

Amendment to SB 74-FN

1 Amend RSA 21-I:42, III as inserted by section 5 of the bill by replacing it with the following:

2
3 III. ~~[Allocating]~~ **Assigning** the position of every employee in the classified service to one of
4 the classifications in the classification plan.

5
6 Amend RSA 21-I:54, I, II, and III as inserted by section 6 of the bill by replacing it with the
7 following:

8
9 I. Notwithstanding any provision of law to the contrary, no new position in the classified
10 service for employment of over one calendar year shall be established except upon approval of the
11 governor and council. A request from a department head for additional personnel beyond those
12 considered as line items in the budget as enacted as a budgetary amount, if said employment is for a
13 period in excess of one calendar year, shall be considered a new position requiring the approval as
14 specified in this section. In addition, a request made either to the division of personnel or the
15 governor and council for the reclassification ~~[or reallocation]~~ of positions to a different ~~[class-series]~~
16 **occupational group** shall be considered as a request for a new position and shall require the
17 approval of the governor and council, except as provided in RSA 21-I:56, IV.

18 II. The division of personnel shall submit to the general court on or before January 15 of
19 each legislative year a report containing a list of all new positions created subsequent to the report
20 made to the preceding session of the general court giving the reason for the action taken in each case
21 and stating clearly the effect of such action upon the amounts for personnel services appropriated by
22 the preceding general court. The report shall also include a list of all reclassifications ~~[or~~
23 ~~reallocations]~~ of positions allowed during the previous year by either the director or the personnel
24 appeals board. The report shall state how many employees were affected by each reclassification ~~[or~~
25 ~~reallocation]~~ and the cost of each reclassification ~~[or reallocation]~~.

26 III. The director shall make a decision on any request for reclassification ~~[or reallocation]~~
27 from department heads or position incumbents within 45 days of receipt of a completed request for
28 reclassification or reallocation as defined by rules adopted under RSA 21-I:43, II(u). Except as
29 otherwise provided by law, rule, or bargaining agreement negotiated under the provisions of RSA
30 273-A, no ~~[increases in salary]~~ **changes in compensation** shall be allowed for any request until a
31 final decision is made by the director, or if the director's decision is appealed, by the personnel
32 appeals board. ~~[Increases in salary]~~ **Changes in compensation** due to reclassification ~~[or~~

Amendment to SB 74-FN

- Page 2 -

1 ~~reallocation]~~ shall become effective at the beginning of the next pay period following the final
2 decision of the director [~~or the board~~].

3

4 Amend the bill by replacing section 7 with the following:

5

6 7 Classification of Review. Amend RSA 21-I:57 to read as follows:

7 21-I:57 [~~Allocation]~~ **Classification** Review. The employee or the department head, or both,
8 affected by the [~~allocation]~~ **classification** of a position in a classification plan shall have an
9 opportunity to request a review of that [~~allocation]~~ **classification** in accordance with rules adopted
10 by the director under RSA 541-A, provided such request is made within 15 days of the [~~allocation]~~
11 **classification**. If a review is requested by an employee, the director shall contact the employee's
12 department head to determine how the employee's responsibilities and duties relate to the
13 responsibilities and duties of similar positions throughout the state. The employee or department
14 head, or both, shall have the right to appeal the director's decision to the personnel appeals board in
15 accordance with rules adopted by the board under RSA 541-A. If the board determines that an
16 individual is not properly classified in accordance with the classification plan or the director's rules,
17 it shall issue an order requiring the director to make a correction.

18

19 Amend the bill by replacing section 9 with the following:

20

21 9 New Paragraphs; Terms Defined. Amend RSA 98-A:1 by inserting after paragraph V the
22 following new paragraphs:

23 VI. "Temporary position" shall mean a position approved by the director of personnel that is
24 either a full-time or part-time position expected to last for a limited duration.

25 VII. "Permanent position" shall mean a full-time position lasting more than 12 months that
26 is authorized by the legislature and whose classification title is approved by the director of
27 personnel.

28 VIII. "Seasonal position" shall mean a full-time or part-time position, the need for which
29 may reasonably be anticipated as likely to recur each year for a varying period of months.

30

31 Amend the bill by replacing all after section 10 with the following:

32

33 11 Temporary, Seasonal and Part-Time Employees. Amend RSA 98-A:3 to read as follows:

34 98-A:3 Position Made Permanent. Any person [~~appointed under~~] **servicing in** a temporary
35 [~~appointment~~] **position** or any person [~~appointed under~~] **servicing in** a seasonal [~~appointment~~]
36 **position** who works the equivalent of 6 months or more, not necessarily consecutively, in any 12-
37 month period shall be deemed to be respectively a permanent temporary employee or a permanent

Amendment to SB 74-FN

- Page 3 -

1 seasonal employee and entitled to all the rights and benefits of a permanent employee in the
2 classified service of the state.

