



Senate

General Assembly

File No. 495

January Session, 2023

Substitute Senate Bill No. 984

Senate, April 11, 2023

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ACCELERATING THE STATE HIRING PROCESS.

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

1 Section 1. Section 5-196 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

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

10 (3) "Appointing authority" means a board, commission, officer,
11 commissioner, person or group of persons or the designee of such
12 board, commission, officer, commissioner, person or group of persons

13 having the power to make appointments by virtue of a statute or by
14 lawfully delegated authority.

15 (4) "Candidate list" means a list of the names of persons [based on
16 merit as determined under the provisions of this chapter, which persons
17 have been found qualified through suitable examinations for
18 employment in positions allocated to a specified class, occupational
19 group or career progression level] who applied for a position or
20 positions in a specified class whose qualifications will be verified by
21 examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 [(19)] (18) "Permanent employee" means an employee holding a

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

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

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

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

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

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

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

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

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

112 [(28)] (27) "Veteran", when used in this chapter and in section 5-180,
113 as amended by this act, has the same meaning as provided in section 27-
114 103, and (B) who has performed such service in time of war, as defined
115 in said section, except that the final date for service in time of war during
116 World War II 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 5-215a of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective July 1, 2023*):

132 When the appointing authority receives approval to fill a vacancy in
133 any permanent position in the classified service, the appointing
134 authority shall request the Commissioner of Administrative Services to

135 provide a candidate list. [The candidate list certified by the
136 commissioner shall contain the final earned rating of each candidate.]
137 The appointing authority shall fill the vacant position by selecting any
138 candidate on the candidate list [. In the event that fewer than five names
139 are available on the candidate list to fill a position, the Commissioner of
140 Administrative Services may authorize a new examination based on
141 documented need] that such authority determines to be most qualified
142 and suitable for such vacant position. The appointing authority may fill
143 the position from either the new candidate list or [original] any
144 candidate list in accordance with the provisions of this section.
145 Notwithstanding any provision of the general statutes or employment
146 requirement, upon selection of a candidate from a candidate list, the
147 appointing authority may immediately fill the position with such
148 candidate if such authority determines that doing so would maintain
149 operational efficiency and productivity. In such case, any
150 preemployment or other requirement may be completed during such
151 candidate's working test period.

152 Sec. 3. Section 5-216 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2023*):

154 (a) The Commissioner of Administrative Services shall [hold
155 examinations] post job openings for the purpose of establishing
156 candidate lists for the various classes of positions in the classified
157 service, except as provided in sections 5-227b, as amended by this act,
158 and 5-233, as amended by this act. Such [examinations] job openings
159 may be [held] posted on a continuous basis [or at such time or times as
160 the commissioner deems necessary] to supply the needs of the state
161 service. [In establishing any candidate list following examinations, the
162 commissioner shall place on the list, in the order of their ratings, the
163 names of persons who show they possess the qualifications which
164 entitle them to be considered eligible for appointment when a vacancy
165 occurs in any position allocated to the class for which such examination
166 is held or for which such candidate list is held to be appropriate. Such
167 ratings may take such form as the commissioner deems appropriate to
168 describe the performance of any candidate on any examination.]

169 (b) Where the needs of the service indicate that continuous
170 recruitment is justified, the commissioner may defer announcing a
171 closing date for filing applications. [for the examination.]
172 Announcements of such [examinations] job openings shall specify that
173 recruitment is continuous and that applications may be filed until
174 further notice. [Such examination may be graded on a pass-fail basis in
175 order to expedite certification and appointment.]

176 (c) The commissioner may consolidate, continue, [or] cancel or extend
177 candidate lists and may remove names from such lists for good cause.
178 [The commissioner may apply an examination score from one
179 examination to the candidate list established for another examination,
180 provided such examinations are the same or equivalent forms of the
181 same examination, such provision is publicized on appropriate
182 examination notices and the candidate satisfies all other statutory
183 requirements.

184 (d) Upon written request from a candidate on a form and in a manner
185 prescribed by the Department of Administrative Services, the
186 commissioner shall apply the candidate's most recent score from an
187 examination held for a promotional appointment, in accordance with
188 subsection (b) or (c) of section 5-228, to the candidate list established for
189 a subsequent examination for the same classification, provided: (1) The
190 subsequent examination is in the same or equivalent form as the
191 previous examination; (2) such provision is publicized on appropriate
192 examination notices; (3) the candidate satisfies all other requirements
193 for the classification and the examination; and (4) not more than seven
194 years have elapsed from the date of the candidate's most recent
195 examination.

