



## Agency Legislative Proposal - 2022 Session

**Document Name:** 091721\_DAS\_MinorTechRevisionsStateBuildingCodeBuildingOfficials

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Administrative Services

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Lead agency division requesting this proposal: State Building Inspector

Agency Analyst/Drafter of Proposal: Lee Ross / Eleanor Michael

**Title of Proposal:** AAC Minor and Technical Revisions to the State Building Code, Appointment of Local Building Officials and Operators of Cranes or Hoisting Equipment

**Statutory References:** 10-285g, 29-221a, 29-254b, 29-256d, 29-260

**Proposal Summary:**

**Section 1** removes excavators and other machinery rigged to lift suspended loads from the list of machinery excluded from inspection and certification under the crane statutes to ensure that such machinery is subject to inspection and certification and therefore safe to use to hoist suspended loads.

**Section 2** eliminates the requirement that 2 copies of the plans and specifications for a large scale project be submitted to the State Building Inspector as part of the building permit application. Most applications are submitted electronically so 2 copies are not needed for the State Building Inspector to review and issue the permit.

**Section 3** would allow DAS to publish its biennial list of code variances and exemptions granted by the Commissioner electronically on its website rather than sending the list to every local building official.

**Section 4** would allow acting building officials to remain as a temporary replacement for the prior building official for up to 360 days to provide municipalities more time to recruit and hire a permanent building official. Under current law, municipalities can appoint a temporary building official for 180 days, so this would give them an additional 180 days or until a permanent building official is appointed, whichever is earlier.

**Section 5** repeals 10-285g regarding educational sound insulation, in that the language is both outdated and conflicts with the state building code.

**Section 6** repeals 29-256d regarding luminous safety path marking, in that the language is both outdated and conflicts with the state building code.

### PROPOSAL BACKGROUND

◇ Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

The proposal makes minor, but meaningful changes to the statutes governing the state building code, the appointment of local building officials and the inspection and certification of excavators that are used for hoisting suspended loads. It also would repeal language that is both outdated and conflicts with the state building code. The changes are meant to address real-time issues that have arisen, and to eliminate any confusion with statutory language that is in direct conflict with the code.

Origin of Proposal       New Proposal       Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

[Click here to enter text.](#)

### PROPOSAL IMPACT

AGENCIES AFFECTED (please list for each affected agency)

Agency Name: None.

Agency Contact (name, title, phone): [Click here to enter text.](#)

Date Contacted: [Click here to enter text.](#)

Approve of Proposal     YES     NO     Talks Ongoing

Summary of Affected Agency’s Comments

Not applicable

Will there need to be further negotiation?     YES     NO

FISCAL IMPACT (please include the proposal section that causes the fiscal impact and the anticipated impact)



<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None
<b>State</b> No additional cost to the state. Since DAS Construction Services already inspects cranes and hoists, the additional inspections for excavators can be easily accomplished within existing resources.
<b>Federal</b> None
<b>Additional notes on fiscal impact</b> Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

See above.
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◇ **EVIDENCE BASE**

<p><i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i></p> <p>Ability to quickly adopt changes to the state building code, minimize the possibility that municipalities may be required to operate without a local building official, increase work site safety by inspecting and certifying all machinery cable of lifting and hoisting.</p>
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**An Act Concerning Minor and Technical Changes to the State Building Code, Appointment of Local Building Officials and Operators of Cranes or Hoisting Equipment**

Section 1. Section 29-221a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) [Notwithstanding subdivisions (3) and (4) of section 29-221,] The following items are excluded from the scope of this chapter: (1) [Machinery included in subdivisions (3) and (4) of section 29-221 while it has been converted or adapted for a nonhoisting or nonlifting use, including power shovels, excavators and concrete pumps, (2) power shovels, excavators, wheel loaders, backhoes, loader backhoes and track loaders, including when this machinery is used with chains, slings or other rigging to lift suspended loads, (3)] automotive wreckers and tow trucks including rotators registered as wreckers and operated by a person, firm or corporation licensed as a motor vehicle dealer or repairer in accordance with the provisions of subpart (D) of part III of chapter 246 when used in such licensed business, whose functions may include consensual or nonconsensual vehicle recovery and load



