

33 appointed for the unexpired term.

34 (c) The governor may remove a member [~~only~~] for inefficiency, neglect of duty,
35 malfeasance or misfeasance in office, or other good and sufficient cause.

36 (d) A member shall hold office until a successor is appointed and has qualified.

37 (4) (a) Except as provided in Subsection (4)(c), a member of the board may not receive
38 compensation for the member's services, but may receive per diem and expenses incurred in the
39 performance of the member's official duties at the rates established by the Division of Finance
40 under Sections 63A-3-106 and 63A-3-107.

41 (b) A member may decline to receive per diem and expenses for the member's service.

42 (c) The member appointed as board chair in accordance with Subsection (5) shall be [a
43 ~~part-time employee designated under Subsection 67-19-15(1)(q) and~~] compensated [for up to
44 ~~40 hours of work in a two-week pay period~~] at an hourly rate determined by the Department of
45 Human Resource Management in accordance with Title 67, Chapter 19, Personnel
46 Management.

47 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
48 and administrative head of the board.

49 (b) The chair shall be appointed by the governor to represent the public and may be
50 removed from that position at the will of the governor.

51 (c) The chair shall be experienced in administration and possess any additional
52 qualifications determined by the governor.

53 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

54 (i) in the absence of a regular member or the chair; or

55 (ii) if the regular member or the chair has a conflict of interest.

56 (b) Each case shall be decided by a full three-member panel.

57 (7) The department shall provide the Workforce Appeals Board necessary staff
58 support, except, the board may employ, retain, or appoint legal counsel.

59 Section 2. Section **35A-4-203** is amended to read:

60 **35A-4-203. Definition of employer.**

61 As used in this chapter "employer" means:

62 (1) an individual or employing unit [~~that paid wages during a calendar quarter in either~~
63 ~~the current or preceding calendar year for employment amounting to \$140 or more and an~~

64 ~~employing unit subject to the Federal Unemployment Tax Act]~~ which employs one or more
65 individuals for some portion of a day during a calendar year, or that, as a condition for approval
66 of this chapter for full tax credit against the tax imposed by the Federal Unemployment Tax
67 Act, is required, under the act, to be an employer;

68 (2) an employing unit that, having become an employer under Subsection (1), has not,
69 under Sections 35A-4-303 and 35A-4-310, ceased to be an employer subject to this chapter; or

70 (3) for the effective period of its election under Subsection 35A-4-310(3), an
71 employing unit that has elected to become fully subject to this chapter.

Legislative Review Note
as of 11-20-02 4:14 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel