

2020 -- S 2299

LC004105

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Introduced By: Senators Ciccone, Lombardo, Lombardi, Lawson, and Bell

Date Introduced: February 04, 2020

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-4-16.2 of the General Laws in Chapter 36-4 entitled "Merit  
2 System" is hereby amended to read as follows:

3 **36-4-16.2. Duties and responsibilities of the department of administration.**

4 (a) It is the duty of the department of administration to maintain a pay plan for  
5 unclassified employees of the state, including any rules and regulations that are necessary to  
6 implement and complement the plan. In maintaining the pay plan, it will be the duty of the  
7 department of administration to allocate all new unclassified positions to existing grades within  
8 the plan, and to review at least once annually all existing unclassified positions and to reallocate  
9 those positions within the pay plan as it deems proper. No new unclassified position shall be  
10 created or allocated or reallocated to any grade within the plan unless state agency and  
11 department heads have been afforded the opportunity to make recommendations regarding the  
12 proposed changes; provided further, however that any unclassified position that has been vacant  
13 for more than twelve (12) months shall be canceled and removed from the unclassified pay plan  
14 unless within that twelve (12) months the person having supervisory authority over the position  
15 requests an extension, in which case the department of administration may approve an extension  
16 of not more than twelve (12) months; and provided further, that employees, appointing  
17 authorities, and the general public, shall be afforded an opportunity at a public hearing to provide  
18 testimony, orally and in writing, regarding the changes, prior to the department's submission of  
19 recommendations to the governor. The agenda for the public hearing shall include a summary of

1 the proposed changes. Hearings conducted pursuant to this section shall be subject to the  
2 provisions of chapter 46 of title 42.

3 (b) The department of administration, notwithstanding any provision to the contrary, shall  
4 only have the authority to make recommendations to the governor. The governor shall approve  
5 and adopt the plan with such changes as he or she may deem necessary. Following approval by  
6 the governor, all unclassified pay plan changes shall be included in the normal budget process in  
7 the appropriate section of the personnel supplement.

8 (c) When the pay plan and regulations have been adopted they shall constitute the official  
9 pay schedule for the positions in the unclassified service. Thereafter, no person in the unclassified  
10 service shall be paid a salary that is greater than the maximum or less than the minimum rates  
11 fixed by the approved pay plan and regulations or by amendments thereto, nor shall salary  
12 adjustments for unclassified employees made by the department of administration during its  
13 review exceed two (2) grades per year at the maximum of the grade; provided, however, that  
14 unclassified employees shall be entitled to all monetary additives accorded other state employees,  
15 including, but not limited to, longevity and incentive training awards, excluding members  
16 represented by a collective bargaining agreement.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would exclude employees covered by a collective bargaining agreement from the  
2 pay plan regulations adopted for unclassified employees.

3           This act would take effect upon passage.

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