

2019 -- S 0240

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT SYSTEM

Introduced By: Senators Lombardi, Lawson, Metts, Ciccone, and Sheehan

Date Introduced: January 31, 2019

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 [except for those positions](#)
14 [covered by the terms and provisions of collective bargaining](#); provided, however, that unclassified
15 employees shall be entitled to all monetary additives accorded other state employees, including,
16 but not limited to, longevity and incentive training awards.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT SYSTEM

1 This act would exempt unclassified employees covered by the terms and provisions of
2 collective bargaining from the maximum two (2) grade increase limit per year at the maximum of
3 the grade.

4 This act would take effect upon passage.

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