



Senate

General Assembly

File No. 478

February Session, 2022

Substitute Senate Bill No. 439

Senate, April 14, 2022

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING HUMAN RESOURCE ADMINISTRATION AND THE STATE PERSONNEL ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-196 of the 2022 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2022*):

4 As used in this chapter, unless the context otherwise requires:

5 (1) "Agency" means a department, board, institution or commission
6 established by statute, not a part of any other department, board,
7 institution or commission.

8 (2) "Allocation" means the official assignment of a position in the
9 classified service to the appropriate standard class of the classification
10 plan.

11 (3) "Appointing authority" means a board, commission, officer,

12 commissioner, person or group of persons or the designee of such
13 board, commission, officer, commissioner, person or group of persons
14 having the power to make appointments by virtue of a statute or by
15 lawfully delegated authority.

16 (4) "Candidate list" means a list of the names of persons based on
17 merit as determined under the provisions of this chapter, which persons
18 have been found qualified through suitable examinations for
19 employment in positions allocated to a specified class, occupational
20 group or career progression level.

21 (5) "Class", "class of positions" or "position classification" means a
22 position or group of positions in the state classified service established
23 under this chapter that share general characteristics and are categorized
24 under a single title for administrative purposes.

25 (6) "Classified service" means every office or position in the state
26 service, whether full-time or part-time, for which compensation is paid,
27 except those offices and positions specified in section 5-198, as amended
28 by this act, or otherwise expressly provided by statute.

29 (7) "Compensation" means the salary, wages, benefits and other
30 forms of valuable consideration earned by and provided to an employee
31 in remuneration for services rendered.

32 (8) "Compensation schedule" or "compensation plan" means a list or
33 lists specifying a series of compensation steps and ranges.

34 (9) "Eligible" or "eligible person" means a person who has either (A)
35 met the requirements of the class and been determined qualified by the
36 Commissioner of Administrative Services, or (B) been placed on a
37 candidate list by an examination administered by or at the direction of
38 the Department of Administrative Services.

39 (10) "Employee" or "state employee" means any person holding a
40 position in state service subject to appointment by an appointing
41 authority.

42 (11) "Examination" means [an assessment device or technique
43 yielding scores or ratings designed to determine the fitness of
44 candidates for positions allocated to a specified class, occupational
45 group or career progression level] any act, event, process or technique
46 intended to measure the knowledge, skills, abilities and fitness of
47 applicants for employment, including, but not limited to, experience
48 and training determinations, interviews, assessment centers,
49 performance exercises, background checks and associated suitability
50 determinations or working test periods.

51 (12) "Full-time employee" means an employee holding a position
52 normally requiring thirty-five hours or more of service in each week.

53 (13) "Good standing" means the status of an employee whose
54 employment in the state service has been terminated other than as a
55 result of disciplinary action or during a period when disciplinary action
56 was pending.

57 (14) "Grade" or "pay grade" means a relative level, numerically
58 expressed, to which one or more classes may be assigned according to
59 the degree of their complexity, importance and value, and which refers
60 to a single pay range in the compensation schedule.

61 [(15) "Minimum earned rating" means the lowest score or rating that
62 entitles a candidate to pass the examination.]

63 [(16)] (15) "Officer" or "state officer" means any person appointed to a
64 state office established by statute, including appointing authorities.

65 [(17)] (16) "Part-time employee" means an employee holding a
66 position normally requiring less than thirty-five hours of service in each
67 week.

68 [(18)] (17) "Permanent appointment" means appointment to a
69 position in the classified service following successful completion of the
70 required working test.

71 [(19)] (18) "Permanent employee" means an employee holding a

72 position in the classified service under a permanent appointment or an
73 employee holding a position in unclassified service who has served in
74 such a position for a period of more than six months, except employees
75 in positions funded in whole or in part by the federal government as
76 part of any public service employment program, on-the-job training
77 program or work experience program.

78 [(20)] (19) "Permanent position" means any position in the classified
79 service which requires or which is expected to require the services of an
80 incumbent without interruption for a period of more than six months,
81 except positions funded in whole or in part by the federal government
82 as part of any public service employment program, on-the-job training
83 program or work experience program.

84 [(21)] (20) "Position" means a group of duties and responsibilities
85 currently assigned or designated by competent authority to require the
86 services of one employee.

87 [(22)] (21) "Public member" means a member of a board or
88 commission who does not hold any office or position in the state service.

89 [(23)] (22) "Reemployment list" means a list of names of persons
90 arranged in the order prescribed by the provisions of this chapter and
91 by regulations issued in accordance with this chapter, which persons
92 have occupied positions allocated to any class in the classified service,
93 and are no longer in such class and are entitled to have their names
94 certified to appointing authorities when vacancies in such class are to be
95 filled, in preference to those whose names are on the candidate list for
96 such class.

97 [(24)] (23) "State service" means occupancy of any office or position
98 or employment in the service of the state, but not of local governmental
99 subdivisions thereof, for which compensation is paid.