transfer other than construction processes and consensual or nonconsensual towing and transportation of wrecked or disabled vehicles from the point at which the accident occurred or the vehicle became disabled, [(4)] (2) digger derricks when used for augering holes for poles carrying electric and telecommunication lines, placing and removing the poles and handling associated materials to be installed on or removed from the poles, [(5)] (3) machinery originally designed as vehicle-mounted aerial devices for lifting personnel and self-propelled elevating work platforms, [(6)] (4) telescopic or hydraulic gantry systems, [(7)] (5) stacker cranes, [(8)] (6) powered industrial forklifts, except when configured to hoist and lower, by means of a winch or hook, and horizontally move a suspended load, [(9)] (7) mechanic trucks with a hoisting device when used in activities related to equipment maintenance and repair, [(10)] (8) machinery that hoists by using a come-a-long or chain fall, [(11)] (9) gin poles when used for the erection of communication towers, [(12)] (10) anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame, [(13)] (11) roustabouts, [(14)] (12) helicopter cranes, [(15)] (13) propane service vehicles that are equipped with a crane to load or offload Department of Transportation (DOT) approved propane tanks or American Society of Mechanical Engineers (ASME) approved propane tanks having a capacity of two thousand gallons or less, [(16)] (14) overhead and gantry cranes when used for non-construction-related work, and [(17)] (15) dedicated drill rigs.

(b) Articulating or knuckle-boom truck cranes that deliver material to a construction site are excluded from the scope of this chapter when used to (1) transfer materials from the truck crane to the ground without arranging the materials in a particular sequence for hoisting, or (2) transfer building supply sheet goods or building supply packaged materials including, but not limited to, sheets of sheetrock, sheets of plywood, bags of cement, sheets or packages of roofing shingles and rolls of roofing felt from the truck crane onto a structure, using a fork or cradle at the end of the boom, but only when the truck crane is equipped with a properly functioning automatic overload prevention device.

(c) The exclusion set forth in subsection (b) of this section does not apply when (1) the articulating or knuckle-boom crane is used to hold, support or stabilize the material to facilitate a construction activity, such as holding material in place while it is attached to the structure, (2) the material being handled by the articulating or knuckle-boom crane is a prefabricated component including, but not limited to, precast concrete members or panels, roof trusses, prefabricated building sections such as floor panels, wall panels, roof panels, roof structures or similar items, (3) the material being handled by the crane is a structural steel member such as joists, beams, columns and steel decking or a component of a systems-engineered metal building, or (4) the activity is not otherwise excluded under subsection (b) of this section.

**(d) Excavators, backhoes, and power shovels are excluded from the scope of this chapter for cranes when used with chains, slings, or other rigging to lift suspended loads. Excavators and backhoes are considered cranes and subject to the requirements of this chapter only when used as a dedicated pile driver equipped with a pinned hammer for the sole purpose of driving piles.**

Sec. 2. Subsection (b) of section 29-252a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(b) (1) No state or Connecticut Airport Authority building or structure or addition to a state or Connecticut Airport Authority building or structure: (A) That exceeds the threshold limits contained in section 29-276b and requires an independent structural review under said section, or (B) that includes residential occupancies for twenty-five or more persons, shall be constructed until an application has been filed by (i) the commissioner of an agency authorized to contract for the construction of buildings under the provisions of section 4b-1 or 4b-51, or (ii) the executive director of the Connecticut Airport Authority, with the State Building Inspector and a building permit is issued by the State Building Inspector. **[Two copies of the plans] Plans** and specifications for the



building, structure or addition to be constructed shall accompany the application. The commissioner of any such agency or the executive director of the Connecticut Airport Authority shall certify that such plans and specifications are in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code. The State Building Inspector shall review the plans and specifications for the building, structure or addition to be constructed to verify their compliance with the requirements of the State Building Code and, not later than thirty days after the date of application, shall issue or refuse to issue the building permit, in whole or in part. The State Building Inspector may request that the State Fire Marshal review such plans to verify their compliance with the Fire Safety Code.