3 12 Working on a Part-Time Basis. Amend RSA 98-A:6 to read as follows:

4 98-A:6 Working on a Part-Time Basis. An individual working on a part-time basis shall not be
5 eligible to utilize either sick or annual leave but at each anniversary of employment should the total
6 working time during the preceding year amount to the equivalent of [~~6 months or more he or she~~]
7 ***an amount of time specified in the applicable collective bargaining agreement and the***
8 ***personnel rules, they*** shall be paid all accumulated annual leave not in excess of that which may
9 be allowed in rules adopted by the division of personnel.

10 13 Health and Dental Benefits. Amend RSA 98-A:6-d to read as follows:

11 98-A:6-d Health and Dental Benefits. Any individual employed in state service [~~under~~] ***in a***
12 ***temporary or seasonal [appointment] position,*** as defined in this chapter, who has not been deemed
13 permanent and whose employment calls for 30 hours or more work in a normal calendar week, but
14 whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to
15 participate at [~~his or her~~] ***their*** own expense in the group health and dental insurance plans afforded
16 full-time state employees. The costs of health and dental benefits which any such individual elects
17 to receive pursuant to this section shall be withheld from such individual's salary as a payroll
18 deduction. The department of administrative services shall be authorized to invoice the individual
19 for any amounts not paid through a payroll deduction.

20 14 Salary Schedules. Amend RSA 99:1-a to read as follows:

21 99:1-a [~~Salary~~] ***Pay*** Schedules. The department of administrative services shall develop and
22 implement ***a compensation structure*** for the executive branch. [~~such salary~~] ***It shall implement***
23 ***pay schedules within such structure*** as authorized by collective bargaining agreements between
24 the state and an employee organization and subject to appropriation. The department shall apply
25 the appropriate [~~salary~~] ***pay*** schedules to all unrepresented employees. The department shall post
26 base [~~salary~~] ***pay*** schedules on its public Internet website. ***The department shall also apply the***
27 ***appropriate pay and benefits authorized by collective bargaining agreements between the***
28 ***state and an employee organization to all unrepresented employees aligned with such***
29 ***employee organization.***

30 15 Attendants. Amend RSA 99:3-a to read as follows:

31 99:3-a Attendants. Employees in the several attendant classifications within state institutions
32 who have successfully completed an in-service training program approved by the personnel
33 commission shall receive a [~~one salary~~] ***one-step*** grade increase to a new classification of psychiatric
34 aide.

35 16 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

36 99:4 [~~Salary~~] ***Pay*** Adjustment Fund. Whereas the appropriations for personal services in state
37 departments and institutions include an annual increment for each position, and whereas upon

Amendment to SB 74-FN

- Page 4 -

1 occasion due to vacancies and personnel turnover, [salaries] *pay*, increment increases and longevity
2 as provided by the appropriations are not needed for said positions, each quarter the department of
3 administrative services shall transfer said amount from the departmental or institutional
4 appropriation to a special account to be known as the [salary] *pay* adjustment fund. This fund shall
5 lapse at the end of each fiscal year and revert to the appropriate fund. Under no circumstances will
6 this fund be used for temporary positions or new positions. Upon the certification of the director of
7 personnel, subject to the approval of governor and council, the [salary] *pay* adjustment fund shall be
8 available for transfer to departments and institutions in amounts that are deemed necessary to
9 comply with RSA 98.

10 17 Salary Adjustment. Amend RSA 99:4-a to read as follows:

11 99:4-a [Salary] *Pay* Adjustment. In the event [~~the authority granted to the director of the~~
12 ~~department of data processing by RSA 8 C:7 to increase the salary for a classified position in order to~~
13 ~~reeruit personnel is exercised~~] *the director of personnel has approved beginning*
14 *compensation at a step higher than the minimum step for original appointments of*
15 *employees at an agency, the appointing authority for that agency may file a written request*
16 *to the director of personnel that the [salaries] pay of all classified personnel in the same*
17 *classification [may] be increased [by the director of personnel] to the same amount if the director of*
18 *personnel determines that such approvals for new hires will result in difficulties with*
19 *retention of similarly situated current employees. Any such retention step increase shall be*
20 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
21 *such retention-based step increases shall specify the group of employees to which the*
22 *proposed increase shall apply, and shall include all similarly situated current employees*
23 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
24 *and physical work location. Any increase so made shall be a charge against the [salary] pay*
25 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*
26 *increase shall be a charge against such special fund. Any step increase granted under this*
27 *section shall not change the anniversary date of employees receiving the increase.*

28 18 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

29 99:4-b Certain Legislative [Salary] *Pay* Increases. The amount of all [salary] *pay* increases
30 granted to the legislative budget assistant, the director of legislative services, or to any employee of
31 either or both offices shall be a charge against the [salary] *pay* adjustment fund.

