

2019 -- H 6211

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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: Representatives Filippi, Mattiello, Chippendale, Shekarchi, and
Nardone

Date Introduced: June 12, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-4-31 of the General Laws in Chapter 36-4 entitled "Merit
2 System" is hereby amended to read as follows:

3 **36-4-31. Temporary appointment when no list available.**

4 (a) Whenever it is not possible to certify the required number of eligible persons for
5 appointment to a vacancy in the classified service because no appropriate list exists, the
6 appointing authority may nominate a person to the personnel administrator and if the nominee is
7 found by the personnel administrator to have had experience and education which appear to
8 qualify him or her for the position and meets such other requirements as are established by this
9 chapter and the personnel rules, he or she may be temporarily appointed to fill the vacancy. All
10 persons with temporary status who have been or who shall be temporarily appointed to those
11 vacancies shall serve at the pleasure of the appointing authority or until removed in accordance
12 with other provisions of this chapter. The personnel administrator shall within one year of the
13 appointment of the temporary appointee establish an appropriate list. In the event the personnel
14 administrator has failed or fails to establish an appropriate list within one year of a temporary
15 appointment, the temporary employee shall become a provisional employee until a suitable list is
16 established, at which time the appropriate merit system laws, rules, and regulations shall apply. In
17 the event that the personnel administrator within the department of administration fails to
18 establish and administer any competitive test required by chapter 4 of title 36, for a period of
19 more than twelve (12) months from the time a position becomes vacant, there shall exist a hiring

1 freeze for all positions with the classification within that department, for which the competitive
2 test is required to be administered. Provided, however, any vacant position for which a hiring
3 freeze exists shall be permitted to be filled if the speaker of the house, president of the senate, and
4 the house and senate minority leaders unanimously agree in writing, that the position needs to be
5 filled for the health and safety of the general public. When an appropriate list is established for a
6 position held by a temporary or provisional appointee, the position shall be deemed to be vacant
7 for the purposes of certification and appointment, and no salary or other compensation shall be
8 paid to any temporary or provisional appointee for services in the position for more than fifteen
9 (15) days after certification of at least three (3) available eligibles from the appropriate list.

10 (b) Any employee who holds temporary or provisional status for at least twelve (12)
11 consecutive months in the class in which he or she is serving and who takes the appropriate
12 examination for the position shall receive in addition to his or her test score five (5) additional
13 points for each year of state service, which shall be added to his or her test score, provided,
14 however, that in no case shall an employee receive credit for more than four (4) years of service.
15 An employee who holds temporary provisional status for at least twelve (12) consecutive months
16 in the class in which he or she is serving and is found to be reachable for certification to the
17 position he or she holds shall be appointed to the position unless the appointing authority certifies
18 to the personnel administrator that the individual's service has been unsatisfactory.

19 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 create a hiring freeze for all state positions within a classification, for
2 which a competitive test is required, if no test is given within twelve (12) months of the vacancy.
3 It would allow the hiring freeze to be lifted and the position filled, by the unanimous written
4 agreement of the speaker, president and minority leaders of both the house and the senate,
5 indicating that the position needs to be filled for the health and safety of the general public.

6 This act would take effect upon passage.

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