(2) On and after July 1, 1999, the State Building Inspector shall assess an education fee on each building permit application. During the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application, and the State Building Inspector shall remit such fees, quarterly, to the Department of Administrative Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Administrative Services and shall be used for the code training and educational programs established pursuant to section 29-251c. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c.

Sec. 3. Section 29-254b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

Not later than January 1, 2003, the State Building Inspector and the Codes and Standards Committee, in conjunction with the Commissioner of Administrative Services, shall create a list of variations or exemptions from, or equivalent or alternate compliance with, the State Building Code granted relative to existing buildings in the last two calendar years and shall update such list biennially. Not later than April 1, 2003, the Commissioner of Administrative Services shall, within available appropriations, (1) **send such list to all local building officials, (2) take appropriate actions to publicize such list** **publish such list on the internet web site of the Department of Administrative Services,** and **[(3)] (2)** educate local building officials and the public on how to use the list.

Sec. 4. Section 29-260 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) The chief executive officer of any town, city or borough, unless other means are already provided, shall appoint an officer to administer the code for a term of four years and until his successor qualifies and quadrennially thereafter shall so appoint a successor. Such officer shall be known as the building official. Two or more communities may combine in the appointment of a building official for the purpose of enforcing the provisions of the code in the same manner. The chief executive officer of any town, city or borough, upon the death, disability, dismissal, retirement or revocation of licensure of the building official, may appoint a licensed building official as the acting building official for a **single** period not to exceed one hundred eighty days, **with an option to extend such appointment for an additional one hundred eighty day period or until a permanent successor building official is appointed, whichever is earlier.**

(b) Unless otherwise provided by ordinance, charter or special act, a local building official who fails to perform the duties of his office may be dismissed by the local appointing authority and another person shall be appointed



in his place, provided, prior to such dismissal, such local building official shall be given an opportunity to be heard in his own defense at a public hearing in accordance with subsection (c) of this section.

(c) No local building official may be dismissed under subsection (b) of this section unless he has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before the authority having the power of dismissal. Such public hearing shall be held not less than five or more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. The court shall review the record of such hearing and if it appears that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as the court may direct and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may affirm the action of such authority or may set the same aside if it finds that such authority acted illegally or abused its discretion.

(d) Each municipality shall become a member of the International Code Council and shall pay the membership fee.

Section 5. Section 10-285g of the general statutes is repealed. *(Effective October 1, 2022)*

Section 6. Section 29-256d of the general statutes is repealed. *(Effective July 1, 2022)*



## Agency Legislative Proposal - 2022 Session

**Document Name:** 091721\_DAS\_MinorTechRevisionsStatePersonnelAct

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Administrative Services

**Liaison:** Eleanor Michael, Lee Ross

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Lead agency division requesting this proposal: Statewide HR

Agency Analyst/Drafter of Proposal: Lee Ross / Eleanor Michael

**Title of Proposal:** AAC Minor and Technical Revisions to the State Personnel Act

**Statutory Reference:** 5-196, 5-198, 5-199c, 5-215a, 5-216, 5-218, 5-219, 5-221, 5-223, 5-224, 5-225, 5-227b, 5-228, 5-233, 5-234

**Proposal Summary:**

Makes numerous minor and technical changes to the State Personnel Act to conform outdated language with best practices developed by HR in recent years.

Sections 1, 4, 7-9 and 11 broadly redefine “examination” to describe a more complete candidate selection process, including working test periods. The revised definition places less emphasis on selection tools such as written exams, scoring, and ratings, and places greater emphasis on available tools to assess fitness for state employment. Accordingly, references to candidate “scoring” and “rating” have been struck.

Section 2 makes the position of Communications Manager unclassified.

Section 3 eliminates the one-time requirement to develop an HR Strategic Plan, which was completed in 1992.

Sections 5 and 6 repeals prescriptive language regarding the manner in which DAS creates candidate lists and the manner in which examinations are noticed, making the language consistent with DAS’s use of the Job Aps website and providing consistency with processes developed through collective bargaining over the last several years.

Section 8 revises the language that gives veterans or their spouses who meet certain criteria either 5 or 10 “points” on open, public competitive postings. Since most job openings (i.e., exams) are pass/fail, the current language provides no meaningful benefit to veterans. In practice, this will require appointing authorities to check eligible lists received for veterans and take affirmative action to demonstrate they’ve considered their candidacy.

