
OLR Bill Analysis

sSB 984

AN ACT ACCELERATING THE STATE HIRING PROCESS.

SUMMARY

This bill generally gives greater discretion to the Department of Administrative Services (DAS) in setting the process for, and for it and other state agencies to make decisions on, hiring employees for the state employee classified service (i.e., positions currently subject to various civil service exams and other hiring and promotion procedures under the State Personnel Act). It does so primarily by:

1. broadening how agencies may measure applicants' qualifications by eliminating specific requirements to base hiring decisions on examination scores or ratings;
2. changing who may be considered for a position by redefining a statutory definition of "candidate list" to include those who applied and will be verified by examination, instead of those who qualified for the position by taking an examination;
3. allowing appointing authorities to hire any applicant who the authority finds is the most qualified and suitable for the position; and
4. removing various details specified in current law about (a) the information that must be included in notices for examinations, (b) how examinations must be administered, and (c) how to score examinations for veterans.

The bill also does the following:

1. revises the procedure for classified state employees who transfer or are promoted to new classified positions, but are then

dismissed because they did not successfully complete their working test periods;

2. increases, from two months to six months, the term that certain temporary employees may work during an emergency;
3. allows an agency to transfer an employee under the terms of an applicable collective bargaining agreement, rather than DAS regulations; and
4. repeals a (a) requirement for the DAS commissioner to develop a human resources strategic plan for anticipating and meeting the state service's personnel requirements and (b) law that allows the commissioner to establish procedures for assigning state employees to work at certain institutions, including at a federal agency, municipality, or higher education institution (§ 19).

Lastly, the bill makes numerous conforming, minor, and technical changes (e.g., §§ 7 & 15-18).

EFFECTIVE DATE: July 1, 2023

§§ 1, 5, 6, 9, 10, 12, 13 & 19 — EXAMINATIONS AND RATINGS

Elimination of Examination Score and Rating Requirements (§§ 1, 6 & 19)

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 (§ 1). 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 (§ 6).

The bill redefines “examination” so that is no longer limited to types that yield scores or ratings but instead more broadly includes any act,

event, process, or technique that measures an applicant's knowledge, skills, abilities, and fitness for employment. Specific examples include experience and training determinations, interviews, assessment centers, performance exercises, background checks, and associated suitability determinations and "working test periods" (see below).

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) (§ 1). It also repeals statutes that specify (1) how to determine the "final earned rating" from an examination and (2) the process for giving notice of and appealing final earned ratings (§ 19).

Examination Notices (§ 5)

Current law generally requires the DAS commissioner to, among other things, (1) prepare lists of preliminary requirements and subjects 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 closely meet the convenience of applicants, and (4) give public notice about exams and related information at least six business days in advance. The bill removes these requirements and instead more broadly requires the commissioner to give initial notices of examinations for positions in the classified service in a way that supplies 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 examinations be job-related and administered consistently to determine the qualifications, fitness, and ability of those seeking an appointment. It also removes a provision that allows DAS to charge someone a reasonable fee for taking an examination.

Veterans Exam Scores (§ 9)

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.

Non-Examined & Non-Competitive Positions (§§ 10, 12 & 13)

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 (§ 10).

Current law also allows the DAS commissioner to establish unskilled and semi-skilled positions eligible for employment on an intermittent basis. The bill instead specifies that these are non-competitive positions (§ 13).

Relatedly, current law generally allows the commissioner to allow examinations for certain positions involving unskilled and semi-skilled labor to occur without the otherwise required public notice. The bill

removes this provision and instead broadly allows the commissioner to establish, for non-competitive and non-examined positions, procedures that allow applicants to register without public notice at times and places that are convenient to the applicants and meet the service's needs. It also allows the appointing agency to secure applicants' registration through public recruitment notices (§ 12).

§§ 1-4, 8 & 11 — CANDIDATE LISTS & HIRING

Candidate Lists (§§ 1-4)

Under current law, the DAS commissioner holds examinations to make candidate lists for open positions in the classified service. The bill requires the commissioner to post job openings instead of holding examinations, and allows them to be posted on a continuous basis. Under the bill, the resulting candidate lists are the names of people who applied and will be verified by examination, instead of those who qualified for the position by taking an examination.

The bill also removes provisions in current law that generally:

1. require the DAS 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;
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;
4. allow the commissioner to authorize a new examination if less than five names are available on the candidate list to fill a position; and
5. limit how long a candidate list may remain in effect (the bill instead allows the commissioner to extend the lists without limitation).

Hiring (§§ 1-2, 8 & 11)

The bill allows an appointing authority to begin the screening process as soon as an applicable job opening is posted. Under existing law, authorities may fill a vacant permanent position in the classified service by selecting anyone from a DAS-provided candidate list. The bill specifies that their selections must be based on who the authority determines is the most qualified and suitable for the position.

Regardless of any other statute or employment requirement, the bill allows an appointing authority, upon selecting a candidate from a candidate list, to immediately fill a vacant permanent position if the authority determines that doing so will maintain operational efficiency and productivity. In these cases, any preemployment or other requirement may be completed during the candidate's "working test" period. (By law, a "working test" is generally a trial working period during which the employee's work and conduct must be noted and reported on to determine whether the employee merits permanent appointment.)

The bill also removes a provision in current law that requires vacant permanent positions in the classified service to be filled, as far as possible, through reemployment, intra-agency promotions, and state-wide promotions or transfers. It also limits who must serve DAS-established working test periods to promoted permanent employees, rather than any appointee as under current law.

§ 11 — FAILED WORKING TEST PERIODS BY TRANSFERRED AND PROMOTED EMPLOYEES

Current law specifies a process for handling existing state employees who transfer or are promoted to a new position, but do not successfully complete their working test periods. 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. All others 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 limits who may be restored to a prior position in the same class to those employees who were promoted, regardless of if it is from within or

outside the agency.

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.

§ 13 — EMERGENCY EMPLOYEES

Under existing law, when an emergency arises that will not allow securing eligible people, an appointing authority may hire a qualified person temporarily to help facilitate public business or avoid loss or serious inconvenience to the public. Current law allows these "emergency employees" to work for up to two months, and the bill increases their maximum term to six months.

§ 14 — TRANSFERS

The bill removes provisions in current law that (1) require the DAS commissioner to adopt regulations on transferring employees and (2) limit when someone can be transferred from the unclassified service to the classified service. It instead allows an agency to transfer an employee subject to the requirements of an applicable collective bargaining agreement.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 0 (03/23/2023)