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ARTICLE 6

RELATING TO GOVERNMENTAL REFORM

SECTION 1. Section 36-4-16.4 of the General Laws in Chapter 36-4 entitled “Merit System” is hereby repealed.

~~**36-4-16.4. Salaries of directors.**~~

~~(a) In the month of March of each year, the department of administration shall conduct a public hearing to determine salaries to be paid to directors of all state executive departments for the following year, at which hearing all persons shall have the opportunity to provide testimony, orally and in writing. In determining these salaries, the department of administration will take into consideration the duties and responsibilities of the aforementioned officers, as well as such related factors as salaries paid executive positions in other states and levels of government, and in comparable positions anywhere which require similar skills, experience, or training. Consideration shall also be given to the amounts of salary adjustments made for other state employees during the period that pay for directors was set last.~~

~~(b) Each salary determined by the department of administration will be in a flat amount, exclusive of such other monetary provisions as longevity, educational incentive awards, or other fringe additives accorded other state employees under provisions of law, and for which directors are eligible and entitled.~~

~~(c) In no event will the department of administration lower the salaries of existing directors during their term of office.~~

~~(d) Upon determination by the department of administration, the proposed salaries of directors will be referred to the general assembly by the last day in April of that year to go into effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting concurrently within that time.~~

~~(e) Notwithstanding the provisions of this section, for 2015 only, the time period for the Department of Administration to conduct the public hearing shall be extended to July and the proposed salaries shall be referred to the general assembly by August 30. The salaries may take effect before next year, but all other provisions of this section shall apply.~~

SECTION 2. Sections 36-4-16.2 and 36-4-29 of the General Laws in Chapter 36-4 entitled “Merit System” are hereby amended to read as follows:

1 **36-4-16.2. Duties and responsibilities of the department of administration.**

2 (a) It is the duty of the department of administration to maintain a pay plan for unclassified
3 employees of the state, including any rules and regulations that are necessary to implement and
4 complement the plan. In maintaining the pay plan, it will be the duty of the department of
5 administration to allocate all new unclassified positions to existing grades within the plan, and to
6 review at least once annually all existing unclassified positions and to reallocate those positions
7 within the pay plan as it deems proper. No new unclassified position shall be created or allocated
8 or reallocated to any grade within the plan unless state agency and department heads have been
9 afforded the opportunity to make recommendations regarding the proposed changes; provided
10 further, however that any unclassified position that has been vacant for more than twelve (12)
11 months shall be canceled and removed from the unclassified pay plan unless within that twelve
12 (12) months the person having supervisory authority over the position requests an extension, in
13 which case the department of administration may approve an extension of not more than twelve
14 (12) months; and provided further, that employees, appointing authorities, and the general public,
15 shall be afforded an opportunity at a public hearing to provide testimony, orally and in writing,
16 regarding the changes, prior to the department's submission of recommendations to the governor.
17 The agenda for the public hearing shall include a summary of the proposed changes. Hearings
18 conducted pursuant to this section shall be subject to the provisions of chapter 46 of title 42.

19 (b) The department of administration, ~~notwithstanding any provision to the contrary,~~ shall
20 only have the authority to make recommendations to the governor provided however that the
21 governor may delegate his or her authority to receive, accept, modify or reject any
22 recommendations to the director of administration. The governor or the director of administration
23 through authority delegated by the governor shall approve and adopt the plan with such changes as
24 he or she may deem necessary. Following approval by the governor or the director of administration
25 through authority delegated by the governor, all unclassified pay plan changes shall be included in
26 the normal budget process in the appropriate section of the personnel supplement.

27 (c) When the pay plan and regulations have been adopted they shall constitute the official
28 pay schedule for the positions in the unclassified service. Thereafter, no person in the unclassified
29 service shall be paid a salary that is greater than the maximum or less than the minimum rates fixed
30 by the approved pay plan and regulations or by amendments thereto, nor shall salary adjustments
31 for unclassified employees made by the department of administration during its review exceed two
32 (2) grades per year at the maximum of the grade; provided, however, that unclassified employees
33 shall be entitled to all monetary additives accorded other state employees, including, but not limited
34 to, longevity and incentive training awards.