196 (e) Nothing in this section shall prevent the department from
197 applying scores from one examination to the candidate list established
198 for a subsequent examination for the same classification, provided: (1)
199 Such examinations are in the same or equivalent forms; (2) such
200 provision is publicized on appropriate examination notices; and (3) the
201 candidates on the list satisfy all other requirements for the classification

202 and the examination.

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

206 Sec. 4. Section 5-217 of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective July 1, 2023*):

208 The Commissioner of Administrative Services shall specify, at the
209 time any candidate list is promulgated, the period during which such
210 list shall remain in force. [In no case shall a candidate list remain in force
211 for a period of less than three months or more than one year, except (1)
212 such period may be extended not more than two years by the
213 commissioner as appropriate based upon the needs of the state, and (2)
214 candidate lists for continuous recruitment examinations shall be based
215 on the needs of the service.]

216 Sec. 5. Section 5-218 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective July 1, 2023*):

218 [(a)] Except for an examination that has been waived pursuant to
219 section 5-227b, as amended by this act, the Commissioner of
220 Administrative Services shall [prepare lists of preliminary requirements
221 and subjects of examination] provide initial notice of examination for
222 positions in the classified service [and publicize each such examination
223 in such manner as the nature of the examination requires, including
224 posting examination notices in state agencies in locations accessible to
225 state employees at least two weeks prior to the application closing date.
226 All competitive examinations shall be held at such times and places as
227 in the judgment of the Commissioner of Administrative Services most
228 nearly meet the convenience of applicants and needs of the service. In
229 no event shall any other examination be given by an agency for a
230 position subject to the examination procedure of the Department of
231 Administrative Services] in such form and manner as to supply the
232 needs of state service.

233 [(b) The Commissioner of Administrative Services shall give public
234 notice of such examinations for positions in the classified service at least
235 six business days in advance by posting, or causing to be posted, an
236 appropriate notice on the Internet web site of the department and by
237 submitting the notice to the director of the state employment service.
238 Such notice shall set forth the time and place of the examination and
239 shall be accompanied by a copy of the official description of the position,
240 and provide the work location, salary and weights to be given for the
241 weighted parts of the examination, if applicable, provided once such
242 notice has been given, the weights established in the notice for the
243 weighted parts of the examination shall not be altered in any manner.]

244 Sec. 6. Section 5-219 of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective July 1, 2023*):

246 [(a)] Examinations shall be [in such form and of such character and
247 shall relate to such matters as will fairly test and] job-related and
248 administered consistently to determine the qualifications, fitness and
249 ability of the persons [tested to perform the duties of the class or position
250 to which they seek] seeking appointment. [Examinations shall be
251 formulated in cooperation with agencies appointing specific classes of
252 employees and shall be competitive and open to all persons who may
253 be lawfully appointed to any position in the class for which
254 examinations are held, with such limitations as to age, residence, health,
255 habits, character, sex and qualifications as are considered desirable by
256 the Commissioner of Administrative Services and as are specified in the
257 public announcement of the examination, provided no such limitation
258 shall be made as to age or sex except in the case of a bona fide
259 occupational qualification or need. Formal education requirements may
260 be considered as a condition for the taking of such examinations.
261 Possession of a professional license or degree, or satisfactory completion
262 of an accreditation, certificate or licensure program may serve as the sole
263 basis for appointment, provided such credentials are a mandatory
264 requirement for employment in a position. Examinations may take the
265 form of written or oral tests, demonstration of skill or physical ability,
266 experience and training evaluation, or in the case of promotional

267 examinations, evaluation of prior performance, or any other assessment
268 device or technique deemed appropriate to measure the knowledge,
269 skills or abilities required to successfully perform the duties of the job.
270 All persons competing for placement on any one candidate list shall be
271 administered the same or equivalent forms of the same examination or
272 examination phases, except as necessary to comply with the federal
273 Americans with Disabilities Act and section 4-61nn, and be required to
274 achieve passing scores on each successive phase and for the examination
275 as a whole in order to remain in competition. The provisions of this
276 section shall be the sole determinant for qualification and no other
277 examination shall be permitted by any agency head to further qualify
278 persons seeking appointment except as authorized by the
279 commissioner.

