

LEGISLATIVE COMMITTEE MINUTES

SB74

Bill as
Introduced

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.~~

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.

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

1 elsewhere may count [the] *that* time [se] 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.

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- 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

SB 74-FN - AS AMENDED BY THE SENATE

03/09/2023 0666s

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SB 74-FN - AS AMENDED BY THE SENATE

- Page 2 -

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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,
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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.

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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. Any such retention step increase shall be*
23 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
24 *such retention-based step increases shall specify the group of employees to which the*
25 *proposed increase shall apply, and shall include all similarly situated current employees*
26 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
27 *and physical work location. Any increase so made shall be a charge against the salary*
28 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*
29 *increase shall be a charge against such special fund. Any step increase granted under this*
30 *section shall not change the anniversary date of employees receiving the increase.*

31 17 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

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

35 18 Military Service. Amend RSA 99:6 to read as follows:

36 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
37 United States [~~in World War I or World War II]~~ *in accordance with USERRA*, and who, upon

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1 termination of such *honorable* military service, returned to state service without employment
2 elsewhere may count ~~the~~ *that* time ~~so~~ spent in such military service as continuous state service to
3 obtain benefits provided under RSA 94:4 and 99:5.

4 19 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

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

12 20 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

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

20 21 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

21 99:11 Differentials; Direct Care Employees.

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

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

28 22 Repeal. The following are repealed:

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

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

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

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

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

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

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- 1 VII. RSA 99:13, relative to overtime for nurses at certain institutions.
- 2 VIII. RSA 21-I:30, I, relative to medical and surgical benefits, is repealed.
- 3 23 Effective Date. This act shall take effect 60 days after its passage.

SB 74-FN- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDEMENT #2023-0666s)

AN ACT relative to the department of administrative services.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Other Various Agency Funds	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

METHODOLOGY:

This bill makes various changes to the Director of Personnel (DOP) within the Department of Administrative Services. It also adds a provision allowing DOP to address instances where a new hire's rate of pay, in the same position, is higher than a current employee(s). In certain circumstances the current employee's agency's appointing authority may make a written request to the DOP and request a review if the new hire's higher step negatively affects the retention of the similarly situated employee(s) within the agency and unit. This new provision is subject to the collective bargaining requirements in RSA 273-A.

The Department of Administrative Services states this bill could have an indeterminable impact on State expenditures to the extent any of the current 8,882 full-time classified employees and 2,217 part-time and seasonal classified employees in the executive Branch pursue the DOP, in circumstances where the provisions apply, and are approved for a higher increment of pay (step). The DAS states they have no way to predict how many employees would pursue this route or how many State Agencies, during the hiring process, would hire an employee at a higher pay level than an existing employee in the same agency and what the consequential step increase would be for those current employees.

It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Administrative Services

SB 74-FN - AS AMENDED BY THE SENATE

03/09/2023 0666s

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

QTP/A 5-0

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 struck through~~].
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.~~

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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:

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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

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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.**

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22 normal calendar week or calling for less than 40 hours work in a normal calendar week with respect
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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.

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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~~
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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~~].

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14 98-A:6-d Health and Dental Benefits. Any individual employed in state service ~~under~~ *in* a
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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
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28 the appropriate ~~salary~~ *pay* schedules to all unrepresented employees. The department shall post
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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 AMENDED BY THE SENATE

- 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. Any such retention step increase shall be*
23 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
24 *such retention-based step increases shall specify the group of employees to which the*
25 *proposed increase shall apply, and shall include all similarly situated current employees*
26 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
27 *and physical work location. Any increase so made shall be a charge against the salary*
28 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*
29 *increase shall be a charge against such special fund. **Any step increase granted under this***
30 *section shall not change the anniversary date of employees receiving the increase.*

31 17 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

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

35 18 Military Service. Amend RSA 99:6 to read as follows:

36 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
37 United States [~~in World War I or World War II~~] *in accordance with USERRA*, and who, upon

SB 74-FN - AS AMENDED BY THE SENATE

- Page 7 -

1 termination of such *honorable* military service, returned to state service without employment
2 elsewhere may count ~~the~~ *that* time ~~so~~ spent in such military service as continuous state service to
3 obtain benefits provided under RSA 94:4 and 99:5.

4 19 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

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

12 20 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

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

20 21 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

21 99:11 Differentials; Direct Care Employees.

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

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

28 22 Repeal. The following are repealed:

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

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

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

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

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

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

SB 74-FN - AS AMENDED BY THE SENATE

- Page 8 -

- 1 VII. RSA 99:13, relative to overtime for nurses at certain institutions.
- 2 VIII. RSA 21-I:30, I, relative to medical and surgical benefits, is repealed.
- 3 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

SB 74-FN- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDEMENT #2023-0666s)

AN ACT relative to the department of administrative services.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Other Various Agency Funds			

METHODOLOGY:

This bill makes various changes to the Director of Personnel (DOP) within the Department of Administrative Services. It also adds a provision allowing DOP to address instances where a new hire's rate of pay, in the same position, is higher than a current employee(s). In certain circumstances the current employee's agency's appointing authority may make a written request to the DOP and request a review if the new hire's higher step negatively affects the retention of the similarly situated employee(s) within the agency and unit. This new provision is subject to the collective bargaining requirements in RSA 273-A.

The Department of Administrative Services states this bill could have an indeterminable impact on State expenditures to the extent any of the current 8,882 full-time classified employees and 2,217 part-time and seasonal classified employees in the executive Branch pursue the DOP, in circumstances where the provisions apply, and are approved for a higher increment of pay (step). The DAS states they have no way to predict how many employees would pursue this route or how many State Agencies, during the hiring process, would hire an employee at a higher pay level than an existing employee in the same agency and what the consequential step increase would be for those current employees.

It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Administrative Services

SB 74-FN - AS AMENDED BY THE HOUSE

03/09/2023 0666s
4May2023... 1502h

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.

SB 74-FN - AS AMENDED BY THE HOUSE

03/09/2023 0666s
4May2023... 1502h

23-0967
06/08

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 AMENDED BY THE HOUSE

- 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~~ **Assigning** the position of every employee in the classified service to one of
34 the 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 Classification 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~~]
32 **classification**. If a review is requested by an employee, the director shall contact the employee's
33 department head to determine how the employee's responsibilities and duties relate to the
34 responsibilities and duties of similar positions throughout the state. The employee or department
35 head, or both, shall have the right to appeal the director's decision to the personnel appeals board in
36 accordance with rules adopted by the board under RSA 541-A. If the board determines that an

1 individual is not properly classified in accordance with the classification plan or the director's rules,
2 it shall issue an order 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 position approved by the director of personnel that is
27 either a full-time or part-time position expected to last for a limited duration.