1 **36-4-29. Restoration to former position classification of promotional appointees**
2 **dismissed during probation.**

3 Any promotional appointee, who was promoted on or after July 1, 2017 and whose position
4 restoration privileges are not governed by a valid collective bargaining agreement in effect on June
5 30, 2017, who is dismissed from the position to which he or she was promoted during the
6 probationary period or at the conclusion thereof by reason of the failure of the appointing authority
7 to file a request for his or her continuance in the position ~~shall~~ may, at the discretion of the
8 appointing authority of the position from which he or she was promoted, be restored to the ~~position~~
9 classification from which he or she was promoted ~~even though it should be necessary to lay off a~~
10 ~~person holding his or her former position.~~

11 SECTION 3. Sections 36-6-3 and 36-6-5 of the General Laws in Chapter 36-6 entitled
12 “Salaries and Traveling Expenses” are hereby amended to read as follows:

13 **36-6-3. Salaries of directors of state departments.**

14 The general officers of the state shall receive such annual salaries as the general assembly
15 may by law determine. Directors shall receive such annual salaries ~~as may be from time to time~~
16 ~~established by the unclassified pay plan board which shall consist of seven (7) members as provided~~
17 ~~in § 36-4-16. as determined by the governor.~~ The state controller is hereby authorized and directed
18 to draw his or her orders upon the general treasurer for the payment of such sums, or so much
19 thereof, as may be required from time to time, upon receipt by him or her of properly authenticated
20 vouchers.

21 **36-6-5. Manner of compensation prescribed by appropriation law.**

22 All officials and employees shall be compensated in the manner provided by the annual
23 appropriation act or as may hereafter otherwise be prescribed by law. This section shall not apply
24 ~~to the directors of the several departments of the state of Rhode Island or~~ to the general officers of
25 the state of Rhode Island whose salaries shall be fixed by the general assembly.

26 SECTION 4. Section 44-1-14 of the General Laws in Chapter 44-1 entitled “State Tax
27 Officials” is hereby amended as follows:

28 **44-1-14. Disclosure of information to tax officials of federal government or other**
29 **states, or to other persons.**

30 Notwithstanding any other provision of law:

31 (1) The tax administrator may make available: (i) to the taxing officials of any other states
32 or of the federal government for tax purposes only any information that the administrator may
33 consider proper contained in tax reports or returns or any audit or the report of any investigation
34 made with respect to them, filed pursuant to the tax laws of this state; provided, that other states or

1 the federal government grant like privileges to the taxing officials of this state; and/or (ii) to an
2 officer or employee of the office of internal audit of the Rhode Island department of administration
3 any information that the administrator may consider proper contained in tax reports or returns or
4 any audit or the report of any investigation made with respect to them, filed pursuant to the tax laws
5 of this state, to whom disclosure is necessary for the purposes of fraud detection and prevention in
6 any state or federal program.

7 (2) The tax administrator shall not permit any federal return or federal return information
8 to be inspected by, or disclosed to, an individual who is the chief executive officer of the state or
9 any person other than:

10 (i) To another employee of the tax division for the purpose of, and only to the extent
11 necessary in, the administration of the state tax laws for which the tax division is responsible;

12 (ii) To another officer or employee of the state to whom the disclosure is necessary in
13 connection with processing, storage, and transmission of those returns and return information and
14 solely for purposes of state tax administration;

15 (iii) To another person for the purpose of, but only to the extent necessary in, the
16 programming, maintenance, repair, testing, and procurement of equipment used in processing or
17 transmission of those returns and return information; or

18 (iv) To a legal representative of the tax division, personally and directly engaged in, and
19 solely for use in, preparation for a civil or civil criminal proceeding (or investigation which may
20 result in a proceeding) before a state administrative body, grand jury, or court in a matter involving
21 state tax administration, but only if:

22 (A) The taxpayer is or may be a party to the proceeding;

23 (B) The treatment of an item reflected on the return is or may be related to the resolution
24 of an issue in the proceeding or investigation; or

25 (C) The return or return information relates, or may relate, to a transactional relationship
26 between a person who is or may be a party to the proceeding and the taxpayer that affects or may
27 affect the resolution of an issue in a proceeding or investigation.

28 SECTION 5. This article shall take effect as of July 1, 2017.