

Superseded 5/10/2016

17-33-4 Career service council -- Members and alternate members -- Powers and duties -- Appeals -- Time limit -- Qualifications, appointment, terms, and compensation of council members.

- (1)
 - (a)
 - (i) There shall be in each county establishing a system a three-member bipartisan career service council appointed by the county executive. The members of the council shall be persons in sympathy with the application of merit principles to public employment.
 - (ii)
 - (A) The county executive may appoint alternate members of the career service council to hear appeals that one or more regular career service council members are unable to hear.
 - (B) The term of an alternate member of the career service council may not exceed one year.
 - (b) The council shall hear appeals not resolved at lower levels in the cases of career service employees suspended, transferred, demoted, or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or departmental level.
 - (c) The career service council:
 - (i) may make an initial determination in each appeal whether the appeal is one of the types of matters under Subsection (1)(b) over which the council has jurisdiction;
 - (ii) shall review written appeals in cases of applicants rejected for examination and report final binding appeals decisions, in writing, to the county legislative body;
 - (iii) may not hear any other personnel matter; and
 - (iv) may affirm, modify, vacate, or set aside an order for disciplinary action.
 - (d)
 - (i) A person adversely affected by a decision of the career service council may appeal the decision to the district court.
 - (ii) An appeal to the district court under this Subsection (1)(d) is barred unless it is filed within 30 days after the career service council issues its decision.
 - (iii) If there is a record of the career service council proceedings, the district court review shall be limited to the record provided by the career service council.
 - (iv) In reviewing a decision of the career service council, the district court shall presume that the decision is valid and may determine only whether the decision is arbitrary or capricious.
- (2) Each council member shall serve a term of three years to expire on June 30, three years after the date of his or her appointment, except that original appointees shall be chosen as follows: one member for a term expiring June 30, 1982; one member for a term expiring June 30, 1983; and one member for a term expiring June 30, 1984. Successors of original council members shall be chosen for three-year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor. Each member of the board shall hold office until his successor is appointed and confirmed. A member of the council may be removed by the county executive for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the county legislative body. Adequate annual appropriations shall be made available to enable the council effectively to carry out its duties under this law.
- (3) Members and alternates of the council shall be United States citizens and be actual and bona fide residents of the state of Utah and the county from which appointed for a period of not less than one year preceding the date of appointment and a member may not hold another government office or be employed by the county.

- (4) The council shall elect one of its members as chairperson, and two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council.
- (5) The council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice courts.
- (6)
 - (a)
 - (i) Council members shall receive compensation for each day or partial day they are in session at a per diem rate determined by the county legislative body.
 - (ii) An alternate member shall receive compensation for each day or partial day that the alternate member is required to replace a regular council member, at a per diem rate determined by the county legislative body.
 - (b) The county legislative body may periodically adjust the compensation rate for inflation.