

2010 -- H 7669

=====
LC01691
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION --
MERIT SYSTEM

Introduced By: Representative Douglas W. Gablinske

Date Introduced: February 25, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-59-6 of the General Laws in Chapter 16-59 entitled "Board of
2 Governors for Higher Education" is hereby amended to read as follows:

3 **16-59-6. Commissioner of higher education.** -- The board shall appoint a commissioner
4 of higher education, who shall serve at the pleasure of the board, provided that his or her initial
5 engagement by the board shall be for a period of not more than three (3) years. For the purpose of
6 appointing, retaining, or dismissing a commissioner of higher education, the governor shall serve
7 as an additional voting member of the board, and provided that in the case of a tie, the president
8 of the senate shall cast the deciding vote. The position of commissioner shall be in the
9 ~~unclassified~~ non-classified service of the ~~state~~ board and he or she shall serve as the chief
10 executive officer of the board of governors and as the chief administrative officer of the office of
11 higher education. The commissioner of higher education shall have any duties that are defined in
12 this section and in this title and other additional duties as may be determined by the board, and
13 shall perform any other duties as may be vested in him or her by law. In addition to these duties
14 and general supervision of the office of higher education and the appointment of the several
15 officers and employees of the office, it shall be the duty of the commissioner of higher education:

16 (1) To develop and implement a systematic program of information gathering,
17 processing, and analysis addressed to every aspect of higher education in the state, especially as
18 that information relates to current and future educational needs.

1 (2) To prepare a master plan for higher education in the state; to coordinate the goals and
2 objectives of the higher public education sector with the activities of the independent higher
3 education sector where feasible.

4 (3) To communicate with and seek the advice of those concerned with and affected by
5 the board of governors' determinations.

6 (4) To implement broad policy as it pertains to the goals and objectives established by
7 the board; to enforce standards and to exercise general supervision over higher public education
8 in the state and over independent higher education in the state as provided in subdivision (11) of
9 this section; to assist in the preparation of the budget for public higher education and to be
10 responsible upon direction of the board for the allocation of appropriations, the acquisition,
11 holding, disposition, and general management of property.

12 (5) To be responsible for the coordination of the various higher educational functions of
13 the state so that maximum efficiency and economy can be achieved.

14 (6) To assist the board in preparation and maintenance of a five (5) year funding plan for
15 higher education; to assist the board in the preparation and presentation annually to the state
16 budget officer in accordance with section 35-3-4 of a total public higher educational budget.

17 (7) To recommend to the board of governors, after consultation with the presidents, a
18 clear and definitive mission for each public institution of higher learning.

19 (8) To recommend to the board of governors, after consultation with the presidents,
20 tables of organization for the public institutions of higher learning.

21 (9) To annually recommend to the board of governors, after consultation with the
22 presidents, the creation, abolition, retention, or consolidation of departments, divisions, programs,
23 and courses of study within the public colleges and universities to eliminate unnecessary
24 duplication in public higher education and to address the future needs of public higher education
25 in the state.

26 (10) To supervise the operations of the office of higher education and any other
27 additional duties and responsibilities that may be assigned by the board.

28 (11) To perform the duties vested in the board of governors with relation to independent
29 higher educational institutions within the state under the terms of chapter 40 of this title and any
30 other laws that affect independent higher education in the state.

31 (12) To be responsible for the administration of policies, rules, and regulations of the
32 board of governors with relation to the entire field of higher education within the state, not
33 specifically granted to any other department, board, or agency and not incompatible with law.

34 (13) To prepare standard accounting procedures for public higher education and all

1 public colleges and universities.

2 (14) To carry out the policies and directives of the board of governors through the office
3 of higher education and through utilization of the resources of the public institutions of higher
4 learning.

5 (15) (i) To direct the office of higher education to compile and analyze the following
6 information for presentation to the speaker of the house and the governor by May 1st annually:

7 (A) A detailed departmental breakdown of all faculty members employed at each state
8 run college and university by rank (including all professors, associate professors, assistant
9 professors, lecturers, instructors) and tenure (tenured and non-tenured, other) and by race
10 (African American, Hispanic, Native American, and Asian) and gender.

11 (B) A detailed report on current student enrollments for each class at each state run
12 college and university by race and gender, by academic department, and by outreach program
13 (e.g. talent development), guaranteed admissions program, and the current levels of funding and
14 staff support for each of these programs.

15 (C) A report on the current status of the African and Afro-American studies programs at
16 each institution and a five (5) year budgetary history of the programs along with projections for
17 budgetary support for the next two (2) years.

18 (D) A plan for recruitment of African American and Hispanic faculty into tenure track
19 positions at each institution with specific reference to and planned involvement with the New
20 England higher education's minority faculty recruitment and development plan.

21 (ii) Certified copies of the report shall be furnished to the board of governors and the
22 presidents of the state colleges and universities.