280 (b) The commissioner may charge any person not employed by the
281 state a reasonable fee for taking an examination, provided such fee shall
282 not exceed the cost of developing and administering such examination.
283 The commissioner may waive any such fee for any person who applies,
284 in the form and manner prescribed by the commissioner, for a waiver of
285 such fee and demonstrates that he or she is financially unable to pay
286 such fee. Before charging any fees authorized by this subsection, the
287 commissioner shall adopt regulations, in accordance with the
288 provisions of chapter 54, to establish reasonable fees.]

289 Sec. 7. Section 5-221 of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective July 1, 2023*):

291 (a) The Commissioner of Administrative Services may reject the
292 application of any person [for admission to an examination for] when
293 establishing a candidate list for the classified service, or refuse to
294 examine any applicant for such service, who (1) has been found to lack
295 any of the established qualifications for the position for which such
296 applicant applies or for which such applicant has been examined, (2) is
297 physically or medically unfit to perform effectively the duties of the
298 position in which he or she seeks employment, (3) is addicted to the
299 habitual use of drugs or intoxicating liquors, (4) has been dismissed

300 from the public service for delinquency, incompetency, misconduct or
301 neglect of duty, or (5) has made a false statement of any material fact or
302 practiced or attempted to practice any deception or fraud in his or her
303 application, in his or her examination or in securing his or her eligibility
304 or appointment.

305 (b) The commissioner may establish reasonable procedures
306 concerning investigation of the character, reputation, experience and
307 training of applicants.

308 Sec. 8. (NEW) (*Effective July 1, 2023*) Notwithstanding any provision
309 of the general statutes or employment requirement, an appointing
310 authority may begin the screening process as soon as the applicable job
311 opening is posted.

312 Sec. 9. Section 5-224 of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective July 1, 2023*):

314 [Any veteran who served in time of war, if such veteran is not eligible
315 for disability compensation or pension from the United States
316 Department of Veterans Affairs, or the spouse of such veteran who by
317 reason of such veteran's disability is unable to pursue gainful
318 employment, or the unmarried surviving spouse of such veteran, and if
319 such person has attained at least the minimum earned rating on any
320 examination held for an original appointment for the purpose of
321 establishing a candidate list to fill a vacancy in accordance with
322 subsection (d) of section 5-228, shall have five points added to his or her
323 earned rating. Any such veteran, or the spouse of such veteran who by
324 reason of such veteran's disability is unable to pursue gainful
325 employment, or the unmarried surviving spouse of such veteran, if such
326 person is eligible for such disability compensation or pension and if
327 such person has attained at least the minimum earned rating on any
328 such examination held for an original appointment for the purpose of
329 establishing a candidate list to fill a vacancy in accordance with
330 subsection (d) of section 5-228, shall have ten points added to his or her
331 earned rating. Any veteran who has served in a military action for which
332 such person received or was entitled to receive a campaign badge or

333 expeditionary medal, shall have five points added to his or her earned
334 rating if such person has attained at least the minimum earned rating on
335 any such examination held for an original appointment for the purpose
336 of establishing a candidate list to fill a vacancy in accordance with
337 subsection (d) of section 5-228 and such person is not otherwise eligible
338 to receive additional points pursuant to this section. Any person who is
339 a member of the armed forces, as defined in section 27-103, and who is
340 in the final year of an enlistment contract with any branch of the armed
341 forces shall have five points added to his or her earned rating if such
342 person has attained at least the minimum earned rating on any such
343 examination held for an original appointment for the purpose of
344 establishing a candidate list to fill a vacancy in accordance with
345 subsection (d) of section 5-228. Names of any such persons shall be
346 placed upon the candidate lists in the order of such augmented ratings.
347 Credits shall be based upon examinations with a possible rating of one
348 hundred points.] Military service shall count toward meeting the
349 minimum qualifications of a position, on a prorated basis, as
350 appropriate. An appointing authority shall provide due consideration
351 for original appointment to any veteran, as defined in section 27-103,
352 that is placed on a candidate list by the Commissioner of Administrative
353 Services.

354 Sec. 10. Subsection (a) of section 5-227b of the general statutes is
355 repealed and the following is substituted in lieu thereof (*Effective July 1,*
356 *2023*):

357 (a) Examinations for positions may be waived by the Commissioner
358 of Administrative Services under any of the following conditions: (1)
359 Where the possession of a professional license or degree or satisfactory
360 completion of an accreditation, certificate or licensure program is a
361 mandatory requirement for appointment or promotion to a position in
362 state service; (2) where the appointment or promotion to a job
363 classification that is utilized by a single state agency is limited in number
364 and has few vacancies in the professional or managerial series; (3) when
365 the qualifications for a position within the managerial class are so
366 specialized or unique that an examination for a general job classification

367 would not result in a list of candidates possessing such qualifications
368 and would not be cost effective; or (4) when the number of applicants
369 meeting the minimum qualifications for admission to an announced
370 promotional examination is five or less. Any position for which an
371 examination has been waived under this section shall be deemed a
372 nonexamined position.