32 19 Military Service. Amend RSA 99:6 to read as follows:

33 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
34 United States [~~in World War I or World War II~~] *in accordance with USERRA*, and who, upon
35 termination of such *honorable* military service, returned to state service without employment
36 elsewhere may count [~~the~~] *that* time [øø] spent in such military service as continuous state service to
37 obtain benefits provided under RSA 94:4 and 99:5.

Amendment to SB 74-FN

- Page 5 -

1 20 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

2 99:8 Increases for Recruitment Purposes. Upon request of the appointing authority, the
3 governor and council are hereby authorized and empowered, notwithstanding any other provisions of
4 the law to the contrary, upon a finding by them and a recommendation from the director of personnel
5 that a ~~[substantial number of vacancies exist in any class of authorized positions which vacancies~~
6 ~~require]~~ an increase in ~~[salaries]~~ **pay is needed** for **successful** recruitment of qualified personnel **in**
7 **any job title** therefor, to increase ~~[salaries]~~ **pay** of such classified positions, any such increases to be
8 a charge against the ~~[salary]~~ **pay** adjustment fund.

9 21 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

10 99:10 N.H. State Prison and N.H. Hospital. Classified employees at the state prison and the
11 New Hampshire hospital who are continuously exposed to inmates or forensic patients daily in the
12 normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in
13 the amount of \$25 per week unless otherwise collectively bargained. ***The appointing authorities***
14 ***at the department of corrections may recommend that an employee receive hazardous duty***
15 ***pay, subject to final approval by the director of personnel.***

16 22 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

17 99:11 Differentials; Direct Care Employees.

18 II. Any direct care employee of the Laconia developmental services, certified capable of
19 administering medication under RSA 326-B:17, VII, shall receive a salary increase ~~[of one grade in~~
20 ~~the salary scale]~~ while authorized by the superintendent to administer medication.

21 ***III. The appointing authority at the department of health and human services and***
22 ***the New Hampshire Veterans Home may recommend that an employee receive a direct care***
23 ***pay differential, subject to final approval by the director of personnel.***

24 23 Repeal. The following are repealed:

25 I. RSA 21-I:55, relative to department of administrative services, exception, and department
26 of transportation.

27 II. RSA 98-A:4, relative to retroactive accumulation.

28 III. RSA 98-A:7, relative to temporary, seasonal and part-time state employees application
29 of statute.

30 IV. RSA 99:9, I and II, relative to adjustment of salaries of classified state employees.

31 V. RSA 99:12, relative to salary increases for nurses.

32 VI. RSA 99:13, relative to overtime for nurses at certain institutions.

33 VII. RSA 21-I:30, I, relative to medical and surgical benefits, is repealed.

34 24 Effective Date. This act shall take effect 60 days after its passage.

SB 74-FN - AS INTRODUCED

2023 SESSION

23-0967

06/08

SENATE BILL **74-FN**

AN ACT relative to the department of administrative services.

SPONSORS: Sen. Carson, Dist 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

I. This bill makes several changes to statutes related to the department of administrative services.

II. This bill repeals 7 statutes relative to department of administrative services and exception, department of transportation, temporary, seasonal and part-time state employees, and positions made permanent, retroactive accumulation, application of statute, adjustment of salaries of classified state employees, salary increases for nurses, and overtime for nurses at certain institutions.

III. This bill is a request of the department of administrative services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the department of administrative services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Division of Personnel. Amend introductory paragraph RSA 21-I:42 to read as follows:
2 21-I:42 Division of Personnel. There is hereby established within the department of
3 administrative services the division of personnel, under the supervision of an unclassified director of
4 personnel appointed under RSA 21-I:2, who shall ***be the only individual in the executive branch***
5 ***to refer to themselves as the director of personnel and hold such a title, whether in whole or***
6 ***in part, and who shall*** report to the commissioner and be responsible for the following functions in
7 accordance with applicable laws:

8 2 Division of Personnel. Amend RSA 21-I:42, I and VI to read as follows:

9 I. Managing a centralized [~~personnel operation~~] ***human resources processing operations***
10 ***unit*** which shall provide for the recruitment, appointment, compensation, promotion, transfer,
11 layoff, removal and discipline of state employees.