100 [(25)] (24) "Temporary position" means a position in the state service
101 which is expected to require the services of an incumbent for a period
102 not in excess of six months.

103 [(26)] (25) "Unclassified service" means any office or position in the
104 state service which is not in the classified service.

105 [(27)] (26) "Working test" means a trial working period made a part
106 of the examination and selective process under the provisions of this
107 chapter and by regulations issued in accordance with this chapter,
108 during which the work and conduct of the employee shall be noted by
109 the appointing authority or his authorized agent and reported upon to
110 determine whether such employee merits permanent appointment.

111 [(28)] (27) "Veteran", when used in this chapter and in section 5-180,
112 as amended by this act, [has the same meaning as provided in section
113 27-103, and (B)] means a veteran, as defined in section 27-103, who has
114 performed [such] service in time of war, as defined in said section,
115 except that the final date for service in time of war during World War II
116 shall be December 31, 1947.

117 [(29)] (28) "Managerial employee" means any person presently
118 covered by the existing managerial compensation plan pursuant to
119 subsection (g) of section 5-270.

120 [(30)] (29) "Career progression level" means the following career
121 levels in which each class of positions shall be categorized as
122 determined by the Commissioner of Administrative Services based on
123 general job characteristics and minimum requirements for knowledge,
124 skill and ability, including, but not limited to, education, employment
125 history and special skills: (A) Entry, (B) working, (C) lead, (D)
126 supervisor, and (E) manager.

127 [(31)] (30) "Occupational group" means broad occupational areas in
128 which each class of positions shall be categorized as determined by the
129 Commissioner of Administrative Services.

130 Sec. 2. Section 5-198 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective July 1, 2022*):

132 The offices and positions filled by the following-described
133 incumbents shall be exempt from the classified service:

- 134 (1) All officers and employees of the Judicial Department;
- 135 (2) All officers and employees of the Legislative Department;
- 136 (3) All officers elected by popular vote;
- 137 (4) All agency heads, members of boards and commissions and other
138 officers appointed by the Governor;
- 139 (5) All persons designated by name in any special act to hold any state
140 office;
- 141 (6) All officers, noncommissioned officers and enlisted men in the
142 military or naval service of the state and under military or naval
143 discipline and control;
- 144 (7) (A) All correctional wardens, as provided in section 18-82, and (B)
145 all superintendents of state institutions, the State Librarian, the
146 president of The University of Connecticut and any other commissioner
147 or administrative head of a state department or institution who is
148 appointed by a board or commission responsible by statute for the
149 administration of such department or institution;
- 150 (8) The State Historian appointed by the State Library Board;
- 151 (9) Deputies to the administrative head of each department or
152 institution designated by statute to act for and perform all of the duties
153 of such administrative head during such administrative head's absence
154 or incapacity;
- 155 (10) Executive assistants to each state elective officer and each
156 department head, as defined in section 4-5, provided (A) each position
157 of executive assistant shall have been created in accordance with section
158 5-214, and (B) in no event shall the Commissioner of Administrative
159 Services or the Secretary of the Office of Policy and Management
160 approve more than four executive assistants for a department head;
- 161 (11) One personal secretary to the administrative head and to each
162 undersecretary or deputy to such head of each department or

163 institution;

164 (12) All members of the professional and technical staffs of the
165 constituent units of the state system of higher education, as defined in
166 section 10a-1, of all other state institutions of learning, of the Board of
167 Regents for Higher Education, and of the agricultural experiment
168 station at New Haven, professional and managerial employees of the
169 Department of Education and the Office of Early Childhood and
170 teachers certified by the State Board of Education and employed in
171 teaching positions at state institutions;

172 (13) Physicians, dentists, student nurses in institutions and other
173 professional specialists who are employed on a part-time basis;

174 (14) Persons employed to make or conduct a special inquiry,
175 investigation, examination or installation;

176 (15) Students in educational institutions who are employed on a part-
177 time basis;

178 (16) Forest fire wardens provided for by section 23-36;

179 (17) Patients or inmates of state institutions who receive
180 compensation for services rendered therein;

181 (18) Employees of the Governor including employees working at the
182 executive office, official executive residence at 990 Prospect Avenue,
183 Hartford and the Washington D.C. office;

184 (19) Persons filling positions expressly exempted by statute from the
185 classified service;

186 (20) Librarians employed by the State Board of Education or any
187 constituent unit of the state system of higher education;

188 (21) All officers and employees of the Division of Criminal Justice;

189 (22) Professional employees in the education professions bargaining
190 unit of the Department of Aging and Disability Services;

191 (23) Lieutenant colonels in the Division of State Police within the
192 Department of Emergency Services and Public Protection;

193 (24) The Deputy State Fire Marshal within the Department of
194 Administrative Services;

195 (25) The chief administrative officer of the Workers' Compensation
196 Commission;

197 (26) Employees in the education professions bargaining unit;

198 (27) Disability policy specialists employed by the Council on
199 Developmental Disabilities;

200 (28) The director for digital media and motion picture activities in the
201 Department of Economic and Community Development; and

202 (29) Any Director of Communications 1, Director of Communications
203 1 (Rc), Director of Communications 2, Director of Communications 2
204 (Rc), Communications Manager, Legislative Program Manager,
205 Communications and Legislative Program Manager, Director of
206 Legislation, Regulation and Communication, Legislative and
207 Administrative Advisor 1, or Legislative and Administrative Advisor 2
208 as such positions are classified within the Executive Department.

