

HB 2391 Fact Sheet

In summary, this bill provides State agencies with broader authority to fill positions in the unclassified service.

- **Does this bill require employees to move to the unclassified service?**
- **Answer** – No. State classified employees with permanent status cannot be forced to move to the unclassified service if they do not wish to, and this legislation will not affect that in any way. The proposed amendment to subsection (x) starting at line 25 on page three of the bill very specifically uses the language “voluntarily” to make it very clear that no current employee will move to the unclassified service as a result of this bill unless he or she affirmatively agrees to do so.
- **Does this bill require all vacant classified positions to be moved to the unclassified service?**
- **Answer** – No. This bill provides the authority for agency appointing authorities to convert vacant classified positions to unclassified positions, but does not require that they do so. Language beginning in line 15 of proposed new subsection (cc) on page four of the bill is very clear that this is an option and not required, by the use of the word “may” in the middle of line 16 of that new subsection.
- **Won’t the State jeopardize millions of Federal dollars by moving certain employees to the unclassified service?**
- **Answer** – No. New subsection (5) of the bill, starting at line 39 on page four, specifically authorizes State agencies that move positions that are required to maintain personnel standards on a merit basis pursuant to Federal law to meet this requirement by adopting a binding agency policy to that effect. Such policies will use the exact language set out in Federal regulations to satisfy this requirement, so Federal dollars will not be jeopardized as a result of this legislation.
- **Is this just a way to get classified employees to give up their permanent status so they can be fired?**
- **Answer** – No. Since the beginning of FY2013, 1,684 employees have voluntarily moved from a classified position to an unclassified position. The average length of service of these employees is 15.6 years, so this is not just something that is being offered to or accepted by employees hired during the current Administration. Of those 1,684 employees, there have only been 22 (or 1.3%) that have separated from State service on anything other than a voluntary basis.

This legislation simply provides agencies with greater flexibility in staffing and for employees to have an opportunity to receive an increase for doing a good job, or taking on new duties that would not be substantial enough to warrant a reallocation or an in-grade pay increase in the classified service.

- **Will employees be “blackballed” if they don’t agree to move to an unclassified position?**
- **Answer** – No. An employee’s decision not to accept a position in the unclassified service will not be used against them in any way. The decision will not impact the employee’s standing with the agency or the State in general and the employee will continue to have the same opportunities for advancement that he or she had prior to the offer to move to the unclassified position.