government shutdown resulting from the Maine Legislature failing to approve a biennial state budget for fiscal years 2018 and 2019.

Background

The current fiscal year concludes on June 30, 2017, and the State of Maine does not have an approved budget in place for the biennium that begins on July 1, 2017. Should the new fiscal year begin without an approved budget in place, I will be forced to declare a civil emergency, pursuant to the Maine Emergency Management Act, and implement a shutdown of most state government operations.

Process

Should the State of Maine be without a budget on July 1, 2017, I am directing my commissioners and other agency heads to retain only the requisite employees necessary to provide emergency services. I consider emergency services to be those that relate directly to ensuring the health and safety of Maine citizens and the protection of property from substantial damage.

In determining which employees are emergency personnel, I have adopted the standard articulated by Governor McKernan in his executive order of July 1, 1991:

“Only those persons employed by the State whose duties and functions minimize the risk of direct and imminent injury to persons, or minimize the risk of direct, imminent and substantial harm to property, or that serve to repair any such injury to persons or harm to property, or are essential to completing that portion of the law-making process that will relieve the state of emergency, or whose functions are necessary or appropriate to meet additional needs covered by the [Maine Emergency Management Act], shall be allowed to report to work and perform their assigned tasks...”

In the event any state activities are impacted by the absence of a budget, employees should monitor local news outlets for official statements from the Office of the Governor. Additionally, notices will be posted on Maine.gov and can be accessed directly through the state’s Citizen Alert System (CAS) at www.maine.gov/portal/CAS/. Employees are encouraged to sign up for the email or text alerts provided through CAS to receive updates as they happen.

In addition to the Citizen's Alert System on the Maine.gov website, courtesy notifications will be provided to media outlets throughout Maine to be relayed to both employees and members of the public through their normal broadcasts and their websites.

Questions and Answers

The following information has been compiled by the Department of Administrative and Financial Services and is intended to answer some of the common questions that state employees may have concerning a shutdown. Every attempt has been made to make this information as accurate as possible; however, there is the possibility that legislative action could affect the accuracy of the following information. If any of this information changes, an update will be made available to employees as soon as possible.

What is a State Government shutdown?

A State Government shutdown occurs when there is no budget in place to fund state operations. When a shutdown occurs, all State employees and State facilities that are determined to not provide emergency services will not work and will be closed.

How long will State Government be limited to providing only emergency services?

A shutdown will extend on a day-to-day basis until a budget is in place.

Which employees are deemed emergency employees?

Only those persons employed by the State of Maine whose duties and functions minimize the risk of direct and imminent injury to persons; minimize the risk of direct, imminent, and substantial harm to property; that serve to repair any such injury to persons or harm to property; are essential to completing that portion of the law-making process that will relieve the state of emergency; or whose functions are necessary or appropriate to meet additional needs covered by the Maine Emergency Management Act, shall be deemed emergency employees and allowed to report to work and perform their assigned tasks.

Can the definition of emergency change from day-to-day?

The definition of emergency is not expected to change; however, from day-to-day, the staffing levels or specific personnel that may be deemed emergency employees may change. For example, minimal staffing of emergency employees may be adequate on the first day of a shutdown, but additional emergency employees may be required on day two of a shutdown.

How will emergency employees be notified that they are emergency workers?

Departments and state agencies will notify employees that they are deemed emergency and expected to work during a state shutdown by close of business on Friday, June 30.

Does the Governor have the authority to order employees to work?

Yes. The Governor has emergency powers that authorize him to transfer the direction, personnel or functions of state departments and agencies for the purposes of performing or facilitating emergency services in the case of a civil emergency.

Can emergency employees who are directed to work as part of the emergency refuse to work?

No. Employees deemed emergency employees and directed to report to work are required to do so. Emergency employees who refuse to work may be subject to discipline.

Will emergency employees directed to work during the shutdown be paid?

Yes. Any employee designated as emergency personnel and directed to work will be paid for work performed.

Can state employees volunteer to work during a shutdown?

No. State employees may not volunteer to work during a shutdown. Unless authorized and deemed emergency personnel, employees will not have access to state buildings and should not use state issued equipment such as computers and phones.

How should meetings or other activities scheduled during the shutdown be managed, such as hearings, bid openings and conferences?

All trips, meetings and other non-emergency related activities are cancelled during a shutdown. Bid openings, hearings and other non-emergency events should be postponed or rescheduled. Departments and agencies should attempt to notify those who may be affected by these cancellations as soon as practical.

Will paychecks be processed during a shutdown?

Currently, paychecks for June 28 and July 5 are expected to be processed and delivered on time for work performed in June.

Will state employees be paid for the July 4 holiday?

We are unable to answer this question at this time. Pay for the July 4 holiday is dependent on a finalized budget. Until a budget for the fiscal year becomes law, we cannot determine whether state employees will be paid holiday pay. Any emergency employees who work on July 4 will be paid for time worked.

Will health insurance benefits continue during a shutdown?

Members of the state health plan will not be denied service. Such members may visit their health care providers or pharmacy and present their insurance cards for services. All claims incurred in July will be paid by the plan. However, it is possible that members may be required to pay a portion, or all, of the insurance premiums due.

Will state employees be paid for previously scheduled vacation and sick time that occurs during a shutdown?

We are unable to answer this question at this time. Until a budget for the fiscal year becomes law, we cannot determine whether previously scheduled vacation and sick leave that occurs during the shutdown will be paid to employees. All emergency employees who work during the shutdown will be paid for time worked.