209 Sec. 3. Section 5-215a of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective July 1, 2022*):

211 When the appointing authority receives approval to fill a vacancy in
212 any permanent position in the classified service, the appointing
213 authority shall request the Commissioner of Administrative Services to
214 provide a candidate list. The candidate list certified by the commissioner
215 shall [contain the final earned rating of each candidate] be comprised of
216 candidates who meet the minimum qualifications of such position. The
217 appointing authority shall fill the vacant position by selecting any
218 candidate on the candidate list. In the event that fewer than five names
219 are available on the candidate list to fill a position, the Commissioner of
220 Administrative Services may authorize a new examination based on

221 documented need. The appointing authority may fill the position from
222 either the new or original candidate list in accordance with the
223 provisions of this section.

224 Sec. 4. Section 5-216 of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective July 1, 2022*):

226 (a) The Commissioner of Administrative Services shall hold
227 examinations for the purpose of establishing candidate lists for the
228 various classes of positions in the classified service, except as provided
229 in sections 5-227b, as amended by this act, and 5-233, as amended by
230 this act. Such examinations may be held on a continuous basis [or at
231 such time or times as the commissioner deems necessary] to supply the
232 needs of the state service. [In establishing any candidate list following
233 examinations, the commissioner shall place on the list, in the order of
234 their ratings, the names of persons who show they possess the
235 qualifications which entitle them to be considered eligible for
236 appointment when a vacancy occurs in any position allocated to the
237 class for which such examination is held or for which such candidate list
238 is held to be appropriate. Such ratings may take such form as the
239 commissioner deems appropriate to describe the performance of any
240 candidate on any examination.]

241 (b) Where the needs of the service indicate that continuous
242 recruitment is justified, the commissioner may defer announcing a
243 closing date for filing applications for the examination. Announcements
244 of such examinations shall specify that recruitment is continuous and
245 that applications may be filed until further notice. [Such examination
246 may be graded on a pass-fail basis in order to expedite certification and
247 appointment.]

248 (c) The commissioner may consolidate, continue or cancel candidate
249 lists and may remove names from such lists for good cause. [The
250 commissioner may apply an examination score from one examination
251 to the candidate list established for another examination, provided such
252 examinations are the same or equivalent forms of the same examination,
253 such provision is publicized on appropriate examination notices and the

254 candidate satisfies all other statutory requirements.

255 (d) Upon written request from a candidate on a form and in a manner
256 prescribed by the Department of Administrative Services, the
257 commissioner shall apply the candidate's most recent score from an
258 examination held for a promotional appointment, in accordance with
259 subsection (b) or (c) of section 5-228, to the candidate list established for
260 a subsequent examination for the same classification, provided: (1) The
261 subsequent examination is in the same or equivalent form as the
262 previous examination; (2) such provision is publicized on appropriate
263 examination notices; (3) the candidate satisfies all other requirements
264 for the classification and the examination; and (4) not more than seven
265 years have elapsed from the date of the candidate's most recent
266 examination.

267 (e) Nothing in this section shall prevent the department from
268 applying scores from one examination to the candidate list established
269 for a subsequent examination for the same classification, provided: (1)
270 Such examinations are in the same or equivalent forms; (2) such
271 provision is publicized on appropriate examination notices; and (3) the
272 candidates on the list satisfy all other requirements for the classification
273 and the examination.

274 (f) The provisions of subsections (d) and (e) of this section shall not
275 apply to any promotional examination held for classifications in the
276 department's police-protective services occupational group.]

277 Sec. 5. Section 5-218 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective July 1, 2022*):

279 [(a)] Except for an examination that has been waived pursuant to
280 section 5-227b, as amended by this act, the Commissioner of
281 Administrative Services shall [prepare lists of preliminary requirements
282 and subjects of examination for positions in the classified service and
283 publicize each such examination in such manner as the nature of the
284 examination requires, including posting examination notices in state
285 agencies in locations accessible to state employees at least two weeks

286 prior to the application closing date. All competitive examinations shall
287 be held at such times and places as in the judgment of the Commissioner
288 of Administrative Services most nearly meet the convenience of
289 applicants and needs of the service. In no event shall any other
290 examination be given by an agency for a position subject to the
291 examination procedure of the Department of Administrative Services]
292 provide initial notice of examination for positions in the classified
293 service in such form and manner as to supply the needs of state service.

294 [(b) The Commissioner of Administrative Services shall give public
295 notice of such examinations for positions in the classified service at least
296 six business days in advance by posting, or causing to be posted, an
297 appropriate notice on the Internet web site of the department and by
298 submitting the notice to the director of the state employment service.
299 Such notice shall set forth the time and place of the examination and
300 shall be accompanied by a copy of the official description of the position,
301 and provide the work location, salary and weights to be given for the
302 weighted parts of the examination, if applicable, provided once such
303 notice has been given, the weights established in the notice for the
304 weighted parts of the examination shall not be altered in any manner.]