12 VI. Developing a program for the recruitment, selection, placement, and retention of
13 qualified applicants in the state service. [~~The department shall obtain the approval of the fiscal~~
14 ~~committee of the general court prior to developing or implementing the program. Upon approval, the~~
15 ~~program may include:~~

16 (a) ~~Expenditures by state agencies for recruitment and retention incentives, including~~
17 ~~but not limited to:~~

18 (1) ~~Bonuses for newly hired applicants who have not been employed by the state for~~
19 ~~a period of time to be determined by the director, but no less than one year, immediately preceding~~
20 ~~the date of hire; and~~

21 (2) ~~Referral fees for active employees of the state in good standing, excluding those~~
22 ~~employed in human resources jobs within their own agencies and hiring manager positions.~~

23 (b) ~~Any recruitment or retention incentives received by a state employee pursuant to~~
24 ~~this paragraph shall not be considered gifts under RSA 15-B.~~

25 (c) ~~Referral of applicants by current employees of the state for the purpose of receiving a~~
26 ~~referral fee pursuant to this paragraph shall not be considered a misuse of position under RSA 21-~~
27 ~~G:23, provided that any rules adopted by the director pursuant to RSA 21-I:43, II or any directives~~
28 ~~issued by the director pursuant to RSA 21-I:42, XV require that the benefits of a referral program~~
29 ~~shall be equally available to all state employees, except as specified in subparagraph (a)(2), and~~
30 ~~subject to uniform criteria established by the director.~~

SB 74-FN - AS INTRODUCED

- Page 2 -

1 ~~(d) Any expenditures made for recruitment or retention incentives pursuant to this~~
2 ~~paragraph shall be considered a matter of legislatively enacted public policy that is designed to~~
3 ~~benefit employees and the state, and that is confined exclusively to the public employer by statute as~~
4 ~~provided in RSA 273-A:1, XI, and which shall not be subject to collective bargaining. Nothing in this~~
5 ~~paragraph shall be construed to invalidate any portion of a collective bargaining agreement entered~~
6 ~~into by the state.~~

7 ~~(e) Any expenditures for recruitment or retention incentives or bonuses pursuant to this~~
8 ~~paragraph shall require the approval of the fiscal committee of the general court.]~~

9 3 New Paragraph; Classified Service and Exemptions. Amend RSA 21-I:49 by inserting after
10 paragraph X the following new paragraph:

11 XI. Those appointed to unclassified or non-classified positions by a chief executive officer of
12 each department and institution and independent agency.

13 4 Appeals. Amend RSA 21-I:58, I to read as follows:

14 I. Any ~~permanent~~ **full-time** employee **having completed the applicable probationary**
15 **period** who is affected by any application of the personnel rules, except for those rules enumerated
16 in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-
17 I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to
18 the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative
19 proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was
20 taken by the appointing authority for any reason related to politics, religion, age, sex, gender
21 identity, race, color, ethnic background, marital status, or disabling condition, or on account of the
22 person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director,
23 the employee shall be reinstated to the employee's former position or a position of like seniority,
24 status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall
25 be equal to the salary loss suffered during the period of denied compensation less any amount of
26 compensation earned or benefits received from any other source during the period. "Any other
27 source" shall not include compensation earned from continued casual employment during the period
28 if the employee held the position of casual employment prior to the period, except to the extent that
29 the number of hours worked in such casual employment increases during the period. In all cases,
30 the personnel appeals board may reinstate an employee or otherwise change or modify any order of
31 the appointing authority, or make such other order as it may deem just.

32 5 Division of Personnel. Amend RSA 21-I:42, III to read as follows:

33 III. ~~Allocating~~ The position of every employee in the classified service to one of the
34 classifications in the classification plan.

35 6 New Positions and Reclassifications of Positions. Amend RSA 21-I:54, I, II, and III to read as
36 follows:

1 I. Notwithstanding any provision of law to the contrary, no new position in the classified
 2 service for employment of over one calendar year shall be established except upon approval of the
 3 governor and council. A request from a department head for additional personnel beyond those
 4 considered as line items in the budget as enacted as a budgetary amount, if said employment is for a
 5 period in excess of one calendar year, shall be considered a new position requiring the approval as
 6 specified in this section. In addition, a request made either to the division of personnel or the
 7 governor and council for the reclassification or reallocation of positions to a different [~~class series~~]
 8 **occupational group** shall be considered as a request for a new position and shall require the
 9 approval of the governor and council, except as provided in RSA 21-I:56, IV.

10 II. The division of personnel shall submit to the general court on or before January 15 of
 11 each legislative year a report containing a list of all new positions created subsequent to the report
 12 made to the preceding session of the general court giving the reason for the action taken in each case
 13 and stating clearly the effect of such action upon the amounts for personnel services appropriated by
 14 the preceding general court. The report shall also include a list of all reclassifications [~~or~~
 15 ~~reallocations~~] of positions allowed during the previous year by either the director or the personnel
 16 appeals board. The report shall state how many employees were affected by each reclassification [~~or~~
 17 ~~reallocation~~] and the cost of each reclassification or reallocation.

