

2017 -- H 6258

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Introduced By: Representatives Amore, and O'Brien

Date Introduced: May 26, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **36-4-2. Positions in unclassified service.**

4 (a) The classified service shall comprise all positions in the state service, now existing or  
5 hereinafter established, except the following specific positions which, with other positions  
6 heretofore or hereinafter specifically exempted by legislative act, shall constitute the unclassified  
7 service:

8 (1) Officers and legislators elected by popular vote and persons appointed to fill  
9 vacancies in elective offices.

10 (2) Employees of both houses of the general assembly.

11 (3) Officers, secretaries, and employees of the office of the governor, office of the  
12 lieutenant governor, department of state, department of the attorney general, and the treasury  
13 department.

14 (4) Members of boards and commissions appointed by the governor, members of the state  
15 board of elections and the appointees of the board, members of the commission for human rights  
16 and the employees of the commission, and directors of departments; provided that unless  
17 membership on a board or commission requires a professional license issued by the state or is  
18 otherwise specified or governed by statute, all members or designees serving on boards and  
19 commissions appointed by the governor shall be residents of the state.

1 (5) The following specific offices:

2 (i) In the department of administration: director, chief information officer, cybersecurity  
3 officer, director of office of management and budget, director of performance management,  
4 deputy director, chief of staff, public information officer and legislative/policy director, and  
5 within the health benefits exchange: director, deputy director, administrative assistant, senior  
6 policy analyst, and chief strategic planning monitoring and evaluation;

7 (ii) In the department of business regulation: director;

8 (iii) In the department of elementary and secondary education: commissioner of  
9 elementary and secondary education;

10 (iv) In the department of higher education: commissioner of postsecondary education;

11 (v) In the department of health: director, executive director, and deputy director;

12 (vi) In the department of labor and training: director, administrative assistant,  
13 administrator of the labor board and legal counsel to the labor board, executive director, and  
14 communications director;

15 (vii) In the department of environmental management: director;

16 (viii) In the department of transportation: director, chief operating officer,  
17 administrator/division of project management, administrator/division of planning, chief of staff,  
18 communications director, legislative director, and policy director;

19 (ix) In the department of human services: director and director of veterans' affairs;

20 (x) In the state properties committee: secretary;

21 (xi) In the workers' compensation court: judges, administrator, deputy administrator,  
22 clerk, assistant clerk, clerk secretary;

23 (xii) In the division of elderly affairs: director;

24 (xiii) In the department of behavioral healthcare, developmental disabilities and hospitals:  
25 director;

26 (xiv) In the department of corrections: director, assistant director (institutions/operations),  
27 assistant director (rehabilitative services), assistant director (administration), and wardens;

28 (xv) In the department of children, youth and families: director, one assistant director,  
29 one associate director, one executive director, and a chief of staff;

30 (xvi) In the public utilities commission: public utilities administrator;

31 (xvii) In the water resources board: general manager;

32 (xviii) In the human resources investment council: executive director.

33 (xix) In the office of health and human services: secretary of health and human services.

34 (xx) In the office of commerce: secretary, deputy secretary, chief of staff,

1 communications director, legislative director, and policy director.

2 (6) Chief of the hoisting engineers, licensing division, and his or her employees;  
3 executive director of the veterans memorial building and his or her clerical employees.

4 (7) One confidential stenographic secretary for each director of a department and each  
5 board and commission appointed by the governor.

6 (8) Special counsel, special prosecutors, regular and special assistants appointed by the  
7 attorney general, the public defender and employees of his or her office, and members of the  
8 Rhode Island bar occupying a position in the state service as legal counsel to any appointing  
9 authority.

10 (9) The academic and/or commercial teaching staffs of all state institution schools, with  
11 the exception of those institutions under the jurisdiction of the board of regents for elementary  
12 and secondary education and the board of governors for higher education.

13 (10) Members of the military or naval forces, when entering or while engaged in the  
14 military or naval service.

15 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the  
16 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic  
17 tribunal, jurors, and any persons appointed by any court.

18 (12) Election officials and employees.

19 (13) Deputy sheriffs and other employees of the sheriffs division within the department  
20 of public safety.

21 (14) Patient or inmate help in state charitable, penal, and correctional institutions and  
22 religious instructors of these institutions and student nurses in training, residents in psychiatry in  
23 training, and clinical clerks in temporary training at the institute of mental health within the state  
24 of Rhode Island medical center.

25 (15) (i) Persons employed to make or conduct a temporary and special inquiry,  
26 investigation, project, or examination on behalf of the legislature, or a committee therefor, or on  
27 behalf of any other agency of the state if the inclusion of these persons in the unclassified service  
28 is approved by the personnel administrator. The personnel administrator shall notify the house  
29 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person  
30 in the unclassified service.

31 (ii) The duration of the appointment of a person, other than the persons enumerated in  
32 this section, shall not exceed ninety (90) days or until presented to the department of  
33 administration. The department of administration may extend the appointment another ninety (90)  
34 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

- 1 (16) Members of the division of state police within the department of public safety.
- 2 (17) Executive secretary of the Blackstone Valley district commission.
- 3 (18) Artist and curator of state-owned art objects.
- 4 (19) Mental health advocate.
- 5 (20) Child advocate.
- 6 (21) The position of aquaculture coordinator and marine infrastructure specialist within
- 7 the coastal resources management council.
- 8 (22) Employees of the office of the health insurance commissioner.
- 9 (23) In the department of revenue: the director, secretary, attorney.
- 10 (24) In the department of public safety: the director.
- 11 (b) Provided, however, that, if any position added to the unclassified service by
- 12 legislative act after January 1, 2015, is occupied by a classified employee on June 30, 2015, such
- 13 position shall remain in the classified service until such position becomes vacant.
- 14 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 require that all persons serving on boards and commissions appointed by  
2 the governor have a connection to the state through residence or licensure.

3           This act would take effect upon passage.

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