305 Sec. 6. Section 5-219 of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective July 1, 2022*):

307 [(a)] Examinations shall be [in such form and of such character and
308 shall relate to such matters as will fairly test and determine the
309 qualifications, fitness and ability of the persons tested to perform the
310 duties of the class or position to which they seek appointment.
311 Examinations shall be formulated in cooperation with agencies
312 appointing specific classes of employees and shall be competitive and
313 open to all persons who may be lawfully appointed to any position in
314 the class for which examinations are held, with such limitations as to
315 age, residence, health, habits, character, sex and qualifications as are
316 considered desirable by the Commissioner of Administrative Services
317 and as are specified in the public announcement of the examination,
318 provided no such limitation shall be made as to age or sex except in the

319 case of a bona fide occupational qualification or need. Formal education
320 requirements may be considered as a condition for the taking of such
321 examinations. Possession of a professional license or degree, or
322 satisfactory completion of an accreditation, certificate or licensure
323 program may serve as the sole basis for appointment, provided such
324 credentials are a mandatory requirement for employment in a position.
325 Examinations may take the form of written or oral tests, demonstration
326 of skill or physical ability, experience and training evaluation, or in the
327 case of promotional examinations, evaluation of prior performance, or
328 any other assessment device or technique deemed appropriate to
329 measure the knowledge, skills or abilities required to successfully
330 perform the duties of the job. All persons competing for placement on
331 any one candidate list shall be administered the same or equivalent
332 forms of the same examination or examination phases, except as
333 necessary to comply with the federal Americans with Disabilities Act
334 and section 4-61nn, and be required to achieve passing scores on each
335 successive phase and for the examination as a whole in order to remain
336 in competition. The provisions of this section shall be the sole
337 determinant for qualification and no other examination shall be
338 permitted by any agency head to further qualify persons seeking
339 appointment except as authorized by the commissioner] job-related and
340 administered consistently and fairly to determine the qualifications,
341 fitness and ability of the persons seeking appointment.

342 [(b) The commissioner may charge any person not employed by the
343 state a reasonable fee for taking an examination, provided such fee shall
344 not exceed the cost of developing and administering such examination.
345 The commissioner may waive any such fee for any person who applies,
346 in the form and manner prescribed by the commissioner, for a waiver of
347 such fee and demonstrates that he or she is financially unable to pay
348 such fee. Before charging any fees authorized by this subsection, the
349 commissioner shall adopt regulations, in accordance with the
350 provisions of chapter 54, to establish reasonable fees.]

351 Sec. 7. Subsection (a) of section 5-221 of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective July 1,*

353 2022):

354 (a) The Commissioner of Administrative Services may reject the
355 application of any person [for admission to an examination for] when
356 establishing a candidate list for the classified service, or refuse to
357 examine any applicant for such service, who (1) has been found to lack
358 any of the established qualifications for the position for which such
359 applicant applies or for which such applicant has been examined, (2) is
360 physically or medically unfit to perform effectively the duties of the
361 position in which he or she seeks employment, (3) is addicted to the
362 habitual use of drugs or intoxicating liquors, (4) has been dismissed
363 from the public service for delinquency, incompetency, misconduct or
364 neglect of duty, or (5) has made a false statement of any material fact or
365 practiced or attempted to practice any deception or fraud in his or her
366 application, in his or her examination or in securing his or her eligibility
367 or appointment.

368 Sec. 8. Section 5-224 of the general statutes is repealed and the
369 following is substituted in lieu thereof (*Effective July 1, 2022*):

370 [Any veteran who served in time of war, if such veteran is not eligible
371 for disability compensation or pension from the United States United
372 States Department of Veterans Affairs, or the spouse of such veteran
373 who by reason of such veteran's disability is unable to pursue gainful
374 employment, or the unmarried surviving spouse of such veteran, and if
375 such person has attained at least the minimum earned rating on any
376 examination held for an original appointment for the purpose of
377 establishing a candidate list to fill a vacancy in accordance with
378 subsection (d) of section 5-228, shall have five points added to his or her
379 earned rating. Any such veteran, or the spouse of such veteran who by
380 reason of such veteran's disability is unable to pursue gainful
381 employment, or the unmarried surviving spouse of such veteran, if such
382 person is eligible for such disability compensation or pension and if
383 such person has attained at least the minimum earned rating on any
384 such examination held for an original appointment for the purpose of
385 establishing a candidate list to fill a vacancy in accordance with