28 VII. "Permanent position" shall mean a full-time position lasting more than 12 months that
29 is authorized by the legislature and whose classification title is approved by the director of
30 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 Temporary, Seasonal and Part-Time Employees. Amend RSA 98-A:3 to read as follows:

8 98-A:3 Position Made Permanent. Any person ~~appointed under~~ *servicing in* a temporary
 9 ~~appointment~~ *position* or any person ~~appointed under~~ *servicing in* a seasonal ~~appointment~~
 10 *position* who works the equivalent of 6 months or more, not necessarily consecutively, in any 12-
 11 month period shall be deemed to be respectively a permanent temporary employee or a permanent
 12 seasonal employee and entitled to all the rights and benefits of a permanent employee in the
 13 classified service of the state.

14 12 Working on a Part-Time Basis. Amend RSA 98-A:6 to read as follows:

15 98-A:6 Working on a Part-Time Basis. An individual working on a part-time basis shall not be
 16 eligible to utilize either sick or annual leave but at each anniversary of employment should the total
 17 working time during the preceding year amount to the equivalent of ~~6 months or more he or she~~
 18 *an amount of time specified in the applicable collective bargaining agreement and the*
 19 *personnel rules, they* shall be paid all accumulated annual leave not in excess of that which may
 20 be allowed in rules adopted by the division of personnel.

21 13 Health and Dental Benefits. Amend RSA 98-A:6-d to read as follows:

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

31 14 Salary Schedules. Amend RSA 99:1-a to read as follows:

32 99:1-a ~~Salary~~ *Pay* Schedules. The department of administrative services shall develop and
 33 implement *a compensation structure* for the executive branch. ~~such salary~~ *It shall implement*
 34 *pay schedules within such structure* as authorized by collective bargaining agreements between
 35 the state and an employee organization and subject to appropriation. The department shall apply
 36 the appropriate ~~salary~~ *pay* schedules to all unrepresented employees. The department shall post
 37 base ~~salary~~ *pay* schedules on its public Internet website. *The department shall also apply the*

1 *appropriate pay and benefits authorized by collective bargaining agreements between the*
2 *state and an employee organization to all unrepresented employees aligned with such*
3 *employee organization.*

4 15 Attendants. Amend RSA 99:3-a to read as follows:

5 99:3-a Attendants. Employees in the several attendant classifications within state institutions
6 who have successfully completed an in-service training program approved by the personnel
7 commission shall receive a [~~one-salary~~] **one-step** grade increase to a new classification of psychiatric
8 aide.

9 16 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

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

21 17 Salary Adjustment. Amend RSA 99:4-a to read as follows:

22 99:4-a [~~Salary~~] **Pay** Adjustment. In the event [~~the authority granted to the director of the~~
23 ~~department of data processing by RSA 8 C:7 to increase the salary for a classified position in order to~~
24 ~~recruit personnel is exercised]~~ *the director of personnel has approved beginning*
25 *compensation at a step higher than the minimum step for original appointments of*
26 *employees at an agency, the appointing authority for that agency may file a written request*
27 *to the director of personnel that the [~~salaries~~] pay of all classified personnel in the same*
28 *classification [~~may~~] be increased [~~by the director of personnel~~] to the same amount if the director of*
29 *personnel determines that such approvals for new hires will result in difficulties with*
30 *retention of similarly situated current employees. Any such retention step increase shall be*
31 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
32 *such retention-based step increases shall specify the group of employees to which the*
33 *proposed increase shall apply, and shall include all similarly situated current employees*
34 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
35 *and physical work location. Any increase so made shall be a charge against the [~~salary~~] pay*
36 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*

1 increase shall be a charge against such special fund. *Any step increase granted under this*
 2 *section shall not change the anniversary date of employees receiving the increase.*

3 18 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

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

7 19 Military Service. Amend RSA 99:6 to read as follows:

8 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
 9 United States ~~[in World War I or World War II]~~ *in accordance with USERRA*, and who, upon
 10 termination of such *honorable* military service, returned to state service without employment
 11 elsewhere may count ~~[the]~~ *that* time ~~[so]~~ spent in such military service as continuous state service to
 12 obtain benefits provided under RSA 94:4 and 99:5.

13 20 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

14 99:8 Increases for Recruitment Purposes. Upon request of the appointing authority, the
 15 governor and council are hereby authorized and empowered, notwithstanding any other provisions of
 16 the law to the contrary, upon a finding by them and a recommendation from the director of personnel
 17 that a ~~[substantial number of vacancies exist in any class of authorized positions which vacancies~~
 18 ~~require]~~ an increase in ~~[salaries]~~ **pay is needed** for *successful* recruitment of qualified personnel *in*
 19 *any job title* therefor, to increase ~~[salaries]~~ **pay** of such classified positions, any such increases to be
 20 a charge against the ~~[salary]~~ **pay** adjustment fund.

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

22 99:10 N.H. State Prison and N.H. Hospital. Classified employees at the state prison and the
 23 New Hampshire hospital who are continuously exposed to inmates or forensic patients daily in the
 24 normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in
 25 the amount of \$25 per week unless otherwise collectively bargained. *The appointing authorities*
 26 *at the department of corrections may recommend that an employee receive hazardous duty*
 27 *pay, subject to final approval by the director of personnel.*

28 22 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

29 99:11 Differentials; Direct Care Employees.

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

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

36 23 Repeal. The following are repealed:

SB 74-FN - AS AMENDED BY THE HOUSE

- Page 8 -

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

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

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

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

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

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

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

10 24 Effective Date. This act shall take effect 60 days after its passage.

SB 74-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2023-1502h)

AN ACT relative to the department of administrative services.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education Other Various Agency Funds		<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other -

METHODOLOGY:

This bill makes various changes to the Director of Personnel (DOP) within the Department of Administrative Services. It also adds a provision allowing DOP to address instances where a new hire's rate of pay, in the same position, is higher than a current employee(s). In certain circumstances the current employee's agency's appointing authority may make a written request to the DOP and request a review if the new hire's higher step negatively affects the retention of the similarly situated employee(s) within the agency and unit. This new provision is subject to the collective bargaining requirements in RSA 273-A.

The Department of Administrative Services states this bill could have an indeterminable impact on State expenditures to the extent any of the current 8,882 full-time classified employees and 2,217 part-time and seasonal classified employees in the executive Branch pursue the DOP, in circumstances where the provisions apply, and are approved for a higher increment of pay (step). The DAS states they have no way to predict how many employees would pursue this route or how many State Agencies, during the hiring process, would hire an employee at a higher pay level than an existing employee in the same agency and what the consequential step increase would be for those current employees.

It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Administrative Services

**SB 74-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDEMENT #2023-1502h)**

AN ACT relative to the department of administrative services.

FISCAL IMPACT: State County Local None

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This bill makes various changes to the Director of Personnel (DOP) within the Department of Administrative Services. It also adds a provision allowing DOP to address instances where a new hire's rate of pay, in the same position, is higher than a current employee(s). In certain circumstances the current employee's agency's appointing authority may make a written request to the DOP and request a review if the new hire's higher step negatively affects the retention of the similarly situated employee(s) within the agency and unit. This new provision is subject to the collective bargaining requirements in RSA 273-A.

