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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Introduced By: Representatives Shanley, and Baginski

Date Introduced: March 27, 2024

Referred To: House State Government & Elections

(Board of Elections)

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

1 [positions under the pay plan for unclassified employees for the purpose of establishing positions](#)
2 [and salaries for the board of elections employees.](#) The agenda for the public hearing shall include
3 a summary of the proposed changes. Hearings conducted pursuant to this section shall be subject
4 to the provisions of chapter 46 of title 42.

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

- 1 This act would create separate and distinct employment positions and salaries under the
- 2 unclassified pay plan for the board of elections employees.
- 3 This act would take effect upon passage.

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