386 subsection (d) of section 5-228, shall have ten points added to his or her
387 earned rating. Any veteran who has served in a military action for which
388 such person received or was entitled to receive a campaign badge or
389 expeditionary medal, shall have five points added to his or her earned
390 rating if such person has attained at least the minimum earned rating on
391 any such examination held for an original appointment for the purpose
392 of establishing a candidate list to fill a vacancy in accordance with
393 subsection (d) of section 5-228 and such person is not otherwise eligible
394 to receive additional points pursuant to this section. Any person who is
395 a member of the armed forces, as defined in section 27-103, and who is
396 in the final year of an enlistment contract with any branch of the armed
397 forces shall have five points added to his or her earned rating if such
398 person has attained at least the minimum earned rating on any such
399 examination held for an original appointment for the purpose of
400 establishing a candidate list to fill a vacancy in accordance with
401 subsection (d) of section 5-228. Names of any such persons shall be
402 placed upon the candidate lists in the order of such augmented ratings.
403 Credits shall be based upon examinations with a possible rating of one
404 hundred points] A person's military service shall be counted, if
405 appropriate, on a prorated basis toward meeting the minimum
406 qualifications of a position. An appointing authority shall provide due
407 consideration for original appointment to any veteran, as defined in
408 section 27-103, who is placed on a candidate list by the Commissioner
409 of Administrative Services.

410 Sec. 9. Section 5-225 of the general statutes is repealed and the
411 following is substituted in lieu thereof (*Effective July 1, 2022*):

412 All persons competing in [any] an examination to be placed on a
413 candidate list established by the Commissioner of Administrative
414 Services shall be given written notice of [their final earned ratings and
415 the minimum earned rating necessary to pass the examination] the
416 result. Not later than thirty days after the issuance of the [final earned
417 rating] result, a person who [has not achieved a passing rating may
418 inspect his or her papers, markings, background profiles and other
419 items used in determining the final earned ratings, other than] took the

420 examination but did not achieve a passing result may inspect his or her
421 examination results, but not the examination questions and other
422 materials constituting the examination itself, subject to such regulations
423 as may be issued by the Commissioner of Administrative Services. Not
424 later than ten days after [inspecting his or her papers, a] such inspection,
425 such person may, in writing, appeal to the Commissioner of
426 Administrative Services the accuracy of his or her [final earned rating]
427 examination results, as based on [the] such person's original
428 examination [paper or] responses or examination results. The
429 commissioner shall render a final decision on the person's appeal within
430 thirty days thereafter and correct candidate lists as appropriate.

431 Sec. 10. Subsection (a) of section 5-227b of the general statutes is
432 repealed and the following is substituted in lieu thereof (*Effective July 1,*
433 *2022*):

434 (a) Examinations for positions may be waived by the Commissioner
435 of Administrative Services under any of the following conditions: (1)
436 Where the possession of a professional license or degree or satisfactory
437 completion of an accreditation, certificate or licensure program is a
438 mandatory requirement for appointment or promotion to a position in
439 state service; (2) where the appointment or promotion to a job
440 classification that is utilized by a single state agency is limited in number
441 and has few vacancies in the professional or managerial series; (3) when
442 the qualifications for a position within the managerial class are so
443 specialized or unique that an examination for a general job classification
444 would not result in a list of candidates possessing such qualifications
445 and would not be cost effective; or (4) when the number of applicants
446 meeting the minimum qualifications for admission to an announced
447 promotional examination is five or less. The positions under this
448 subsection shall be deemed nonexamined.

449 Sec. 11. Subsections (c) to (e), inclusive, of section 5-228 of the general
450 statutes are repealed and the following is substituted in lieu thereof
451 (*Effective July 1, 2022*):

452 (c) If a vacancy is to be filled by promotion from a [service-wide]

453 state-wide candidate list, the commissioner shall certify to the
454 appointing authority the names of all candidates on that candidate list
455 in accordance with the provisions of section 5-215a, as amended by this
456 act, or if an examination is waived, in accordance with the provisions of
457 section 5-227b, as amended by this act.

458 (d) If a vacancy is to be filled by an original appointment, the
459 commissioner shall certify to the appointing authority the names of all
460 candidates on that candidate list in accordance with the provisions of
461 section 5-215a, as amended by this act, or if an examination is waived,
462 in accordance with the provisions of section 5-227b, as amended by this
463 act.

464 (e) [Appointees] Permanent employees promoted to any position in
465 the classified service shall be required to serve the working test period
466 provided for in this chapter. Any [promotional appointee from within
467 the agency] such permanent employee who is dismissed from the
468 position to which he or she was promoted during such working test
469 period, or at the conclusion thereof, shall be restored to a position in the
470 same class and same agency in which he or she had been employed prior
471 to his or her promotion, [. Any other appointee who was employed in
472 the classified service prior to his or her appointment and who is
473 dismissed from the position to which he or she was appointed during
474 such working test period or at the conclusion thereof, shall be restored
475 to a vacancy in the same class, or a vacancy in a comparable class or a
476 vacancy in any other position the employee is qualified to fill, in the
477 agency in which he or she had been employed prior to his or her
478 appointment, or shall have his or her name placed on a reemployment
479 list. No provision of this section shall be construed to prevent any
480 employee in the unclassified service from competing for positions in the
481 classified service if he or she possesses the minimum qualifications
482 established by the commissioner. In the certification of names of persons
483 eligible for appointment, sex shall be disregarded except when
484 otherwise provided by statute or upon request of the appointing
485 authority, subject to the approval of the commissioner] except that if no
486 such restoration is possible, the name of such permanent employee shall

487 be placed on the reemployment list for the appropriate class in
488 accordance with subsection (b) of section 5-241, as amended by this act.