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It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Administrative Services

SB 74-FN - VERSION ADOPTED BY BOTH BODIES

03/09/2023 0666s
4May2023... 1502h
06/29/2023 2237EBA

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***.
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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 74-FN - VERSION ADOPTED BY BOTH BODIES

03/09/2023 0666s
4May2023... 1502h
06/29/2023 2237EBA

23-0967
06/08

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 and RSA 21-I:42, I to read
2 as follows:

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

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 2 Division of Personnel. RSA 21-I:42, VI is repealed and reenacted to read as follows:

13 VI. Developing a program for the recruitment, selection, placement, and retention of
14 qualified applicants in the state service.

15 3 New Paragraph; Classified Service and Exemptions. Amend RSA 21-I:49 by inserting after
16 paragraph X the following new paragraph:

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

19 4 Appeals. Amend RSA 21-I:58, I to read as follows:

20 I. Any [~~permanent~~] ***full-time*** employee ***having completed the applicable probationary***
21 ***period*** who is affected by any application of the personnel rules, except for those rules enumerated
22 in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-
23 I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to
24 the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative
25 proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was
26 taken by the appointing authority for any reason related to politics, religion, age, sex, gender
27 identity, race, color, ethnic background, marital status, or disabling condition, or on account of the
28 person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director,
29 the employee shall be reinstated to the employee's former position or a position of like seniority,

1 status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall
2 be equal to the salary loss suffered during the period of denied compensation less any amount of
3 compensation earned or benefits received from any other source during the period. "Any other
4 source" shall not include compensation earned from continued casual employment during the period
5 if the employee held the position of casual employment prior to the period, except to the extent that
6 the number of hours worked in such casual employment increases during the period. In all cases,
7 the personnel appeals board may reinstate an employee or otherwise change or modify any order of
8 the appointing authority, or make such other order as it may deem just.

9 5 Division of Personnel. Amend RSA 21-I:42, III to read as follows:

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

12 6 New Positions and Reclassifications of Positions. Amend RSA 21-I:54, I, II, and III to read as
13 follows:

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

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

31 III. The director shall make a decision on any request for reclassification ~~[or reallocation]~~
32 from department heads or position incumbents within 45 days of receipt of a completed request for
33 reclassification or reallocation as defined by rules adopted under RSA 21-I:43, II(u). Except as
34 otherwise provided by law, rule, or bargaining agreement negotiated under the provisions of RSA
35 273-A, no ~~[increases in salary]~~ **changes in compensation** shall be allowed for any request until a
36 final decision is made by the director, or if the director's decision is appealed, by the personnel
37 appeals board. ~~[Increases in salary]~~ **Changes in compensation** due to reclassification ~~[or~~

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

4 21-I:57 ~~[Allocation]~~ **Classification** Review. The employee or the department head, or both,
5 affected by the ~~[allocation]~~ **classification** of a position in a classification plan shall have an
6 opportunity to request a review of that ~~[allocation]~~ **classification** in accordance with rules adopted
7 by the director under RSA 541-A, provided such request is made within 15 days of the ~~[allocation]~~
8 **classification**. If a review is requested by an employee, the director shall contact the employee's
9 department head to determine how the employee's responsibilities and duties relate to the
10 responsibilities and duties of similar positions throughout the state. The employee or department
11 head, or both, shall have the right to appeal the director's decision to the personnel appeals board in
12 accordance with rules adopted by the board under RSA 541-A. If the board determines that an
13 individual is not properly classified in accordance with the classification plan or the director's rules,
14 it shall issue an order requiring the director to make a correction.

15 8 Terms Defined. Amend RSA 98-A:1, I - V to read as follows:

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

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

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

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

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

36 9 New Paragraphs; Terms Defined. Amend RSA 98-A:1 by inserting after paragraph V the
37 following new paragraphs:

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

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

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

8 10 Requirements. Amend RSA 98-A:2 to read as follows:

9 98-A:2 Requirements. All ~~[temporary]~~ appointments to *temporary positions* in state service
10 shall be ~~[made]~~ *filled* in the first instance from appropriate state ~~[personnel registers]~~ *layoff lists*.
11 If applicants from such ~~[registers]~~ *lists* are not available any individual meeting the minimum
12 qualifications of the position may be certified by the director of personnel. ~~[Seasonal appointments]~~
13 *Appointments to seasonal positions* shall be ~~[made]~~ *filled* from the appropriate state ~~[personnel~~
14 ~~register]~~ *layoff lists*. If after the director of personnel has made a reasonable effort to certify
15 ~~[eligibles]~~ *eligible individuals* for seasonal ~~[appointments]~~ *positions* from an existing eligible
16 ~~[register]~~ *layoff list*, ~~[he]~~ *and they* ~~[shall]~~ find it impracticable to make a certification, ~~[he]~~ *they*
17 may authorize the seasonal ~~[appointment]~~ *position* to be ~~[made-of]~~ *filled by* an individual
18 designated by the appointing authority.

19 11 Temporary, Seasonal and Part-Time Employees. Amend RSA 98-A:3 to read as follows:

20 98-A:3 Position Made Permanent. Any person ~~[appointed-under]~~ *serving in* a temporary
21 ~~[appointment]~~ *position* or any person ~~[appointed-under]~~ *serving in* a seasonal ~~[appointment]~~
22 *position* who works the equivalent of 6 months or more, not necessarily consecutively, in any 12-
23 month period shall be deemed to be respectively a permanent temporary employee or a permanent
24 seasonal employee and entitled to all the rights and benefits of a permanent employee in the
25 classified service of the state.

26 12 Working on a Part-Time Basis. Amend RSA 98-A:6 to read as follows:

27 98-A:6 Working on a Part-Time Basis. An individual working on a part-time basis shall not be
28 eligible to utilize either sick or annual leave but at each anniversary of employment should the total
29 working time during the preceding year amount to the equivalent of ~~[6 months or more he or she]~~
30 *an amount of time specified in the applicable collective bargaining agreement and the*
31 *personnel rules, they* shall be paid all accumulated annual leave not in excess of that which may
32 be allowed in rules adopted by the division of personnel.

33 13 Health and Dental Benefits. Amend RSA 98-A:6-d to read as follows:

34 98-A:6-d Health and Dental Benefits. Any individual employed in state service ~~[under]~~ *in* a
35 temporary or seasonal ~~[appointment]~~ *position*, as defined in this chapter, who has not been deemed
36 permanent and whose employment calls for 30 hours or more work in a normal calendar week, but
37 whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to

1 participate at ~~[his or her]~~ *their* own expense in the group health and dental insurance plans afforded
2 full-time state employees. The costs of health and dental benefits which any such individual elects
3 to receive pursuant to this section shall be withheld from such individual's salary as a payroll
4 deduction. The department of administrative services shall be authorized to invoice the individual
5 for any amounts not paid through a payroll deduction.