18 III. The director shall make a decision on any request for reclassification [~~or reallocation~~]
 19 from department heads or position incumbents within 45 days of receipt of a completed request for
 20 reclassification or reallocation as defined by rules adopted under RSA 21-I:43, II(u). Except as
 21 otherwise provided by law, rule, or bargaining agreement negotiated under the provisions of RSA
 22 273-A, no [~~increases in salary~~] **changes in compensation** shall be allowed for any request until a
 23 final decision is made by the director, or if the director's decision is appealed, by the personnel
 24 appeals board. [~~Increases in salary~~] **Changes in compensation** due to reclassification [~~or~~
 25 ~~reallocation~~] shall become effective at the beginning of the next pay period following the final
 26 decision of the director or the board.

27 7 Allocation of Review. Amend RSA 21-I:57 to read as follows:

28 21-I:57 [~~Allocation~~] **Classification** Review. The employee or the department head, or both,
 29 affected by the [~~allocation~~] **classification** of a position in a classification plan shall have an
 30 opportunity to request a review of that [~~allocation~~] **classification** in accordance with rules adopted
 31 by the director under RSA 541-A, provided such request is made within 15 days of the allocation. If
 32 a review is requested by an employee, the director shall contact the employee's department head to
 33 determine how the employee's responsibilities and duties relate to the responsibilities and duties of
 34 similar positions throughout the state. The employee or department head, or both, shall have the
 35 right to appeal the director's decision to the personnel appeals board in accordance with rules
 36 adopted by the board under RSA 541-A. If the board determines that an individual is not properly

1 classified in accordance with the classification plan or the director's rules, it shall issue an order
2 requiring the director to make a correction.

3 8 Terms Defined. Amend RSA 98-A:1 to read as follows:

4 I. "Temporary [~~appointment~~] **employee**" shall mean [~~an appointment made to fill a~~
5 ~~temporary position on a full-time basis for the period of appointment~~] **any person who is**
6 **appointed to fill a position on a full-time or part-time basis for a limited duration.**

7 II. "Seasonal [~~appointment~~] **employee**" shall mean [~~an appointment made~~] **any person who**
8 **is appointed** to fill a seasonal position on a full-time **or part-time** basis [~~for the period of~~
9 ~~appointment. A seasonal appointment is one which may reasonably be~~] **for a limited duration**
10 **that is** anticipated as likely to recur each year for a varying number of months.

11 III. [~~"The equivalent of 6 months or more " shall mean the equivalent of 130 or more~~
12 ~~regularly scheduled work days, not necessarily consecutive, provided that whenever an employee of~~
13 ~~the lottery commission is employed on any day on a per diem basis he or she shall be deemed to have~~
14 ~~worked one day.] **"Permanent employee" shall mean any person in a full-time position,**
15 **including full-time temporary and seasonal positions, who completes a 12-month initial**
16 **probationary period.**~~

17 IV. "Full-time basis" shall refer to employment calling for not less than 37 1/2 hours work in
18 a normal calendar week or calling for not less than 40 hours work in a normal calendar week with
19 respect to positions for which 40 hours are customarily required **unless otherwise collectively**
20 **bargained.**

21 V. "Part-time basis" shall refer to employment calling for less than 37 1/2 hours work in a
22 normal calendar week or calling for less than 40 hours work in a normal calendar week with respect
23 to positions for which 40 hours are customarily required **unless otherwise collectively bargained.**

24 9 New Paragraphs; Terms Defined. Amend RSA 98-A:1 by inserting after paragraph V the
25 following new paragraphs:

26 VI. "Temporary position" shall mean a full-time position authorized by the director of
27 personnel and expected to last less than 6 months.

28 VII. "Permanent position" shall mean a full-time position that, for positions lasting more
29 than 12 months, is authorized by the legislature, or for positions lasting from 6 to 12 months, is
30 authorized by the director of personnel.

31 VIII. "Seasonal position" shall mean a full-time or part-time position, the need for which
32 may reasonably be anticipated as likely to recur each year for a varying period of months.

33 10 Requirements. Amend RSA 98-A:2 to read as follows:

34 98-A:2 Requirements. All [~~temporary~~] appointments to **temporary positions in** state service
35 shall be [~~made~~] **filled** in the first instance from appropriate state [~~personnel registers~~] **layoff lists.**
36 If applicants from such [~~registers~~] **lists** are not available any individual meeting the minimum
37 qualifications of the position may be certified by the director of personnel. [~~Seasonal appointments~~]

1 **Appointments to seasonal positions** shall be ~~made~~ **filled** from the appropriate state ~~personnel~~
 2 ~~register~~ **layoff lists**. If after the director of personnel has made a reasonable effort to certify
 3 ~~eligibles~~ **eligible individuals** for seasonal ~~appointments~~ **positions** from an existing eligible
 4 ~~register~~ **layoff list**, ~~he~~ **and they** ~~shall~~ find it impracticable to make a certification, ~~he~~ **they**
 5 may authorize the seasonal ~~appointment~~ **position** to be ~~made of~~ **filled by** an individual
 6 designated by the appointing authority.