373 Sec. 11. Section 5-228 of the general statutes is repealed and the
374 following is substituted in lieu thereof (*Effective July 1, 2023*):

375 (a) When a vacancy in any permanent position in the classified
376 service is to be filled, the appointing authority shall notify the
377 Commissioner of Administrative Services of such fact, stating the title
378 of the position to be filled. [Vacancies in such positions shall be filled, so
379 far as possible and for the best interest of the state, by reemployment, as
380 provided in subsection (b) of section 5-241, promotional appointments
381 from within the agency and service-wide promotional appointments or
382 transfers in accordance with regulations issued by the commissioner.
383 The appointing authority, with the approval of the commissioner, shall
384 decide whether a vacancy shall be filled by promotion from within the
385 agency, from a state-wide employment list, transfer or, if such is not
386 possible, by original appointment.]

387 (b) If a vacancy is to be filled by a promotional appointment from
388 within the agency, the commissioner shall certify to the appointing
389 authority the names of all candidates from the agency in accordance
390 with the provisions of section 5-215a, as amended by this act, or if an
391 examination is waived, in accordance with the provisions of section 5-
392 227b, as amended by this act.

393 (c) If a vacancy is to be filled by promotion from a [service-wide]
394 state-wide candidate list, the commissioner shall certify to the
395 appointing authority the names of all candidates on that candidate list
396 in accordance with the provisions of section 5-215a, as amended by this
397 act, or if an examination is waived, in accordance with the provisions of
398 section 5-227b, as amended by this act.

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

405 (e) [Appointees] Permanent employees that are promoted to any
406 position in the classified service shall be required to serve the working
407 test period provided for in this chapter. Any [promotional appointee
408 from within the agency] such employee who is dismissed from the
409 position to which [he or she] such employee was promoted during such
410 working test period, or at the conclusion thereof, shall be restored to a
411 position in the same class in the agency which [he or she] such employee
412 had been employed prior to [his or her] such employee's promotion.
413 [Any other appointee who was employed in the classified service prior
414 to his or her appointment and who is dismissed from the position to
415 which he or she was appointed during such working test period or at
416 the conclusion thereof, shall be restored to a vacancy in the same class,
417 or a vacancy in a comparable class or a vacancy in any other position the
418 employee is qualified to fill, in the agency in which he or she had been
419 employed prior to his or her appointment, or shall have his or her name
420 placed on a reemployment list. No provision of this section shall be
421 construed to prevent any employee in the unclassified service from
422 competing for positions in the classified service if he or she possesses
423 the minimum qualifications established by the commissioner. In the
424 certification of names of persons eligible for appointment, sex shall be
425 disregarded except when otherwise provided by statute or upon request
426 of the appointing authority, subject to the approval of the
427 commissioner.]

428 Sec. 12. Section 5-233 of the general statutes is repealed and the
429 following is substituted in lieu thereof (*Effective July 1, 2023*):

430 [For positions involving unskilled and semiskilled labor or for
431 positions involving domestic, attending or other housekeeping and

432 custodial services at state institutions or agencies or for other similar
433 classes where the character of the work, or the place of work, makes it
434 impracticable to secure at stated times a sufficient number of applicants
435 to supply the needs of the service, or where it is impracticable to
436 examine and secure such persons from candidate lists with sufficient
437 promptness to supply the needs of the service, the Commissioner of
438 Administrative Services may establish procedures which will permit the
439 registration and, in his discretion, the examination of applicants, singly
440 or in groups, at such times and places as meet the convenience of
441 applicants and needs of the service, without public notice as required in
442 this chapter.] For positions that are deemed noncompetitive positions or
443 nonexamined positions, the Commissioner of Administrative Services
444 may establish procedures which permit the registration of applicants
445 without public notice, singly or in groups, at such times and places to
446 meet the convenience of applicants and the needs of the service. The
447 appointing authority may choose to secure the registration of applicants
448 through public recruitment notices.