Sections 12, 14 and 15 make technical changes to clarify that the relevant positions described are non-examined (section 12) and non-competitive (sections 14-15).

Section 13 cleans up language to simplify and make clear that someone who fails any type of promotional working test period (from within the same agency or upon promotion to a different state



agency) will just be returned to their former position (if it is available) or be placed on a reemployment list. The state faced previous and expensive litigation over, among other things, this section of the statute. Numerous parties, including seasoned Human Resources and Labor Relations professionals and employment law attorneys, had difficulty interpreting the existing language.

**PROPOSAL BACKGROUND**

**◇ Reason for Proposal**

Please consider the following, if applicable:  
(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?  
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?  
(3) Have certain constituencies called for this action?  
(4) What would happen if this was not enacted in law this session?  
The proposal makes minor, but meaningful changes to the State Personnel Act to conform and make consistent the provisions of the Act with processes that reflect best practices for HR administration, processes developed over time through collective bargaining, and issues that have been adjudicated over the past several years. These changes benefit all parties at the bargaining table by simplifying and clarifying the manner in which these processes are utilized today.

**◇ Origin of Proposal       New Proposal       Resubmission**

If this is a resubmission, please share:  
(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?  
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?  
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?  
(4) What was the last action taken during the past legislative session?  
Click here to enter text.

**PROPOSAL IMPACT**

**◇ AGENCIES AFFECTED** (please list for each affected agency)

**Agency Name:** None.  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.  
Approve of Proposal     YES     NO     Talks Ongoing  
**Summary of Affected Agency’s Comments**  
Not applicable





Will there need to be further negotiation?  YES  NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal</b> (please include any municipal mandate that can be found within legislation) None
<b>State</b> Potential Savings: the state could avoid future costs of litigation by simplifying and clarifying vague or outdated language that has resulted in costly litigation in the past.
<b>Federal</b> None
<b>Additional notes on fiscal impact</b> Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** (Please specify the proposal section associated with the impact)

See above.

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

Ability to quickly adopt HR best practices, less litigation, more constructive and efficient negotiations with bargaining units,

**An Act Making Minor and Technical Changes to the State Personnel Act**

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

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

(1) “Agency” means a department, board, institution or commission established by statute, not a part of any other department, board, institution or commission.



(2) “Allocation” means the official assignment of a position in the classified service to the appropriate standard class of the classification plan.

(3) “Appointing authority” means a board, commission, officer, commissioner, person or group of persons or the designee of such board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute or by lawfully delegated authority.

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

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

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

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

(8) “Compensation schedule” or “compensation plan” means a list or lists specifying a series of compensation steps and ranges.

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

(10) “Employee” or “state employee” means any person holding a position in state service subject to appointment by an appointing authority.

(11) “Examination” means an **[assessment device] act, event, process, and/or technique intended to measure the knowledge, skills, abilities and fitness of applicants for employment which may include, but not limited to, experience and training determinations, interviews, assessment centers, performance exercises, background checks and associated suitability determinations, and/or working test periods [yielding scores or ratings designed to determine the fitness of candidates for positions allocated to a specified class, occupational group or career progression level]**.

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

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

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



(15) [“Minimum earned rating” means the lowest score or rating that entitles a candidate to pass the examination.] Repealed.

(16) “Officer” or “state officer” means any person appointed to a state office established by statute, including appointing authorities.

(17) “Part-time employee” means an employee holding a position normally requiring less than thirty-five hours of service in each week.

(18) “Permanent appointment” means appointment to a position in the classified service following successful completion of the required working test.

(19) “Permanent employee” means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.

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

(21) “Position” means a group of duties and responsibilities currently assigned or designated by competent authority to require the services of one employee.

(22) “Public member” means a member of a board or commission who does not hold any office or position in the state service.

(23) “Reemployment list” means a list of names of persons arranged in the order prescribed by the provisions of this chapter and by regulations issued in accordance with this chapter, which persons have occupied positions allocated to any class in the classified service, and are no longer in such class and are entitled to have their names certified to appointing authorities when vacancies in such class are to be filled, in preference to those whose names are on the candidate list for such class.