489 Sec. 12. Section 5-233 of the general statutes is repealed and the
490 following is substituted in lieu thereof (*Effective July 1, 2022*):

491 For positions involving unskilled and semiskilled labor or for
492 positions involving domestic, attending or other housekeeping and
493 custodial services at state institutions or agencies or for other similar
494 classes where the character of the work, or the place of work, makes it
495 impracticable to secure at stated times a sufficient number of applicants
496 to supply the needs of the service, or where it is impracticable to
497 examine and secure such persons from candidate lists with sufficient
498 promptness to supply the needs of the service, the Commissioner of
499 Administrative Services may establish procedures which will permit the
500 registration and, in his discretion, the examination of applicants, singly
501 or in groups, at such times and places as meet the convenience of
502 applicants and needs of the service, without public notice as required in
503 this chapter. The positions under this section shall be deemed
504 noncompetitive.

505 Sec. 13. Section 5-234 of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective July 1, 2022*):

507 The Commissioner of Administrative Services may provide for the
508 appointment, with or without examination, of qualified persons in a
509 class in which the incumbent serves for not more than three years in the
510 class as part of an established training program. Any person so
511 appointed to a professional or preprofessional training class may, upon
512 successful completion of the required minimum working test period
513 and training program, be reclassified to a position in the next higher
514 level class for which the training program is established, which position
515 shall be deemed noncompetitive. The provisions of this section shall not
516 apply to sections 5-224, as amended by this act, and 7-415 concerning
517 the veterans preference.

518 Sec. 14. Subsection (b) of section 5-180 of the general statutes is

519 repealed and the following is substituted in lieu thereof (*Effective July 1,*
520 *2022*):

521 (b) The war service before September 1, 1939, of a veteran who
522 became a member after September 1, 1939, and the war service or
523 military service during a national emergency declared by the President
524 of the United States on and after September 1, 1939, of a veteran who
525 became a member at any time, shall be counted as state service if the
526 member makes retirement contributions for each month of war service
527 as defined in section 27-103 and described in [subdivision (28) of]
528 section 5-196, as amended by this act, or for each month of such service
529 during a national emergency, as the case may be. Any veteran who
530 becomes a member on or after July 1, 1975, shall not receive credit for
531 such war or military service if such member has received or is entitled
532 to receive any retirement allowance for the same years of such service
533 from the federal government. Any veteran who is a member and who
534 has not made application for such credit prior to July 1, 1975, shall not
535 receive credit for such service if such member has received or is entitled
536 to receive any retirement allowance for the same years of such service
537 from the federal government unless such member makes application for
538 such credit to the Retirement Commission on or before October 1, 1975,
539 and makes retirement contributions for each month of such service in
540 accordance with the provisions of this subsection. The Comptroller of
541 the state may notify each employee of this provision on or before
542 September 1, 1975. Such contributions shall equal one-twelfth of four
543 per cent of his first year's salary as a state employee multiplied by the
544 total number of months of such war service or national emergency
545 service and, if such employee became a member after April 1, 1958, shall
546 be accompanied by interest at four per cent per year from the time such
547 war service was rendered or from September 1, 1939, whichever is later,
548 until the date of payment or January 1, 1962, whichever is earlier. Such
549 contributions may be paid by payroll deductions as determined by the
550 Retirement Commission over a period not to exceed thirty-six months,
551 interest thereon to be paid not later than the last day of the month
552 following the payment of the last of such deductions. Service credit for
553 retirement purposes shall not be granted unless payment of

554 contributions and interest is completed. No credit shall be given
555 hereunder for military service during a national emergency to any state
556 employee who has served less than ten years as a permanent full-time
557 state employee, nor for any such military service beyond a total period
558 of his compulsory service, if any, plus three years.

559 Sec. 15. Subsection (b) of section 5-241 of the general statutes is
560 repealed and the following is substituted in lieu thereof (*Effective July 1,*
561 *2022*):

562 (b) An appointing authority desiring to lay off an employee shall give
563 him not less than two weeks' notice in writing, stating the reason for
564 such action, except that in the case of an employee, as defined in section
565 5-196, as amended by this act, who is not covered by a collective
566 bargaining agreement and who has been in the classified service for (1)
567 at least five but not more than ten years, the appointing authority shall
568 provide at least four weeks' notice, (2) more than ten but not more than
569 fifteen years, the appointing authority shall provide at least six weeks'
570 notice, (3) more than fifteen years, the appointing authority shall
571 provide at least eight weeks' notice. A copy of such notice shall
572 immediately be forwarded to the Commissioner of Administrative
573 Services. The commissioner shall arrange to have the employee
574 transferred to a vacancy in the same or a comparable class or in any
575 other position the employee is qualified to fill in any department,
576 agency or institution. If there is no vacancy available or the employee
577 refuses to accept the transfer, the commissioner shall cause the name of
578 such employee to be placed on the reemployment list for the
579 appropriate class for which such employee has attained permanent
580 status or has the ability to qualify, as determined by the commissioner.
581 During the period any employee is entitled to remain on the
582 reemployment list, such an employee shall be rehired in the
583 classification from which he or she was laid off or for which he or she is
584 qualified, as vacancies occur, in the reverse order of layoff. Any
585 employee who is rehired from a reemployment or other employment
586 list into a classification in which he or she had prior status shall not be
587 required to complete a new working test period, as defined in

588 [subdivision (27) of] section 5-196, as amended by this act.

