

**10-3-1105 Municipal employees -- Duration and termination of employment -- Exceptions.**

- (1)
  - (a) Except as provided in Subsection (1)(b) or (2), each employee of a municipality shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Section 10-3-1106.
  - (b) Subsection (1)(a) does not apply to an employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff or reorganization.
- (2) Subsection (1)(a) does not apply to:
  - (a) subject to Subsection (3), a person appointed by the mayor, city manager, or other person or body with the power to appoint in the municipality if:
    - (i) the appointment is made in writing;
    - (ii) the person's written job description identifies the person's position as exempt from the protections described in Subsection (1)(a); and
    - (iii) the position is described in an ordinance as exempt from the protections described in Subsection (1)(a);
  - (b) a member of the municipality's police department or fire department who is a member of the classified civil service in a first or second class city;
  - (c) a person who holds a position described in Subsections (2)(c)(i) through (xii) or an equivalent position designated in a municipal ordinance or personnel policy:
    - (i) a police chief of the municipality;
    - (ii) a deputy or assistant police chief of the municipality;
    - (iii) a fire chief of the municipality;
    - (iv) a deputy or assistant fire chief of the municipality;
    - (v) a head of a municipal department or division;
    - (vi) a deputy of a head of a municipal department or division;
    - (vii) a superintendent;
    - (viii) a probationary employee of the municipality;
    - (ix) a part-time employee of the municipality, including paid call firefighters;
    - (x) a seasonal or temporary employee of the municipality;
    - (xi) a person who works in the office of an elected official; or
    - (xii) a secretarial or administrative assistant support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department;
  - (d) an individual appointed to a position under Part 9, Appointed Officials and Their Duties, including:
    - (i) the city engineer;
    - (ii) the city recorder;
    - (iii) the city treasurer; or
    - (iv) the city attorney; or
  - (e) an employee who has:
    - (i) acknowledged in writing that the employee's employment status is appointed or at-will; or
    - (ii) voluntarily waived the procedures required by Section 10-3-1106.
- (3) In addition to the persons described in Subsections (2)(b) through (e), a municipality may appoint up to 5% of the municipality's workforce in accordance with Subsection (2)(a).
- (4) Nothing in this section or Section 10-3-1106 may be construed to limit a municipality's ability to define cause for an employee termination or reduction in force.

Amended by Chapter 321, 2012 General Session