(24) “State service” means occupancy of any office or position or employment in the service of the state, but not of local governmental subdivisions thereof, for which compensation is paid.

(25) “Temporary position” means a position in the state service which is expected to require the services of an incumbent for a period not in excess of six months.

(26) “Unclassified service” means any office or position in the state service which is not in the classified service.

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



(28) “Veteran”, when used in this chapter and in section 5-180, means any person (A) (i) honorably discharged from, or released under honorable conditions from active service in, the armed forces of the United States, or (ii) with a qualifying condition, as defined in section 27-103, who has received a discharge other than bad conduct or dishonorable from active service in the armed forces of the United States, and (B) who has performed such service in time of war, as defined in said section, except that the final date for service in time of war during World War II shall be December 31, 1947.

(29) “Managerial employee” means any person presently covered by the existing managerial compensation plan pursuant to subsection (g) of section 5-270.

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

(31) “Occupational group” means broad occupational areas in which each class of positions shall be categorized as determined by the Commissioner of Administrative Services.

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

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

- (1) All officers and employees of the Judicial Department;
- (2) All officers and employees of the Legislative Department;
- (3) All officers elected by popular vote;
- (4) All agency heads, members of boards and commissions and other officers appointed by the Governor;
- (5) All persons designated by name in any special act to hold any state office;
- (6) All officers, noncommissioned officers and enlisted men in the military or naval service of the state and under military or naval discipline and control;
- (7) (A) All correctional wardens, as provided in section 18-82, and (B) all superintendents of state institutions, the State Librarian, the president of The University of Connecticut and any other commissioner or administrative head of a state department or institution who is appointed by a board or commission responsible by statute for the administration of such department or institution;
- (8) The State Historian appointed by the State Library Board;
- (9) Deputies to the administrative head of each department or institution designated by statute to act for and perform all of the duties of such administrative head during such administrative head's absence or incapacity;



(10) Executive assistants to each state elective officer and each department head, as defined in section 4-5, provided (A) each position of executive assistant shall have been created in accordance with section 5-214, and (B) in no event shall the Commissioner of Administrative Services or the Secretary of the Office of Policy and Management approve more than four executive assistants for a department head;

(11) One personal secretary to the administrative head and to each undersecretary or deputy to such head of each department or institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(26) Employees in the education professions bargaining unit;

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



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

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

Section 3. Section 5-199c of the general statutes is repealed in its entirety. (*Effective July 1, 2022*).

Section 4. Section 5-215a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

When the appointing authority receives approval to fill a vacancy in any permanent position in the classified service, the appointing authority shall request the Commissioner of Administrative Services to provide a candidate list. The candidate list certified by the commissioner shall **[contain the final earned rating of each candidate]** be comprised of candidates that meet the minimum qualifications of the position being recruited for. The appointing authority shall fill the vacant position by selecting any candidate on the candidate list. In the event that fewer than five names are available on the candidate list to fill a position, the Commissioner of Administrative Services may authorize a new examination based on documented need. The appointing authority may fill the position from either the new or original candidate list in accordance with the provisions of this section.

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

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

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

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



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

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

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

Section 6. Section 5-218 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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

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

Section 7. Section 5-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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



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

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

Section 8. Section 5-221 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

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

Section 9. Section 5-223 of the general statutes is repealed. (Effective July 1, 2022).

Section 10. Section 5-224 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

Military service shall count on a pro-rated basis toward meeting the minimum qualifications of a position, as appropriate. An appointing authority shall provide [A]any veteran as defined in section 27-103 placed on a candidate list by the Commissioner of Administrative Services due consideration for original appointment. [who served in time of war, if such veteran is not eligible for disability compensation or pension from the United States United States Department of Veterans Affairs, or the spouse of such veteran who by reason of such veteran's disability is unable to pursue gainful employment, or the unmarried surviving spouse of such veteran, and if such