589 Sec. 16. Subsection (a) of section 45a-54 of the general statutes is
 590 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 591 *2022*):

592 (a) Any judge or employee who is not yet receiving a retirement
 593 allowance may apply to the Retirement Commission for credit for
 594 service as a member of the General Assembly and for military service,
 595 consisting of war service, as defined in section 27-103 and described in
 596 [subdivision (28) of] section 5-196, as amended by this act, and national
 597 emergency service as defined by law, provided credit for such military
 598 and General Assembly service shall not exceed three years in the
 599 aggregate. Any such application for credit for service as a member of the
 600 General Assembly must be filed within one year of the date upon which
 601 the judge or employee first becomes a member or within one year of
 602 October 1, 1986, whichever is later. Any such application for credit for
 603 military service must be filed within one year of the date upon which
 604 the judge or employee first becomes a member or within one year of
 605 October 1, 1994, whichever is later.

606 Sec. 17. Sections 5-199c and 5-223 of the general statutes are repealed.
 607 (*Effective July 1, 2022*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	5-196
Sec. 2	July 1, 2022	5-198
Sec. 3	July 1, 2022	5-215a
Sec. 4	July 1, 2022	5-216
Sec. 5	July 1, 2022	5-218
Sec. 6	July 1, 2022	5-219
Sec. 7	July 1, 2022	5-221(a)
Sec. 8	July 1, 2022	5-224
Sec. 9	July 1, 2022	5-225
Sec. 10	July 1, 2022	5-227b(a)
Sec. 11	July 1, 2022	5-228(c) to (e)
Sec. 12	July 1, 2022	5-233

Sec. 13	<i>July 1, 2022</i>	5-234
Sec. 14	<i>July 1, 2022</i>	5-180(b)
Sec. 15	<i>July 1, 2022</i>	5-241(b)
Sec. 16	<i>July 1, 2022</i>	45a-54(a)
Sec. 17	<i>July 1, 202</i>	Repealer section

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The minor and clarifying changes in the bill have no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 439*****AN ACT CONCERNING HUMAN RESOURCE ADMINISTRATION
AND THE STATE PERSONNEL ACT.*****SUMMARY**

This bill generally gives state agencies greater discretion in hiring employees for the state employee classified service (i.e., positions subject to various civil service exams and other hiring and promotion procedures under the State Personnel Act). It does so primarily by (1) broadening the definition of the “examinations” that these employees must take to qualify for a position and (2) removing specific references to examination scores and ratings used to rank candidates on candidate lists.

The bill further broadens agency discretion by removing various details specified in current law about (1) the information that must be included in notices for examinations, (2) how examinations must be administered, (3) how to score examinations for veterans, and (4) the information available for review after an examination.

It also revises the procedure for classified state employees who are appointed to a new classified position but then dismissed because they did not successfully complete their working test period in the new position. It mainly does so by specifying that those who cannot be restored to their previous position must be placed on the re-employment list for laid-off state employees.

In addition, the bill:

1. exempts the Communications Manager position from the classified service (§ 2);
2. removes a provision that allows the Department of

-
- Administrative Services (DAS) commissioner to charge an examination fee to people who are not state employees (§ 6);
3. repeals a requirement for the DAS commissioner to develop a human resources strategic plan for anticipating and meeting the state service's personnel requirements (§ 17);
 4. specifies when certain positions, under certain circumstances, are considered "non-examined" or "non-competitive"; and
 5. makes various conforming, minor (§ 7), and technical changes (§§ 14-16).

EFFECTIVE DATE: July 1, 2022

§§ 1, 3-6, 9 & 17 — EXAMINATIONS & RATINGS

Definitions (§§ 1 & 17)

Existing law generally requires the DAS commissioner to hold examinations to make candidate lists for the various position classes in the classified service (CGS § 5-216). Under current law, these examinations are an assessment device or technique yielding scores or ratings designed to determine a candidate's fitness for a particular position. They may be written or oral tests, demonstrations of skill or physical ability, experience and training evaluations, evaluations of prior performance (for promotions), or any other assessment device or technique appropriate to measure the knowledge, skills, or abilities required to successfully perform the duties of the job.

The bill removes the specific references to scores or ratings and instead more broadly defines an examination as any act, event, process, or technique intended to measure an applicant's knowledge, skills, abilities, and fitness for employment. These may include experience and training requirements, interviews, assessment centers, performance exercises, background checks, and associated suitability determinations or working test periods.