449 Sec. 13. Subsections (c) and (d) of section 5-235 of the general statutes
450 are repealed and the following is substituted in lieu thereof (*Effective July*
451 *1, 2023*):

452 (c) An appointing authority or any subordinate authorized by him, to
453 facilitate the carrying on of public business or avoid loss or serious
454 inconvenience to the public, when an emergency arises which will not
455 permit the securing of eligible persons, may appoint any qualified
456 person during such emergency for a period of not more than [two] six
457 months. Persons so appointed shall be known as emergency employees.
458 Appointing authorities shall report to the commissioner all emergency
459 appointments and such appointments shall not be renewed.

460 (d) The commissioner may establish [unskilled and semiskilled]
461 noncompetitive positions, as described in section 5-233, as amended by
462 this act, or, by competitive examination, candidate lists of eligible
463 persons who are available for employment on an intermittent basis and
464 either the administrator of the Unemployment Compensation Act or the

465 Commissioner of Revenue Services may appoint persons to such
466 positions or from such lists to perform intermittent services as may be
467 required. Persons so employed shall be known as intermittent
468 employees and shall be compensated on an hourly rate basis as
469 prescribed by the Commissioner of Administrative Services, subject to
470 the approval of the Secretary of the Office of Policy and Management.
471 Intermittent employees shall not be considered permanent employees
472 and shall receive only such rights and benefits applicable to other state
473 employees as may be expressly prescribed by the Commissioner of
474 Administrative Services. Such intermittent employees who meet
475 eligibility requirements shall be admitted to promotional examinations
476 and be placed on candidate lists pursuant to this chapter.

477 Sec. 14. Section 5-239 of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective July 1, 2023*):

479 [The Commissioner of Administrative Services shall provide by
480 regulations adopted in accordance with the provisions of chapter 54 for
481 the transfer of employees from a position of a given class to another
482 position in the same or a comparable class either within the same
483 department, agency or institution or from one department, agency or
484 institution to another. The commissioner shall also provide by
485 regulation for the periodical or occasional transfer of employees for a
486 period not exceeding six months, to bring about the better distribution
487 of persons in the service, to effect economies, to make available extra
488 stenographic, clerical, messenger or other service needed for short
489 periods or to provide training sought by employees or required by
490 appointing authorities. When any department, agency or institution
491 needs additional employees for a short period, it shall notify the
492 commissioner, who shall so far as possible arrange for the temporary
493 assignment of such additional employees on the basis of a temporary
494 transfer. No person shall be transferred from a position in the
495 unclassified service to a position in the classified service unless the
496 person is eligible for selection from a candidate list in accordance with
497 the provisions of section 5-215a.] Subject to the requirements set forth in
498 provisions of any collective bargaining agreement, an appointing

499 authority may transfer an employee to supply the needs of the service
500 where applicable.

501 Sec. 15. Subsection (f) of section 5-200 of the general statutes is
502 repealed and the following is substituted in lieu thereof (*Effective July 1,*
503 *2023*):

504 (f) The commissioner shall prescribe reasonable conditions and
505 procedures under which the records of the Department of
506 Administrative Services shall be open to public inspection during usual
507 business hours. [, except as provided in section 5-225. He] The
508 commissioner shall take all due precautions to prevent the securing in
509 advance by any unauthorized person of any material to be used in any
510 examination under this chapter, unless such material is available for all
511 applicants. Statements of the former employers of applicants shall be
512 considered confidential and shall not be open to inspection by any
513 person.

514 Sec. 16. Subsection (b) of section 5-180 of the general statutes is
515 repealed and the following is substituted in lieu thereof (*Effective July 1,*
516 *2023*):