person has attained at least the minimum earned rating on any examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228, shall have five points added to his or her earned rating. Any such veteran, or the spouse of such veteran who by reason of such veteran's disability is unable to pursue gainful employment, or the unmarried surviving spouse of such veteran, if such person is eligible for such disability compensation or pension and if such person has attained at least the minimum earned rating on any such examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228, shall have ten points added to his or her earned rating. Any veteran who has served in a military action for which such person received or was entitled to receive a campaign badge or expeditionary medal, shall have five points added to his or her earned rating if such person has attained at least the minimum earned rating on any such examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228 and such person is not otherwise eligible to receive additional points pursuant to this section. Any person who is a member of the armed forces, as defined in section 27-103, and who is in the final year of an enlistment contract with any branch of the armed forces shall have five points added to his or her earned rating if such person has attained at least the minimum earned rating on any such examination held for an original appointment for the purpose of establishing a candidate list to fill a vacancy in accordance with subsection (d) of section 5-228. Names of any such persons shall be placed upon the candidate lists in the order of such augmented ratings. Credits shall be based upon examinations with a possible rating of one hundred points.]

Section 11. Section 5-225 of the General Statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

All persons competing in an[y] examination to be placed on a candidate list established by the Commissioner of the Administrative Services shall be given written notice of the[ir] result [final earned ratings and the minimum earned rating necessary to pass the examination]. Not later than thirty days after the issuance of the [final earned rating] result, a person who took the examination but was [has not achieved a passing rating] not placed on the candidate list may inspect his or her [papers, markings, background profiles and other items used in determining the final earned ratings, other than examination questions and other materials constituting the examination], subject to such regulations as may be issued by the Commissioner of Administrative Services. Not later than ten days after [inspecting his or her papers] such inspection, a person may, in writing, appeal to the Commissioner of Administrative Services the accuracy of his or her [final earned rating] examination results, as based on the person's original examination [paper or] responses or results. The commissioner shall render a final decision on the person's appeal within thirty days thereafter and correct candidate lists as appropriate.

Section 12. Subsection (a) of section 5-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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



Section 13. Section 5-228 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

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

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

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

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

(e) [Appointees] Permanent employees promoted to any position in the classified service shall be required to serve the working test period provided for in this chapter. Any [promotional appointee from within the agency] such employee who is dismissed from the position to which he or she was promoted during such working test period, or at the conclusion thereof, shall be restored to a position in the same class in the agency which he or she had been employed prior to his or her promotion. If no such placement is possible, the employee shall be placed on an applicable re-employment list in accordance with section 5-241(b). [Any other appointee who was employed in the classified service prior to his or her appointment and who is dismissed from the position to which he or she was appointed during such working test period or at the conclusion thereof, shall be restored to a vacancy in the same class, or a vacancy in a comparable class or a vacancy in any other position the employee is qualified to fill, in the agency in which he or she had been employed prior to his or her appointment, or shall have his or her name placed on a reemployment list. No provision of this section shall be construed to prevent any employee in the unclassified service from competing for positions in the classified service if he or she possesses the minimum qualifications established by the commissioner. In the certification of names of persons eligible for appointment, sex shall be disregarded except when otherwise provided by statute or upon request of the appointing authority, subject to the approval of the commissioner.]

Section 14. Section 5-233 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

For positions involving unskilled and semiskilled labor or for positions involving domestic, attending or other housekeeping and custodial services at state institutions or agencies or for other similar classes where the character of the work, or the place of work, makes it impracticable to secure at stated times a sufficient number of applicants to supply the needs of the service, or where it is impracticable to examine and secure such persons from candidate lists with sufficient promptness to supply the needs of the service, the Commissioner of Administrative Services



may establish procedures which will permit the registration and, in his discretion, the examination of applicants, singly or in groups, at such times and places as meet the convenience of applicants and needs of the service, without public notice as required in this chapter. These positions shall be deemed non-competitive.

Section 15. Section 5-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The Commissioner of Administrative Services may provide for the appointment, with or without examination, of qualified persons in a class in which the incumbent serves for not more than three years in the class as part of an established training program. Any person so appointed to a professional or preprofessional training class may, upon successful completion of the required minimum working test period and training program, be reclassified to a position in the next higher level class for which the training program is established. The provisions of this section shall not apply to sections 5-224 and 7-415 concerning the veterans preference. These positions shall be deemed non-competitive.