7 11 Working on a Part-Time Basis. Amend RSA 98-A:6 to read as follows:

8 98-A:6 Working on a Part-Time Basis. An individual working on a part-time basis shall not be
 9 eligible to utilize either sick or annual leave ~~but at each anniversary of employment should the total~~
 10 ~~working time during the preceding year amount to the equivalent of 6 months or more he or she~~
 11 ~~shall be paid all accumulated annual leave not in excess of that which may be allowed in rules~~
 12 ~~adopted by the division of personnel~~.

13 12 Health and Dental Benefits. Amend RSA 98-A:6-d to read as follows:

14 98-A:6-d Health and Dental Benefits. Any individual employed in state service ~~under~~ **in** a
 15 temporary or seasonal ~~appointment~~ **position**, as defined in this chapter, who has not been deemed
 16 permanent and whose employment calls for 30 hours or more work in a normal calendar week, but
 17 whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to
 18 participate at his or her own expense in the group health and dental insurance plans afforded full-
 19 time state employees. The costs of health and dental benefits which any such individual elects to
 20 receive pursuant to this section shall be withheld from such individual's salary as a payroll
 21 deduction. The department of administrative services shall be authorized to invoice the individual
 22 for any amounts not paid through a payroll deduction.

23 13 Salary Schedules. Amend RSA 99:1-a to read as follows:

24 99:1-a Salary Schedules. The department of administrative services shall develop and
 25 implement **a compensation structure** for the executive branch. ~~such salary~~ **It shall implement**
 26 **pay** schedules **within such structure** as authorized by collective bargaining agreements between
 27 the state and an employee organization and subject to appropriation. The department shall apply
 28 the appropriate ~~salary~~ **pay** schedules to all unrepresented employees. The department shall post
 29 base ~~salary~~ **pay** schedules on its public Internet website. **The department shall also apply the**
 30 **appropriate benefits authorized by collective bargaining agreements between the state and**
 31 **an employee organization to all unrepresented employees aligned with such employee**
 32 **organization.**

33 14 Attendants. Amend RSA 99:3-a to read as follows:

34 99:3-a Attendants. Employees in the several attendant classifications within state institutions
 35 who have successfully completed an in-service training program approved by the personnel
 36 commission shall receive a ~~one salary~~ **one-step** grade increase to a new classification of psychiatric
 37 aide.

SB 74-FN - AS INTRODUCED

- Page 6 -

1 15 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

2 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state
3 departments and institutions include an annual increment for each position, and whereas upon
4 occasion due to vacancies and personnel turnover, [~~salaries~~] **pay**, increment increases and longevity
5 as provided by the appropriations are not needed for said positions, each quarter the department of
6 administrative services shall transfer said amount from the departmental or institutional
7 appropriation to a special account to be known as the [~~salary~~] **pay** adjustment fund. This fund shall
8 lapse at the end of each fiscal year and revert to the appropriate fund. Under no circumstances will
9 this fund be used for temporary positions or new positions. Upon the certification of the director of
10 personnel, subject to the approval of governor and council, the [~~salary~~] **pay** adjustment fund shall be
11 available for transfer to departments and institutions in amounts that are deemed necessary to
12 comply with RSA 98.

13 16 Salary Adjustment. Amend RSA 99:4-a to read as follows:

14 99:4-a [~~Salary~~] **Pay** Adjustment. In the event [~~the authority granted to the director of the~~
15 ~~department of data processing by RSA 8-C:7 to increase the salary for a classified position in order to~~
16 ~~recruit personnel is exercised]~~ **the director of personnel has approved beginning**
17 **compensation at a step higher than the minimum step for original appointments of**
18 **employees at an agency, the appointing authority for that agency may file a written request**
19 **to the director of personnel that** the [~~salaries~~] **pay** of all classified personnel in the same
20 classification [~~may~~] be increased [~~by the director of personnel~~] to the same amount **if the director of**
21 **personnel determines that such approvals for new hires will result in difficulties with**
22 **retention of similarly situated current employees. A request for any such retention-based**
23 **step increases shall specify the group of employees to which the proposed increase shall**
24 **apply, and shall include all similarly situated current employees within an agency,**
25 **division, or bureau, taking into consideration job title, scope of duties, and physical work**
26 **location.** Any increase so made shall be a charge against the salary adjustment fund or if the
27 department in which the position occurs is financed by a special fund, such increase shall be a
28 charge against such special fund **Any step increase granted under this section shall not**
29 **change the anniversary date of employees receiving the increase.**

30 17 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

31 99:4-b Certain Legislative [~~Salary~~] **Pay** Increases. The amount of all [~~salary~~] **pay** increases
32 granted to the legislative budget assistant, the director of legislative services, or to any employee of
33 either or both offices shall be a charge against the [~~salary~~] **pay** adjustment fund.