517 (b) The war service before September 1, 1939, of a veteran who
518 became a member after September 1, 1939, and the war service or
519 military service during a national emergency declared by the President
520 of the United States on and after September 1, 1939, of a veteran who
521 became a member at any time, shall be counted as state service if the
522 member makes retirement contributions for each month of war service
523 as defined in section 27-103 and described in subdivision [(28)] (27) of
524 section 5-196, as amended by this act, or for each month of such service
525 during a national emergency, as the case may be. Any veteran who
526 becomes a member on or after July 1, 1975, shall not receive credit for
527 such war or military service if such member has received or is entitled
528 to receive any retirement allowance for the same years of such service
529 from the federal government. Any veteran who is a member and who
530 has not made application for such credit prior to July 1, 1975, shall not
531 receive credit for such 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 unless such member makes application for
534 such credit to the Retirement Commission on or before October 1, 1975,
535 and makes retirement contributions for each month of such service in
536 accordance with the provisions of this subsection. The Comptroller of
537 the state may notify each employee of this provision on or before
538 September 1, 1975. Such contributions shall equal one-twelfth of four
539 per cent of his first year's salary as a state employee multiplied by the
540 total number of months of such war service or national emergency
541 service and, if such employee became a member after April 1, 1958, shall
542 be accompanied by interest at four per cent per year from the time such
543 war service was rendered or from September 1, 1939, whichever is later,
544 until the date of payment or January 1, 1962, whichever is earlier. Such
545 contributions may be paid by payroll deductions as determined by the
546 Retirement Commission over a period not to exceed thirty-six months,
547 interest thereon to be paid not later than the last day of the month
548 following the payment of the last of such deductions. Service credit for
549 retirement purposes shall not be granted unless payment of
550 contributions and interest is completed. No credit shall be given
551 hereunder for military service during a national emergency to any state
552 employee who has served less than ten years as a permanent full-time
553 state employee, nor for any such military service beyond a total period
554 of his compulsory service, if any, plus three years.

555 Sec. 17. Subsection (b) of section 5-241 of the general statutes is
556 repealed and the following is substituted in lieu thereof (*Effective July 1,*
557 *2023*):

558 (b) An appointing authority desiring to lay off an employee shall give
559 him not less than two weeks' notice in writing, stating the reason for
560 such action, except that in the case of an employee, as defined in section
561 5-196, as amended by this act, who is not covered by a collective
562 bargaining agreement and who has been in the classified service for (1)
563 at least five but not more than ten years, the appointing authority shall
564 provide at least four weeks' notice, (2) more than ten but not more than
565 fifteen years, the appointing authority shall provide at least six weeks'

566 notice, (3) more than fifteen years, the appointing authority shall
567 provide at least eight weeks' notice. A copy of such notice shall
568 immediately be forwarded to the Commissioner of Administrative
569 Services. The commissioner shall arrange to have the employee
570 transferred to a vacancy in the same or a comparable class or in any
571 other position the employee is qualified to fill in any department,
572 agency or institution. If there is no vacancy available or the employee
573 refuses to accept the transfer, the commissioner shall cause the name of
574 such employee to be placed on the reemployment list for the
575 appropriate class for which such employee has attained permanent
576 status or has the ability to qualify, as determined by the commissioner.
577 During the period any employee is entitled to remain on the
578 reemployment list, such an employee shall be rehired in the
579 classification from which he or she was laid off or for which he or she is
580 qualified, as vacancies occur, in the reverse order of layoff. Any
581 employee who is rehired from a reemployment or other employment
582 list into a classification in which he or she had prior status shall not be
583 required to complete a new working test period, as defined in
584 subdivision [(27)] (26) of section 5-196, as amended by this act.

585 Sec. 18. Subsection (a) of section 45a-54 of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective July 1,*
587 *2023*):

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

600 the judge or employee first becomes a member or within one year of
 601 October 1, 1994, whichever is later.

602 Sec. 19. Sections 5-199c, 5-223, 5-225 and 5-239a of the general statutes
 603 are repealed. (Effective July 1, 2023)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	5-196
Sec. 2	July 1, 2023	5-215a
Sec. 3	July 1, 2023	5-216
Sec. 4	July 1, 2023	5-217
Sec. 5	July 1, 2023	5-218
Sec. 6	July 1, 2023	5-219
Sec. 7	July 1, 2023	5-221
Sec. 8	July 1, 2023	New section
Sec. 9	July 1, 2023	5-224
Sec. 10	July 1, 2023	5-227b(a)
Sec. 11	July 1, 2023	5-228
Sec. 12	July 1, 2023	5-233
Sec. 13	July 1, 2023	5-235(c) and (d)
Sec. 14	July 1, 2023	5-239
Sec. 15	July 1, 2023	5-200(f)
Sec. 16	July 1, 2023	5-180(b)
Sec. 17	July 1, 2023	5-241(b)
Sec. 18	July 1, 2023	45a-54(a)
Sec. 19	July 1, 2023	Repealer section

Statement of Legislative Commissioners:

In Section 1(4) "to a job opening" was deleted to eliminate redundant language; Section 10(a)(4) was rewritten for clarity; and in Section 15 "[, except as provided in section 5-225.] He" was replaced with "[, except as provided in section 5-225. He] The commissioner" for clarity.

LAB Joint Favorable Subst. -LCO

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 bill makes various changes to the state hiring process which do not result in any fiscal impact.

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

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)