23 SECTION 2. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
24 System" is hereby amended to read as follows:

25 **36-4-2. Positions in unclassified service.** -- The classified service shall comprise all
26 positions in the state service now existing or hereinafter established, except the following specific
27 positions which with other positions heretofore or hereinafter specifically exempted by legislative
28 act shall constitute the unclassified service:

29 (1) Officers and legislators elected by popular vote and persons appointed to fill
30 vacancies in elective offices.

31 (2) Employees of both houses of the general assembly.

32 (3) Officers, secretaries, and employees of the office of the governor, office of the
33 lieutenant governor, department of state, department of the attorney general, and the treasury
34 department.

1 (4) Members of boards and commissions appointed by the governor, members of the
2 state board of elections and the appointees of the board, members of the commission for human
3 rights and the employees of the commission, and directors of departments.

4 (5) The following specific offices:

5 (i) In the department of administration: director, chief information officer;

6 (ii) In the department of business regulation: director;

7 (iii) In the department of elementary and secondary education: commissioner of
8 elementary and secondary education;

9 ~~(iv) In the department of higher education: commissioner of higher education;~~

10 ~~(v)~~ (iv) In the department of health: director;

11 ~~(vi)~~ (v) In the department of labor and training: director, administrative assistant,
12 administrator of the labor board and legal counsel to the labor board;

13 ~~(vii)~~ (vi) In the department of environmental management: director;

14 ~~(viii)~~ (vii) In the department of transportation: director;

15 ~~(ix)~~ (viii) In the department of human services: director;

16 ~~(x)~~ (ix) In the state properties committee: secretary;

17 ~~(xi)~~ (x) In the workers' compensation court: judges, administrator, deputy administrator,
18 clerk, assistant clerk, clerk secretary;

19 ~~(xii)~~ (xi) In the department of elderly affairs: director;

20 ~~(xiii)~~ (xii) In the department of mental health, retardation, and hospitals: director;

21 ~~(xiv)~~ (xiii) In the department of corrections: director, assistant director
22 (institutions/operations), assistant director (rehabilitative services), assistant director
23 (administration), and wardens;

24 ~~(xv)~~ (xiv) In the department of children, youth and families: director, one assistant
25 director, one associate director, and one executive director;

26 ~~(xvi)~~ (xv) In the public utilities commission: public utilities administrator;

27 ~~(xvii)~~ (xvi) In the water resources board: general manager;

28 ~~(xviii)~~ (xvii) In the human resources investment council: executive director.

29 ~~(xix)~~ (xviii) In the office of health and human services: secretary of health and human
30 services.

31 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
32 executive director of the veterans memorial building and his or her clerical employees.

33 (7) One confidential stenographic secretary for each director of a department and each
34 board and commission appointed by the governor.

1 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
2 attorney general, the public defender and employees of his or her office, and members of the
3 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
4 authority.

5 (9) The academic and/or commercial teaching staffs of all state institution schools, with
6 the exception of those institutions under the jurisdiction of the board of regents for elementary
7 and secondary education and the board of governors for higher education.

8 (10) Members of the military or naval forces, when entering or while engaged in the
9 military or naval service.

10 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
11 supreme, superior, family, and district courts, the traffic tribunal, jurors and any persons
12 appointed by any court.

13 (12) Election officials and employees.

14 (13) Administrator, executive high sheriff, sheriffs, chief deputy sheriffs, deputy sheriffs,
15 and other employees of the sheriff's division within the department of administration and security
16 officers of the traffic tribunal.

17 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
18 religious instructors of these institutions and student nurses in training, residents in psychiatry in
19 training, and clinical clerks in temporary training at the institute of mental health within the state
20 of Rhode Island medical center.

21 (15) (i) Persons employed to make or conduct a temporary and special inquiry,
22 investigation, project or examination on behalf of the legislature or a committee therefor, or on
23 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
24 is approved by the personnel administrator. The personnel administrator shall notify the house
25 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
26 in the unclassified service.

27 (ii) The duration of the appointment of a person, other than the persons enumerated in
28 this section, shall not exceed ninety (90) days or until presented to the department of
29 administration. The department of administration may extend the appointment another ninety (90)
30 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

31 (16) Members of the division of state police within the department of public safety.

32 (17) Executive secretary of the Blackstone Valley district commission.

33 (18) Artist and curator of state owned art objects.

34 (19) Mental health advocate.

- 1 (20) Child advocate.
- 2 (21) The position of aquaculture coordinator and marine infrastructure specialist within
- 3 the coastal resources management council.
- 4 (22) Employees of the office of the health insurance commissioner.
- 5 (23) In the department of revenue: the director, secretary, attorney.
- 6 (24) In the department of public safety: the director.
- 7 SECTION 3. This act shall take effect upon passage.

=====
LC01691
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION --
MERIT SYSTEM

- 1 This act would change the commissioner of higher education from an unclassified
2 position to that of a non-classified service position.
3 This act would take effect upon passage.

=====
LC01691
=====