6 14 Salary Schedules. Amend RSA 99:1-a to read as follows:

7 99:1-a ~~[Salary]~~ *Pay* Schedules. The department of administrative services shall develop and
8 implement *a compensation structure* for the executive branch. ~~[such salary]~~ *It shall implement*
9 *pay* schedules *within such structure* as authorized by collective bargaining agreements between
10 the state and an employee organization and subject to appropriation. The department shall apply
11 the appropriate ~~[salary]~~ *pay* schedules to all unrepresented employees. The department shall post
12 base ~~[salary]~~ *pay* schedules on its public Internet website. *The department shall also apply the*
13 *appropriate pay and benefits authorized by collective bargaining agreements between the*
14 *state and an employee organization to all unrepresented employees aligned with such*
15 *employee organization.*

16 15 Attendants. Amend RSA 99:3-a to read as follows:

17 99:3-a Attendants. Employees in the several attendant classifications within state institutions
18 who have successfully completed an in-service training program approved by the personnel
19 commission shall receive a ~~[one salary]~~ *one-step* grade increase to a new classification of psychiatric
20 aide.

21 16 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

22 99:4 ~~[Salary]~~ *Pay* Adjustment Fund. Whereas the appropriations for personal services in state
23 departments and institutions include an annual increment for each position, and whereas upon
24 occasion due to vacancies and personnel turnover, ~~[salaries]~~ *pay* increment increases and longevity
25 as provided by the appropriations are not needed for said positions, each quarter the department of
26 administrative services shall review accounts and transfer said amount, if needed, from the
27 departmental or institutional appropriation to a special account to be known as the ~~[salary]~~ *pay*
28 adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate
29 fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon
30 the certification of the commissioner of the department of administrative services, subject to the
31 approval of governor and council, the ~~[salary]~~ *pay* adjustment fund shall be available for transfer to
32 departments and institutions in amounts that are necessary to pay any legally authorized salaries
33 for employees in the classified system, followed by an annual informational report to the governor
34 and council after fiscal year end.

35 17 Salary Adjustment. Amend RSA 99:4-a to read as follows:

36 99:4-a ~~[Salary]~~ *Pay* Adjustment. In the event ~~[the authority granted to the director of the~~
37 ~~department of data processing by RSA 8-C:7 to increase the salary for a classified position in order to~~

1 ~~recruit personnel is exercised]~~ *the director of personnel has approved beginning*
2 *compensation at a step higher than the minimum step for original appointments of*
3 *employees at an agency, the appointing authority for that agency may file a written request*
4 *to the director of personnel that the [salaries] pay of all classified personnel in the same*
5 *classification [may] be increased [by the director of personnel] to the same amount if the director of*
6 *personnel determines that such approvals for new hires will result in difficulties with*
7 *retention of similarly situated current employees. Any such retention step increase shall be*
8 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
9 *such retention-based step increases shall specify the group of employees to which the*
10 *proposed increase shall apply, and shall include all similarly situated current employees*
11 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
12 *and physical work location. Any increase so made shall be a charge against the [salary] pay*
13 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*
14 *increase shall be a charge against such special fund. Any step increase granted under this*
15 *section shall not change the anniversary date of employees receiving the increase.*

16 18 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

17 99:4-b Certain Legislative [Salary] Pay Increases. The amount of all [salary] pay increases
18 granted to the legislative budget assistant, the director of legislative services, or to any employee of
19 either or both offices shall be a charge against the [salary] pay adjustment fund.

20 19 Military Service. Amend RSA 99:6 to read as follows:

21 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
22 United States [~~in World War I or World War II]~~ *in accordance with USERRA*, and who, upon
23 termination of such *honorable* military service, returned to state service without employment
24 elsewhere may count ~~the~~ *that* time ~~so~~ spent in such military service as continuous state service to
25 obtain benefits provided under RSA 94:4 and 99:5.

26 20 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

27 99:8 Increases for Recruitment Purposes. Upon request of the appointing authority, the
28 governor and council are hereby authorized and empowered, notwithstanding any other provisions of
29 the law to the contrary, upon a finding by them and a recommendation from the director of personnel
30 that a ~~substantial number of vacancies exist in any class of authorized positions which vacancies~~
31 ~~require~~ an increase in [salaries] pay *is needed for successful* recruitment of qualified personnel *in*
32 *any job title* therefor, to increase [salaries] pay of such classified positions, any such increases to be
33 a charge against the [salary] pay adjustment fund.

34 21 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

35 99:10 N.H. State Prison and N.H. Hospital. Classified employees at the state prison and the
36 New Hampshire hospital who are continuously exposed to inmates or forensic patients daily in the
37 normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in

1 the amount of \$25 per week unless otherwise collectively bargained. *The appointing authorities*
2 *at the department of corrections may recommend that an employee receive hazardous duty*
3 *pay, subject to final approval by the director of personnel.*

4 22 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

5 99:11 Differentials; Direct Care Employees.

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

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

12 23 Repeal. The following are repealed:

13 I. RSA 21-I:55, relative to an exception for temporary employees of the department of
14 transportation.

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

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17 of statute.

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

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22 24 Effective Date. This act shall take effect 60 days after its passage.

SB 74-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDEMENT #2023-1502h)

AN ACT relative to the department of administrative services.

FISCAL IMPACT: State County Local None

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This bill makes various changes to the Director of Personnel (DOP) within the Department of Administrative Services. It also adds a provision allowing DOP to address instances where a new hire's rate of pay, in the same position, is higher than a current employee(s). In certain circumstances the current employee's agency's appointing authority may make a written request to the DOP and request a review if the new hire's higher step negatively affects the retention of the similarly situated employee(s) within the agency and unit. This new provision is subject to the collective bargaining requirements in RSA 273-A.

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AGENCIES CONTACTED:

Department of Administrative Services

CHAPTER 207
SB 74-FN - FINAL VERSION

03/09/2023 0666s
4May2023... 1502h
06/29/2023 2237EBA

2023 SESSION

23-0967
06/08

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AN ACT relative to the department of administrative services.

SPONSORS: Sen. Carson, Dist 14

COMMITTEE: Executive Departments and Administration

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CHAPTER 207
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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6 *to refer to themselves as the director of personnel and hold such a title, whether in whole or*
7 *in part, and who shall* report to the commissioner and be responsible for the following functions in
8 accordance with applicable laws:

9 I. Managing a centralized [~~personnel operation~~] *human resources processing operations*
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11 layoff, removal and discipline of state employees.

12 207:2 Division of Personnel. RSA 21-I:42, VI is repealed and reenacted to read as follows:

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14 qualified applicants in the state service.

15 207:3 New Paragraph; Classified Service and Exemptions. Amend RSA 21-I:49 by inserting
16 after paragraph X the following new paragraph:

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19 207:4 Appeals. Amend RSA 21-I:58, I to read as follows:

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21 *period* who is affected by any application of the personnel rules, except for those rules enumerated
22 in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-
23 I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to
24 the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative
25 proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was
26 taken by the appointing authority for any reason related to politics, religion, age, sex, gender
27 identity, race, color, ethnic background, marital status, or disabling condition, or on account of the
28 person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director,
29 the employee shall be reinstated to the employee's former position or a position of like seniority,

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1 status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall
2 be equal to the salary loss suffered during the period of denied compensation less any amount of
3 compensation earned or benefits received from any other source during the period. "Any other
4 source" shall not include compensation earned from continued casual employment during the period
5 if the employee held the position of casual employment prior to the period, except to the extent that
6 the number of hours worked in such casual employment increases during the period. In all cases,
7 the personnel appeals board may reinstate an employee or otherwise change or modify any order of
8 the appointing authority, or make such other order as it may deem just.

