

2021 -- H 5365

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LC000980  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Introduced By: Representative Blake Anthony Filippi

Date Introduced: February 05, 2021

Referred To: House Finance

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 System"

2 is hereby amended to read as follows:

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

4 (a)(1) 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 appointing  
6 authority may nominate a person to the personnel administrator and if the nominee is found by the  
7 personnel administrator to have had experience and education that appear to qualify him or her for  
8 the position and meets such other requirements as are established by this chapter and the personnel  
9 rules, he or she may be temporarily appointed to fill the vacancy. All persons with temporary status  
10 who have been or who shall be temporarily appointed to those vacancies shall serve at the pleasure  
11 of the appointing authority or until removed in accordance with other provisions of this chapter.  
12 The personnel administrator shall within one year of the appointment of the temporary appointee  
13 establish an appropriate list. In the event the personnel administrator has failed or fails to establish  
14 an appropriate list within one year of a temporary appointment, the temporary employee shall  
15 become a provisional employee until a suitable list is established, at which time the appropriate  
16 merit system laws, rules, and regulations shall apply. In the event that the personnel administrator  
17 within the department of administration fails to establish and administer any competitive test  
18 required by chapter 4 of title 36, for a period of more than twelve (12) months from the time a  
19 position becomes vacant, there shall exist a hiring freeze for all positions with the classification

1 within that department, for which the competitive test is required to be administered. Provided,  
2 however, any vacant position for which a hiring freeze exists shall be permitted to be filled if the  
3 speaker of the house, president of the senate, and the house and senate minority leaders  
4 unanimously agree in writing, that the position needs to be filled for the health and safety of the  
5 general public.

6 (2) Whenever any provisional employee who is serving in a competitive branch position  
7 within the classified service completes five (5) consecutive years of satisfactory service, and the  
8 personnel administrator has failed to establish a timely appropriate list as required by subsection  
9 (a)(1) during that time, that provisional employee shall be deemed to have qualified for his or her  
10 position and shall be awarded permanent status, without the need of examination.

11 (3) When an appropriate list is established for a position held by a temporary or provisional  
12 appointee, the position shall be deemed to be vacant for the purposes of certification and  
13 appointment, and no salary or other compensation shall be paid to any temporary or provisional  
14 appointee for services in the position for more than fifteen (15) days after certification of at least  
15 three (3) available eligibles from the appropriate list.

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

25 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 which  
2 a competitive test is required, if no test is given within twelve (12) months of the vacancy. It would  
3 allow the hiring freeze to be lifted and the position filled, by the unanimous written agreement of  
4 the speaker, president and minority leaders of both the house and the senate, indicating that the  
5 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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