§ 42. Non-competitive class. 1. The non-competitive class shall include all positions that are not in the exempt class or the labor class and for which it is found by the commission having jurisdiction to be not practicable to ascertain the merit and fitness of applicants by competitive examination. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the state civil service department or municipal commission having jurisdiction. No position shall be deemed to be in the non-competitive class unless it is specifically named in such class in the rules. Not more than one appointment shall be made to or under the title of any office or position placed in the non-competitive class pursuant to the provisions of this section, unless a different or an unlimited number is specifically prescribed in the rules.

2. With respect to civil divisions of the state whose populations, according to the latest federal decennial census or latest federal special population census, are less than five thousand and, with respect to those civil divisions whose populations are not determined as such by the federal bureau of the census, whose populations are estimated by their respective governing bodies to be less than five thousand, the state commission shall, on or before July first, nineteen hundred sixty-one, promulgate standards for determining the practicality of examination, which it may from time to time thereafter amend, and shall also provide information and advice to municipal commissions, to enable such commissions to utilize the provisions of this section, when appropriate, in order to enable such civil subdivisions to recruit and retain in their employ competent and qualified persons.

2-a. The state or municipal civil service commission by appropriate amendments to its rules shall designate among positions in the non-competitive class in its jurisdiction those positions which are confidential or require the performance of functions influencing policy.