9 207:5 Division of Personnel. Amend RSA 21-I:42, III to read as follows:

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

12 207:6 New Positions and Reclassifications of Positions. Amend RSA 21-I:54, I, II, and III to read
13 as follows:

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

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

31 III. The director shall make a decision on any request for reclassification ~~[or reallocation]~~
32 from department heads or position incumbents within 45 days of receipt of a completed request for
33 reclassification or reallocation as defined by rules adopted under RSA 21-I:43, II(u). Except as
34 otherwise provided by law, rule, or bargaining agreement negotiated under the provisions of RSA
35 273-A, no ~~[increases in salary]~~ **changes in compensation** shall be allowed for any request until a
36 final decision is made by the director, or if the director's decision is appealed, by the personnel
37 appeals board. ~~[Increases in salary]~~ **Changes in compensation** due to reclassification ~~[or~~

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

3 207:7 Classification of Review. Amend RSA 21-I:57 to read as follows:

4 21-I:57 ~~[Allocation]~~ **Classification** Review. The employee or the department head, or both,
5 affected by the ~~[allocation]~~ **classification** of a position in a classification plan shall have an
6 opportunity to request a review of that ~~[allocation]~~ **classification** in accordance with rules adopted
7 by the director under RSA 541-A, provided such request is made within 15 days of the ~~[allocation]~~
8 **classification**. If a review is requested by an employee, the director shall contact the employee's
9 department head to determine how the employee's responsibilities and duties relate to the
10 responsibilities and duties of similar positions throughout the state. The employee or department
11 head, or both, shall have the right to appeal the director's decision to the personnel appeals board in
12 accordance with rules adopted by the board under RSA 541-A. If the board determines that an
13 individual is not properly classified in accordance with the classification plan or the director's rules,
14 it shall issue an order requiring the director to make a correction.

15 207:8 Terms Defined. Amend RSA 98-A:1, I - V to read as follows:

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

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

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

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

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

36 207:9 New Paragraphs; Terms Defined. Amend RSA 98-A:1 by inserting after paragraph V the
37 following new paragraphs:

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

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

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

8 207:10 Requirements. Amend RSA 98-A:2 to read as follows:

9 98-A:2 Requirements. All ~~[temporary]~~ appointments to **temporary positions** in state service
10 shall be ~~[made]~~ **filled** in the first instance from appropriate state ~~[personnel registers]~~ **layoff lists**.
11 If applicants from such ~~[registers]~~ **lists** are not available any individual meeting the minimum
12 qualifications of the position may be certified by the director of personnel. ~~[Seasonal appointments]~~
13 **Appointments to seasonal positions** shall be ~~[made]~~ **filled** from the appropriate state ~~[personnel~~
14 ~~register]~~ **layoff lists**. If after the director of personnel has made a reasonable effort to certify
15 ~~[eligibles]~~ **eligible individuals** for seasonal ~~[appointments]~~ **positions** from an existing eligible
16 ~~[register]~~ **layoff list, [he] and they [shall]** find it impracticable to make a certification, ~~[he]~~ **they**
17 may authorize the seasonal ~~[appointment]~~ **position** to be ~~[made-of]~~ **filled by** an individual
18 designated by the appointing authority.

19 207:11 Temporary, Seasonal and Part-Time Employees. Amend RSA 98-A:3 to read as follows:

20 98-A:3 Position Made Permanent. Any person ~~[appointed under]~~ **servicing in** a temporary
21 ~~[appointment]~~ **position** or any person ~~[appointed under]~~ **servicing in** a seasonal ~~[appointment]~~
22 **position** who works the equivalent of 6 months or more, not necessarily consecutively, in any 12-
23 month period shall be deemed to be respectively a permanent temporary employee or a permanent
24 seasonal employee and entitled to all the rights and benefits of a permanent employee in the
25 classified service of the state.

26 207:12 Working on a Part-Time Basis. Amend RSA 98-A:6 to read as follows:

27 98-A:6 Working on a Part-Time Basis. An individual working on a part-time basis shall not be
28 eligible to utilize either sick or annual leave but at each anniversary of employment should the total
29 working time during the preceding year amount to the equivalent of ~~[6 months or more he or she]~~ **an**
30 **amount of time specified in the applicable collective bargaining agreement and the**
31 **personnel rules, they** shall be paid all accumulated annual leave not in excess of that which may be
32 allowed in rules adopted by the division of personnel.

33 207:13 Health and Dental Benefits. Amend RSA 98-A:6-d to read as follows:

34 98-A:6-d Health and Dental Benefits. Any individual employed in state service ~~[under]~~ **in** a
35 temporary or seasonal ~~[appointment]~~ **position**, as defined in this chapter, who has not been deemed
36 permanent and whose employment calls for 30 hours or more work in a normal calendar week, but
37 whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to

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1 participate at ~~his or her~~ *their* own expense in the group health and dental insurance plans afforded
2 full-time state employees. The costs of health and dental benefits which any such individual elects
3 to receive pursuant to this section shall be withheld from such individual's salary as a payroll
4 deduction. The department of administrative services shall be authorized to invoice the individual
5 for any amounts not paid through a payroll deduction.

6 207:14 Salary Schedules. Amend RSA 99:1-a to read as follows:

7 99:1-a ~~[Salary]~~ *Pay* Schedules. The department of administrative services shall develop and
8 implement *a compensation structure* for the executive branch. ~~[such salary]~~ *It shall implement*
9 *pay* schedules *within such structure* as authorized by collective bargaining agreements between
10 the state and an employee organization and subject to appropriation. The department shall apply
11 the appropriate ~~[salary]~~ *pay* schedules to all unrepresented employees. The department shall post
12 base ~~[salary]~~ *pay* schedules on its public Internet website. *The department shall also apply the*
13 *appropriate pay and benefits authorized by collective bargaining agreements between the*
14 *state and an employee organization to all unrepresented employees aligned with such*
15 *employee organization.*

16 207:15 Attendants. Amend RSA 99:3-a to read as follows:

17 99:3-a Attendants. Employees in the several attendant classifications within state institutions
18 who have successfully completed an in-service training program approved by the personnel
19 commission shall receive a ~~[one salary]~~ *one-step* grade increase to a new classification of psychiatric
20 aide.

21 207:16 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

22 99:4 ~~[Salary]~~ *Pay* Adjustment Fund. Whereas the appropriations for personal services in state
23 departments and institutions include an annual increment for each position, and whereas upon
24 occasion due to vacancies and personnel turnover, ~~[salaries]~~ *pay* increment increases and longevity
25 as provided by the appropriations are not needed for said positions, each quarter the department of
26 administrative services shall review accounts and transfer said amount, if needed, from the
27 departmental or institutional appropriation to a special account to be known as the ~~[salary]~~ *pay*
28 adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate
29 fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon
30 the certification of the commissioner of the department of administrative services, subject to the
31 approval of governor and council, the ~~[salary]~~ *pay* adjustment fund shall be available for transfer to
32 departments and institutions in amounts that are necessary to pay any legally authorized salaries
33 for employees in the classified system, followed by an annual informational report to the governor
34 and council after fiscal year end.