34 18 Military Service. Amend RSA 99:6 to read as follows:

35 99:6 Military Service. Any person who **has** left state service to enter **the** armed forces of the
36 United States [~~in World War I or World War II]~~ **in accordance with USERRA**, and who, upon
37 termination of such **honorable** military service, returned to state service without employment

SB 74-FN - AS INTRODUCED

- Page 7 -

1 elsewhere may count ~~the~~ **that** time ~~so~~ spent in such military service as continuous state service to
2 obtain benefits provided under RSA 94:4 and 99:5.

3 19 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

4 99:8 Increases for Recruitment Purposes. Upon request of the appointing authority, the
5 governor and council are hereby authorized and empowered, notwithstanding any other provisions of
6 the law to the contrary, upon a finding by them and a recommendation from the director of personnel
7 that a ~~[substantial number of vacancies exist in any class of authorized positions which vacancies~~
8 ~~require]~~ an increase in ~~[salaries]~~ **pay is needed for successful** recruitment of qualified personnel **in**
9 **any job title** therefor, to increase ~~[salaries]~~ **pay** of such classified positions, any such increases to be
10 a charge against the ~~[salary]~~ **pay** adjustment fund.

11 20 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

12 99:10 N.H. State Prison and N.H. Hospital. Classified employees at the state prison and the
13 New Hampshire hospital who are continuously exposed to inmates or forensic patients daily in the
14 normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in
15 the amount of \$25 per week unless otherwise collectively bargained. **The appointing authorities**
16 **at the department of corrections and the department of health and human services may**
17 **recommend that an employee receive hazardous duty pay, subject to final approval by the**
18 **director of personnel.**

19 21 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

20 99:11 Differentials; Direct Care Employees.

21 II. Any direct care employee of the Laconia developmental services, certified capable of
22 administering medication under RSA 326-B:17, VII, shall receive a salary increase ~~[of one grade in~~
23 ~~the salary scale]~~ while authorized by the superintendent to administer medication.

24 **III. The appointing authority at the department of health and human services may**
25 **recommend that an employee receive a direct care pay differential, subject to final**
26 **approval by the director of personnel.**

27 22 Repeal. The following are repealed:

28 I. RSA 21-I:55, relative to department of administrative services, exception, and department
29 of transportation.

30 II. RSA 98-A:3, relative to temporary, seasonal and part-time state employees, and positions
31 made permanent.

32 III. RSA 98-A:4, relative to retroactive accumulation.

33 IV. RSA 98-A:7, relative to temporary, seasonal and part-time state employees application of
34 statute.

35 V. RSA 99:9, I and II, relative to adjustment of salaries of classified state employees.

36 VI. RSA 99:12, relative to salary increases for nurses.

37 VII. RSA 99:13, relative to overtime for nurses at certain institutions.

SB 74-FN - AS INTRODUCED

- Page 8 -

- 1 VIII. RSA 21-I:30, I, relative to medical and surgical benefits, is repealed.
- 2 23 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0967
1/17/23

**SB 74-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the department of administrative services.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of Administrative Services

CONSENT CALENDAR

April 26, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred SB 74-FN,

AN ACT relative to the department of administrative services. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Executive Departments and Administration |
| Bill Number: | SB 74-FN |
| Title: | relative to the department of administrative services. |
| Date: | April 26, 2023 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2023-1502h |

STATEMENT OF INTENT

This bill, a request of the department of administrative services, makes a number of minor changes to the statutes governing the state personnel system; the amendment continues the cleanup and modernization of language in these statutes. The most significant change is adding the authority for a manager to request an adjustment of the pay step within a labor grade for inequities created when new employees in the same positions have been hired at higher steps. Such change would still be subject to bargaining.

Vote 18-0.

Rep. Carol McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

SB 74-FN, relative to the department of administrative services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, a request of the department of administrative services, makes a number of minor changes to the statutes governing the state personnel system; the amendment continues the cleanup and modernization of language in these statutes. The most significant change is adding the authority for a manager to request an adjustment of the pay step within a labor grade for inequities created when new employees in the same positions have been hired at higher steps. Such change would still be subject to bargaining. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 74-FN

BILL TITLE: relative to the department of administrative services.