Relatedly, the bill removes current law's definition of "minimum

earned rating” (the lowest score or rating that allows a candidate to pass an examination) and repeals a statute that specifies how to determine the “final earned rating” from the examination.

Candidate Lists (§§ 3 & 4)

By law, when an agency receives approval to hire for a position in the classified service, it must ask the DAS commissioner for a certified candidate list. Under current law, this list must contain each candidate’s final earned rating. The bill instead requires that it be comprised of candidates who meet the minimum qualifications for the position.

The bill also removes provisions in current law that generally:

1. require the commissioner to place candidates on the candidate list in order of their ratings;
2. allow examinations for continuous recruitment to be graded on a pass-fail basis; and
3. allow the commissioner, under certain circumstances, to apply a candidate’s score from one exam to the candidate list for a different exam or a later exam for the same position.

Examination Notices (§ 5)

Current law generally requires the DAS commissioner to, among other things, (1) prepare lists of preliminary requirements and subject for examinations, (2) post notices about exams in state agencies at least two weeks in advance, (3) hold exams at times and places that most nearly meet the convenience of applicants, and (4) provide public notice about exams and related information at least six days in advance. The bill removes these requirements and instead more broadly requires the commissioner to give initial notice of examination for positions in the classified service in the way that meets the state service’s needs.

Examination Administration (§ 6)

Generally, under current law:

1. examinations must (a) be formulated in cooperation with

- agencies appointing specific classes of employees, (b) be open to all people who may be lawfully appointed to a position in the class covered by the exam, and (c) have no limitation on age or sex unless it is a bona fide occupational qualification or need;
2. all people competing for placement on a candidate list must be (a) administered the same or equivalent examination, unless an accommodation is needed to comply with the federal Americans with Disabilities Act, and (b) required to achieve passing scores; and
 3. these provisions must be the only determinant for qualification, with no other examination allowed by an agency head to further qualify people without the DAS commissioner's authorization.

The bill removes these and other related provisions and instead broadly requires that the examination be job-related and administered consistently and fairly to determine the qualifications, fitness, and ability of those seeking an appointment.

Veterans Exam Scores (§ 8)

Current law generally requires that certain armed forces members and veterans or, under certain circumstances, their spouses, have extra points added to their earned ratings after they have passed an examination. The bill removes these provisions and instead broadly requires that (1) a person's military service be counted, if appropriate, on a prorated basis toward meeting a position's minimum qualifications and (2) an appointing authority give due consideration for original appointment to any veteran who the DAS commissioner places on a candidate list.

Post-Examination Document Review (§ 9)

Under current law, someone who takes an examination must be given written notice about their final earned rating and the minimum earned rating needed to pass the exam. If they do not pass the exam, they may inspect their papers, markings, background profiles, and other items used to determine their final earned ratings (other than the exam

questions), and then appeal their rating to the DAS commissioner.

The bill specifies that this process applies to examinations for placement on a candidate list and limits what they may inspect under these circumstances to only their examination results. It also replaces the various references to earned ratings with “examination results.”

§ 11 — FAILED WORKING TEST PERIODS

Current law specifies a process for handling state employees who are appointed to a new position, but do not successfully complete their working test period. In general, those who were promoted to the new position from within the same agency must be restored to a position in the same class they had before the promotion. Those who were appointed from a different agency must be (1) restored in their previous agency to a vacancy in the same or a comparable class, or any other position the employee is qualified to fill, or (2) placed on a reemployment list.

The bill instead requires that both types of employees be restored to a position in the same class and agency they had before their promotion or, if that is not possible, that they be placed on the reemployment list for laid-off state employees established by law. In doing so, it removes the requirement for employees who had been promoted from a different agency to be restored to a vacancy in a comparable class or any other position the employee is qualified to fill.

By law, employees on the reemployment list for laid-off state employees must be rehired in the classifications from which they were laid off or for which they are qualified, as vacancies occur, in the reverse order of layoff (CGS § 5-241).

The bill also removes provisions in current law that specify that (1) the law does not prevent unclassified employees from competing for classified positions if they have the minimum qualifications and (2) in certifying names of eligible candidates sex must be disregarded, unless it is otherwise required by statute or upon the appointing authority’s request, with the DAS commissioner’s approval.

§§ 10, 12 & 13 — NON-EXAMINED & NON-COMPETITIVE POSITIONS

Existing law, unchanged by the bill, allows the DAS commissioner to waive examinations for positions under certain circumstances (e.g., when having a professional license is required for the position). The bill specifies that positions subject to these waivers are deemed non-examined.

Existing law also generally allows the commissioner to (1) allow examinations for certain positions involving unskilled and semi-skilled labor to occur without the otherwise required public notice and (2) provide for the appointment, with or without examination, of certain people who have served in an established training program. The bill specifies that these unskilled or semi-skilled positions, and the positions these trainees are promoted to after they finish the training, are deemed non-competitive.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 1 (03/29/2022)