35 207:17 Salary Adjustment. Amend RSA 99:4-a to read as follows:

36 99:4-a ~~[Salary]~~ *Pay* Adjustment. In the event ~~[the authority granted to the director of the~~
37 ~~department of data processing by RSA 8 C:7 to increase the salary for a classified position in order to~~

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1 ~~recruit personnel is exercised]~~ *the director of personnel has approved beginning*
2 *compensation at a step higher than the minimum step for original appointments of*
3 *employees at an agency, the appointing authority for that agency may file a written request*
4 *to the director of personnel that the [salaries] pay of all classified personnel in the same*
5 *classification [may] be increased [by the director of personnel] to the same amount if the director of*
6 *personnel determines that such approvals for new hires will result in difficulties with*
7 *retention of similarly situated current employees. Any such retention step increase shall be*
8 *subject to collective bargaining requirements pursuant to RSA 273-A. A request for any*
9 *such retention-based step increases shall specify the group of employees to which the*
10 *proposed increase shall apply, and shall include all similarly situated current employees*
11 *within an agency, division, or bureau, taking into consideration job title, scope of duties,*
12 *and physical work location. Any increase so made shall be a charge against the [salary] pay*
13 *adjustment fund or if the department in which the position occurs is financed by a special fund, such*
14 *increase shall be a charge against such special fund. Any step increase granted under this*
15 *section shall not change the anniversary date of employees receiving the increase.*

16 207:18 Certain Legislative Salary Increases. Amend RSA 99:4-b to read as follows:

17 99:4-b Certain Legislative [Salary] Pay Increases. The amount of all [salary] pay increases
18 granted to the legislative budget assistant, the director of legislative services, or to any employee of
19 either or both offices shall be a charge against the [salary] pay adjustment fund.

20 207:19 Military Service. Amend RSA 99:6 to read as follows:

21 99:6 Military Service. Any person who *has* left state service to enter *the* armed forces of the
22 United States [~~in World War I or World War II~~] *in accordance with USERRA*, and who, upon
23 termination of such *honorable* military service, returned to state service without employment
24 elsewhere may count [the] *that* time [se] spent in such military service as continuous state service to
25 obtain benefits provided under RSA 94:4 and 99:5.

26 207:20 Increases for Recruitment Purposes. Amend RSA 99:8 to read as follows:

27 99:8 Increases for Recruitment Purposes. Upon request of the appointing authority, the
28 governor and council are hereby authorized and empowered, notwithstanding any other provisions of
29 the law to the contrary, upon a finding by them and a recommendation from the director of personnel
30 that a [~~substantial number of vacancies exist in any class of authorized positions which vacancies~~
31 ~~require~~] an increase in [salaries] *pay is needed* for *successful* recruitment of qualified personnel *in*
32 *any job title* therefor, to increase [salaries] *pay* of such classified positions, any such increases to be
33 a charge against the [salary] *pay* adjustment fund.

34 207:21 N.H. State Prison and N.H. Hospital. Amend RSA 99:10 to read as follows:

35 99:10 N.H. State Prison and N.H. Hospital. Classified employees at the state prison and the
36 New Hampshire hospital who are continuously exposed to inmates or forensic patients daily in the
37 normal course of their duties shall be paid, in addition to their regular salary, hazardous duty pay in

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1 the amount of \$25 per week unless otherwise collectively bargained. *The appointing authorities*
2 *at the department of corrections may recommend that an employee receive hazardous duty*
3 *pay, subject to final approval by the director of personnel.*

4 207:22 Differentials; Direct Care Employees. Amend RSA 99:11, II to read as follows:

5 99:11 Differentials; Direct Care Employees.

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

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

12 207:23 Repeal. The following are repealed:

13 I. RSA 21-I:55, relative to an exception for temporary employees of the department of
14 transportation.

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

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

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

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

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

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

22 207:24 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

Amendments

Amendment to SB 74-FN

1 Amend the bill by replacing section 16 with the following:

2

3 16 Salary Adjustment. Amend RSA 99:4-a to read as follows:

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

UNAPPROVED

Amendment to SB 74-FN

1 Amend the bill by replacing section 16 with the following:

2

3 16 Salary Adjustment. Amend RSA 99:4-a to read as follows:

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

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: January 19, 2023

HEARINGS

Wednesday	01/25/2023	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 87	relative to nurses for youth camps, organized recreation, and community-sponsored recreation.
9:15 a.m.	SB 72-FN	relative to provider credentialing procedures.
9:30 a.m.	SB 74-FN	relative to the department of administrative services.
9:45 a.m.	SB 75-FN	relative to the division of personnel in the department of administrative services.
10:00 a.m.	SB 71-FN	relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 87

Sen. Ward

SB 72-FN

Sen. Soucy
Sen. Rosenwald
Rep. J. Murphy

Sen. Watters
Sen. Chandley
Rep. Ebel

Sen. Gannon
Sen. D'Allesandro
Rep. Tellez

Sen. Whitley
Rep. Nagel

SB 74-FN

Sen. Carson

SB 75-FN

Sen. Carson

SB 71-FN

Sen. Carson
Rep. Proulx

Sen. Soucy
Rep. Goley

Sen. Rosenwald
Rep. Doucette

Sen. Abbas
Rep. Read

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

SB 74-FN, relative to the department of administrative services.

Hearing Date: January 25, 2023

Time Opened: 10:01 a.m.

Time Closed: 10:16 p.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill 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.

Sponsors:
Sen. Carson

Who supports the bill: Sen. Carson, Charlie Arlinghaus (DAS), Lorrie Rudis (DOP), Matt Mavrogeorge (DOP)

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:
Sen. Carson

- Sen. Carson said that this bill was filed at the request of the Department of administrative services to make a number of small changes necessary to clean up current law.

Charlie Arlinghaus DAS, Lori Rudi and Matt Mavrogeorge DOP:

- Mr. Arlinghaus said that this bill consists mainly of small changes and cleaning up of certain language. He then said that section 16 represents the only significant change in the bill, and it authorizes the DOP Director to review and approve requests to adjust salaries of existing employees in circumstances where they are hired at a higher pay step than long standing employees to assist with recruitment difficulties.
- Sen Gendreau then asked if this bill would help legislative employees that have reached their final salary step.
 - Mr. Arlinghaus responded that legislative staff are not covered in this bill and that once they reach their final step it cannot be changed.
- Sen. Altschiller then asked if there was intent to eliminate benefits for part time and seasonal workers in lines 9-12 on page 5.
 - Mr. Mavrogeorge answered that the intent is to remove the 6-month equivalency.
 - Mr. Arlinghaus then clarified that the bill does not have intent to get rid of leave for any employee, but he will check to make sure as that the bill does not affect leave as written.