DATE: April 26, 2023

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:20 a.m.

Committee Members: Reps. C. McGuire, Simon, T. Lekas, Bailey, Santonastaso, True, T. Dolan, Abare, Gerhard, Grote, P. Schmidt, Goley, Schuett, Grassie, F. Davis, Fitzpatrick, S. Gould and Juliet Smith

Bill Sponsors:
Sen. Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Grant Bosse introduced the bill for Senator Carson who filed the bill at the request of DAS to assist with recruitment. The bill passed the Senate ED&A and Senate Finance.

Rep Carol McGuire – Merrimack 27 – offered amendment 2023-1502h to address the legalese of the bill ad requested by DAS. The amendment was discussed with Senator Carson who raised no objection.

Mr Charles Arlinghouse was represented by **Ms Cassie Keane**, deputy director of DAS, and Lori Ruiz, director of personnel at DAS, who stated that this bill updates the personnel. System established over 50 years ago. There are 2000 working titles on file and these are being reduced and mapped to a national system. More update terms such as reallocation will replace reallocation.

Rep Schmidt asked about possible involvement of JCEC but this is not necessary at this time.

Rep Lekas asked if removal of “or the board” the only change in section 6 – yes

There was a discussion on line 14 on page 6 of the original bill regarding grade and incentives for retention. Much of this has already been done but statute addresses future needs.

Respectfully Submitted,

Rep Jaci Grote
Acting Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB74 on 20
Support: 1 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>S</u> |
|--------------------|--|------------------------|---------------------|-----------------|-------------------|--------------------|----------|
| Richardson, Daniel | Nashua, NH daniel6_22@comcast.net | A Member of the Public | Myself | Support | No | No | 4 |

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 74-FN

BILL TITLE: relative to the department of administrative services.

DATE: April 26, 2023

LOB ROOM: 306-308

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. C. McGuire Seconded by Rep. S. Gould AM Vote: 18-0

Amendment # 2023-1502h

Moved by Rep. C. McGuire Seconded by Rep. Simon Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jaci Grote, Acting Clerk



2023 SESSION

Executive Departments and Administration

Bill #: SB74 Motion: make a 2nd amendment AM #: 1502h Exec Session Date: 4/26/2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| McGuire, Carol M. Chairman | ✓ | | |
| Simon, Matthew J. Vice Chairman | ✓ | | |
| Lekas, Tony | ✓ | | |
| Bailey, Glenn | ✓ | | |
| Santonastaso, Matthew | | | |
| True, Chris | ✓ | | |
| Dolan, Tom | ✓ | | |
| Abare, Kimberly L | ✓ | | |
| Gerhard, Jason | ✓ | | |
| Sirois, Shane A Clerk | | | |
| Grote, Jaci L. | ✓ | | |
| Schmidt, Peter B. | ✓ | | |
| Goley, Jeffrey P. | ✓ | | |
| Schuett, Dianne E. | ✓ | | |
| O'Brien, Michael B. <i>Hornigan, Jim</i> | ✓ | | |
| Grassie, Chuck W. | ✓ | | |
| Davis, Fred E. | ✓ | | |
| Fitzpatrick, Daniel W | ✓ | | |
| Gould, Sherry L | ✓ | | |
| Smith, Juliet L | ✓ | | |
| TOTAL VOTE: | 18-0 | 0 | |



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

4/26/2023 9:51:41 AM
Roll Call Committee Registers
Report

2023 SESSION

Executive Departments and Administration

Bill #: SB74 Motion: OTPA AM #: 1502 Exec Session Date: 4/26/2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---|-------------|-------------|-----------|
| McGuire, Carol M. Chairman | ✓ | | |
| Simon, Matthew J. Vice Chairman | ✓ | | |
| Lekas, Tony | ✓ | | |
| Bailey, Glenn | ✓ | | |
| Santonastaso, Matthew | | | |
| True, Chris | ✓ | | |
| Dolan, Tom | ✓ | | |
| Abare, Kimberly L | ✓ | | |
| Gerhard, Jason | ✓ | | |
| Sirois, Shane A Clerk | | | |
| Grote, Jaci L. | ✓ | | |
| Schmidt, Peter B. | ✓ | | |
| Goley, Jeffrey P. | ✓ | | |
| Schuett, Dianne E. | ✓ | | |
| O'Brien, Michael B. <u>Hornigan, Jim</u> | ✓ | | |
| Grassie, Chuck W. | ✓ | | |
| Davis, Fred E. | ✓ | | |
| Fitzpatrick, Daniel W | ✓ | | |
| Gould, Sherry L | ✓ | | |
| Smith, Juliet L | ✓ | | |
| TOTAL VOTE: | 18 | 0 | |