PJ

Date Hearing Report completed: January 30, 2023

Speakers

Testimony

Department of Administrative Services (DAS)

Testimony on SB74 relative to statutory changes in Chapters 21-I; Chapters 98-A and 99; and updated language reflecting the work required to update the classification system.

Presented by Charles M. Arlinghaus, DAS, Commissioner; Cassie Keane, DAS, Deputy Commissioner; and Lorrie A. Rudis, DAS, Director of Personnel.

The Department of Administrative Services, Division of Personnel is responsible for maintaining and implementing the Personnel Rules for the Executive Branch. In implementing these rules, DAS has proposed statutory amendments and revisions to applicable statutes in order to fix outdated terminology and provisions and maintain consistency between statutes and the application of the personnel rules. Additionally, DAS has spent the last 2+ years updating the 40+ year-old classification system to a new system that will allow agencies to group their positions in a more organized manner, that aligns with the national standard for job classification. DAS has proposed statutory amendments that will provide correct terminology as we migrate to the redesigned classification system.

The first group of amendments represents cleanup language to help clarify existing provisions in the law.

- Section 1 amends RSA 21-I:42 to clarify that only the DOP Director can have the title of Director of the Division of Personnel. Some agencies are using this title and it gets confusing since the DOP Director of Personnel has a unique role in state government.
- Section 2 amends RSA 21-I:42 by deleting the recruitment and retention bonus authority language from the last session because it sunsets on 6/30/23, and replacing it with the original language that authorizes the DOP Director to run a human resources recruitment and retention program or activity. This also changes the title of “personnel operation” to the correct title of “human resources processing operations unit”.
- Section 3 amends RSA 21-I:49 to make it clear that nonclassified and unclassified positions are not part of the classified system.
- Section 4 amends RSA 21-I:58 by removing the word “permanent” and replacing it with a “full-time employee who has created their initial probationary period”. This accurately reflects what a permanent employee is.

The second group of amendments makes changes to outdated language to reflect the administrative work DAS is doing to update the 40+ year-old state employee job classification system.

- Section 5 amends RSA 21-I, 42, III, by removing the word “allocating” – DOP is standardizing terminology as part of the redesign of the Classification System. “Classification” is the more common, and more generally understood term for the assignment of a class title – therefore, DOP will no longer use the terms “allocate” and “reallocation.” Additionally, the law is currently inconsistent in the use of just one versus both terms throughout. Therefore, relying on just a single term will clarify the understanding of the statute.
- Section 6 amends RSA 21-I:54 by removing the outdated term “class series” and replaces it with standard term “occupational group” and also replaces the inaccurate phrase “increases in salary” and replaces it with the more appropriate phrase “changes in compensation”. Salary

has a very specific meaning, whereas compensation is broader and covers more scenarios. Additionally, it removes the no longer used term “reallocation”.

- Section 7 amends RSA 21-I:57 by replacing the out of date term “allocation” with the word “classification” to align with the terminology of the revised classification system.

The **third** group of amendments makes changes to Chapters 98-A and 99 to make the terms used in the statutory provisions more accurate, understandable and workable.

- Section 8 amends RSA 98-A:1 by replacing the word “appointment” with the word “employee” and further cleans up the definitions of temporary and seasonal employees – it also replaces the definition of “the equivalent of 6 months or more” with a new definition for “permanent employee” – it also adds collective bargaining caveats for the definitions of “full-time basis” and “part-time basis”.
- Section 9 amends RSA 98-A:1 by adding new definitions for “temporary position”, “permanent position” and “seasonal position” to reflect the fact that these terms are used in the HR community and in the system of record (NHFirst).
- Section 10 amends RSA 98-A:2 by replacing the outdated terms “appointments” and “personnel registers” with the accurate terms “positions” and “layoff lists” respectively.
- Section 11 amends RSA 98-A:6 to remove the payout language for part-time employees if they work the equivalent of 6 months or more.
- Section 12 amends RSA 98-A:6-d to replace the outdated term “appointment” with the accurate term “position”.
- Section 13 amends RSA 99:1-a by replacing the term “salary” (which has a specific meaning in the Labor industry) with the term “pay” when talking about the compensation structure – it also adds language recognizing the existing practice of applying benefits authorized by collective bargaining agreements to the unrepresented employees aligned with the applicable employee organization.
- Section 14 amends RSA 99:3-a by replacing the inaccurate term “one salary” with the correct term “one step”.
- Section 15 amends RSA 99:4 replacing the term “salary” with the term “pay”.
- Section 16 reflects a major change – it amends RSA 99:4-a by authorizing the DOP Director to review and approve requests to adjust the salaries of existing employees in circumstances where a new employee is hired at a higher pay step than long standing employees because of recruitment difficulties. This is permissive authority and it would not be exercised in all circumstances. There are many situations where it is appropriate to pay a new employee at a higher pay step than an existing employee if you take into account skill set and work experience. However, we had several situations this year where we could only hire liquor retail workers and grounds crew at higher pay steps, and employees who had worked for the state for several years were working for lower pay steps. This made existing employees very unhappy and presented employee retention challenges.
- Section 17 amends RSA 99:4-b by replacing the term “salary” with the term “pay”.

- Section 18 amends RSA 99:6 by replacing the outdated references to “World War I and World War II” with a reference to the federal military leave law, “USERRA”.
- Section 19 amends RSA 99:8 by replacing the term “salary” with the term “pay”.
- Section 20 amends RSA 99:10 to clarify the process of assigning hazardous duty pay as a two-step process (appointing authority makes a recommendation then DOP Director gives final approval).
- Section 21 amends RSA 99:11, II to clarify the process of assigning direct care pay differential as a two-step process (appointing authority makes a recommendation then DOP Director gives final approval).
- Section 22 repeals various unnecessary or outdated provisions of Chapters 98-A and 99 – it also repeals the outdated RSA 21-I:30, I, dealing with medical and surgical benefits, and RSA 21-I:55, dealing with a DOT specific exception.

We are available to answer any questions at any time

Charlie Arlinghaus, DAS Commissioner
Charles.M.Arlinghaus@das.nh.gov
(603) 271-3201

Cassie Keane, DAS Deputy Commissioner
Catherine.A.Keane@das.nh.gov
(603) 271-2059

Lorrie Rudis, Director of Personnel
Lorrie.A.Rudis@das.nh.gov
(603) 271-3359

Matt Mavrogeorge, Deputy Director of Personnel
Matthew.G.Mavrogeorge@das.nh.gov
(603) 271-2824

Thank you.

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # <u>5274</u>

Hearing date: 1/25

Executive Session date: ~~2/23~~ 2/23

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 0605 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP-A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Perkins Kwoka

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 74-FN

Hearing date: NA

Executive session date: 03/15/23

Motion of: OTF

VOTE: 7-0

<u>Made by</u> Gray <input type="checkbox"/>	<u>Seconded</u> Gray <input type="checkbox"/>	<u>Reported</u> Gray <input checked="" type="checkbox"/>
<u>Senator:</u> Innis <input checked="" type="checkbox"/>	<u>by Senator:</u> Innis <input type="checkbox"/>	<u>by Senator:</u> Innis <input type="checkbox"/>
Bradley <input type="checkbox"/>	Bradley <input type="checkbox"/>	Bradley <input type="checkbox"/>
Birdsell <input type="checkbox"/>	Birdsell <input type="checkbox"/>	Birdsell <input type="checkbox"/>
Pearl <input type="checkbox"/>	Pearl <input type="checkbox"/>	Pearl <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Gray <input type="checkbox"/>	<u>Seconded</u> Gray <input type="checkbox"/>	<u>Reported</u> Gray <input type="checkbox"/>
<u>Senator:</u> Innis <input type="checkbox"/>	<u>by Senator:</u> Innis <input type="checkbox"/>	<u>by Senator:</u> Innis <input type="checkbox"/>
Bradley <input type="checkbox"/>	Bradley <input type="checkbox"/>	Bradley <input type="checkbox"/>
Birdsell <input type="checkbox"/>	Birdsell <input type="checkbox"/>	Birdsell <input type="checkbox"/>
Pearl <input type="checkbox"/>	Pearl <input type="checkbox"/>	Pearl <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Gray , Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Innis, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Pearl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 23, 2023

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0666s

Senator Rebecca Perkins Kwoka
For the Committee

SB 74 was filed at the request of the Department of Administrative Services and amends seven statutes relative to Department of Administrative Services and the 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. The amendment to SB 74 makes some changes to language in section 16 to ensure proper clarity and was approved by the Department.

Phil Jasak 271-1403

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 74-FN, relative to the department of administrative services.

Ought to Pass with Amendment, Vote 5-0.

Senator Rebecca Perkins Kwoka for the committee.

SB 74 was filed at the request of the Department of Administrative Services and amends seven statutes relative to Department of Administrative Services and the 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. The amendment to SB 74 makes some changes to language in section 16 to ensure proper clarity and was approved by the Department.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Thursday, March 16, 2023

THE COMMITTEE ON Finance

to which was referred **SB 74-FN**

AN ACT

relative to the department of administrative
services.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 7-0

Senator James Gray
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of SB74

Docket Abbreviations

Bill Title: relative to the department of administrative services.*Official Docket of SB74.:*

Date	Body	Description
1/18/2023	S	Introduced 01/05/2023 and Referred to Executive Departments and Administration; SJ 4
1/19/2023	S	Hearing: 01/25/2023, Room 103, SH, 09:30 am; SC 7
2/23/2023	S	Committee Report: Ought to Pass with Amendment #2023-0666s , 03/09/2023; Vote 5-0; CC; SC 12
3/9/2023	S	Committee Amendment #2023-0666s , AA, VV; 03/09/2023; SJ 9
3/9/2023	S	Ought to Pass with Amendment 2023-0666s, MA, VV; Refer to Finance Rule 4-5; 03/09/2023; SJ 9
3/16/2023	S	Committee Report: Ought to Pass, 03/23/2023; SC 14
3/23/2023	S	Ought to Pass: MA, VV; OT3rdg; 03/23/2023; SJ 11
3/28/2023	H	Introduced (in recess of) 03/23/2023 and referred to Executive Departments and Administration
4/12/2023	H	Public Hearing: 04/26/2023 10:00 am LOB 306-308
4/27/2023	H	Executive Session: 04/26/2023 10:00 am LOB 306-308
4/27/2023	H	Committee Report: Ought to Pass with Amendment #2023-1502h 04/26/2023 (Vote 18-0; CC)
5/4/2023	H	Amendment #2023-1502h: AA VV 05/04/2023 HJ 13 P. 9
5/4/2023	H	Ought to Pass with Amendment 2023-1502h: MA VV 05/04/2023 HJ 13 P. 9
6/1/2023	S	Sen. Pearl Moved to Concur with the House Amendment, MA, VV; 06/01/2023; SJ 16
7/11/2023	H	Enrolled Bill Amendment #2023-2237e: AA VV (in recess of) 06/29/2023 HJ 17 P. 16
7/12/2023	S	Enrolled Bill Amendment #2023-2237e Adopted, VV, (In recess of 06/29/2023); SJ 20
7/19/2023	H	Enrolled (in recess of) 06/29/2023 HJ 17 P. 18
7/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); SJ 20
8/9/2023	S	Signed by the Governor on 08/04/2023; Chapter 0207; Effective 10/03/2023

NH House

NH Senate

Other Referrals

June 27, 2023
2023-2237-EBA
10/08

Enrolled Bill Amendment to SB 74-FN

The Committee on Enrolled Bills 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 as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 74-FN

This enrolled bill amendment makes technical corrections and updates the text of an RSA amended in 2023, 79 (HB 2).

Enrolled Bill Amendment to SB 74-FN

Amend sections 1 and 2 of the bill by replacing them with the following:

1 Division of Personnel. Amend introductory paragraph RSA 21-I:42 and RSA 21-I:42, I to read as follows:

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

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

2 Division of Personnel. RSA 21-I:42, VI is repealed and reenacted to read as follows:

VI. Developing a program for the recruitment, selection, placement, and retention of qualified applicants in the state service.

ENROLLED BILL AMENDMENT TO SB 74-FN

- Page 2 -

Amend section 8 of the bill by replacing line 1 with the following:

8 Terms Defined. Amend RSA 98-A:1, I - V to read as follows:

Amend section 16 of the bill by replacing it with the following:

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

99:4 [~~Salary~~] *Pay* Adjustment Fund. Whereas the appropriations for personal services in state departments and institutions include an annual increment for each position, and whereas upon occasion due to vacancies and personnel turnover, [~~salaries~~] *pay* increment increases and longevity as provided by the appropriations are not needed for said positions, each quarter the department of administrative services shall review accounts and transfer said amount, if needed, from the departmental or institutional appropriation to a special account to be known as the [~~salary~~] *pay* adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon the certification of the commissioner of the department of administrative services, subject to the approval of governor and council, the [~~salary~~] *pay* adjustment fund shall be available for transfer to departments and institutions in amounts that are necessary to pay any legally authorized salaries for employees in the classified system, followed by an annual informational report to the governor and council after fiscal year end.

Amend paragraph I of section 23 of the bill by replacing it with the following:

I. RSA 21-I:55, relative to an exception for temporary employees of the department of transportation.

Senate Inventory Checklist for Archives

Bill Number: SB 74

Senate Committee: EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0605 amendment # 0665
- _____ - amendment # _____ _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- _____ - amendment # _____ _____ - amendment # _____
- _____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- _____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- _____ Enrolled Bill Amendment(s)
- _____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- _____ as amended by the senate _____ as amended by the house
- _____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

[Signature]
Committee Aide

7/7/23
Date

Senate Clerk's Office [Signature] AK

Senate Inventory Checklist for Archives

Bill Number: SB 74-FN

Senate Committee: FINANCE - 2ND Comm
BILL

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s) (2023-2237)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martone
Committee Aide

07/14/23
Date

Senate Clerk's Office HAP AK