

Superseded 7/1/2015

67-19-12 State pay plans -- Applicability of section -- Exemptions -- Duties of the executive director.

- (1)
 - (a) This section, and the rules adopted by the department to implement this section, apply to each career and noncareer employee not specifically exempted under Subsection (2).
 - (b) If not exempted under Subsection (2), an employee is considered to be in classified service.
- (2) The following employees are exempt from this section:
 - (a) members of the Legislature and legislative employees;
 - (b) members of the judiciary and judicial employees;
 - (c) elected members of the executive branch and employees under schedule AC as provided under Subsection 67-19-15(1)(c);
 - (d) employees of the State Board of Education who are licensed by the State Board of Education;
 - (e) officers, faculty, and other employees of state institutions of higher education;
 - (f) employees in a position that is specified by statute to be exempt from this Subsection (2);
 - (g) employees in the Office of the Attorney General;
 - (h) department heads and other persons appointed by the governor under statute;
 - (i) exempt employees as provided under Subsection 67-19-15(1)(l);
 - (j) employees of the Utah Schools for the Deaf and the Blind who are:
 - (i) educators as defined by Section 53A-25b-102; or
 - (ii) educational interpreters as classified by the department; and
 - (k) temporary employees described in Subsection 67-19-15(1)(p).
- (3)
 - (a) The executive director shall prepare, maintain, and revise a position classification plan for each employee position not exempted under Subsection (2) to provide equal pay for equal work.
 - (b) Classification of positions shall be based upon similarity of duties performed and responsibilities assumed, so that the same job requirements and the same salary range may be applied equitably to each position in the same class.
 - (c) The executive director shall allocate or reallocate the position of each employee in classified service to one of the classes in the classification plan.
 - (d)
 - (i) The department shall conduct periodic studies and desk audits to provide that the classification plan remains reasonably current and reflects the duties and responsibilities assigned to and performed by employees.
 - (ii) The executive director shall determine the schedule for studies and desk audits after considering factors such as changes in duties and responsibilities of positions or agency reorganizations.
- (4)
 - (a) With the approval of the governor, the executive director shall develop and adopt pay plans for each position in classified service.
 - (b) The executive director shall design each pay plan to achieve, to the degree that funds permit, comparability of state salary ranges to salary ranges used by private enterprise and other public employment for similar work.
 - (c) The executive director shall adhere to the following in developing each pay plan:
 - (i) Each pay plan shall consist of sufficient salary ranges to permit adequate salary differential among the various classes of positions in the classification plan.
 - (ii)

- (A) The executive director shall assign each class of positions in the classification plan to a salary range and shall set the width of the salary range to reflect the normal growth and productivity potential of employees in that class.
- (B) The width of the ranges need not be uniform for all classes of positions in the plan.
- (iii)
 - (A) The executive director shall issue rules for the administration of pay plans.
 - (B) The executive director shall issue rules providing for salary adjustments.
- (iv) Merit increases shall be granted, on a uniform and consistent basis in accordance with appropriations made by the Legislature, to employees who receive a rating of "successful" or higher in an annual evaluation of their productivity and performance.
- (v) By October 31 of each year, the executive director shall submit market comparability adjustments to the executive director of the Governor's Office of Management and Budget for consideration to be included as part of the affected agency's base budgets.
- (vi) By October 31 of each year, the executive director shall recommend a compensation package to the governor.
- (vii)
 - (A) Adjustments shall incorporate the results of a total compensation market survey of salary ranges and benefits of a reasonable cross section of comparable benchmark positions in private and public employment in the state.
 - (B) The survey may also study comparable unusual positions requiring recruitment in other states.
 - (C) The executive director may cooperate with other public and private employers in conducting the survey.
- (viii)
 - (A) The executive director shall establish criteria to assure the adequacy and accuracy of the survey and shall use methods and techniques similar to and consistent with those used in private sector surveys.
 - (B) Except as provided under Sections 67-19-12.1 and 67-19-12.3, the survey shall include a reasonable cross section of employers.
 - (C) The executive director may cooperate with or participate in any survey conducted by other public and private employers.
 - (D) The executive director shall obtain information for the purpose of constructing the survey from the Division of Workforce Information and Payment Services and shall include employer name, number of persons employed by the employer, employer contact information and job titles, county code, and salary if available.
 - (E) The department shall acquire and protect the needed records in compliance with the provisions of Section 35A-4-312.
- (ix) The establishing of a salary range is a nondelegable activity and is not appealable under the grievance procedures of Sections 67-19-30 through 67-19-32, Chapter 19a, Grievance Procedures, or otherwise.
- (x) The governor shall:
 - (A) consider salary adjustments recommended under Subsection (4)(c)(vi) in preparing the executive budget and shall recommend the method of distributing the adjustments;
 - (B) submit compensation recommendations to the Legislature; and
 - (C) support the recommendation with schedules indicating the cost to individual departments and the source of funds.
- (xi) If funding is approved by the Legislature in a general appropriations act, the adjustments take effect on the July 1 following the enactment.

- (5)
 - (a) The executive director shall issue rules for the granting of incentive awards, including awards for cost saving actions, awards for commendable actions by an employee, or a market-based award to attract or retain employees.
 - (b) An agency may not grant a market-based award unless the award is previously approved by the department.
 - (c) In accordance with Subsection (5)(b), an agency requesting the department's approval of a market-based award shall submit a request and documentation, subject to Subsection (5)(d), to the department.
 - (d) In the documentation required in Subsection (5)(c), the requesting agency shall identify for the department:
 - (i) any benefit the market-based award would provide for the agency, including:
 - (A) budgetary advantages; or
 - (B) recruitment advantages;
 - (ii) a mission critical need to attract or retain unique or hard to find skills in the market; or
 - (iii) any other advantage the agency would gain through the utilization of a market-based award.
- (6)
 - (a) The executive director shall regularly evaluate the total compensation program of state employees in the classified service.
 - (b) The department shall determine if employee benefits are comparable to those offered by other private and public employers using information from:
 - (i) the most recent edition of the Employee Benefits Survey Data conducted by the U.S. Chamber of Commerce Research Center; or
 - (ii) the most recent edition of a nationally recognized benefits survey.
- (7)
 - (a) The executive director shall submit proposals for a state employee compensation plan to the governor by October 31 of each year, setting forth findings and recommendations affecting employee compensation.
 - (b) The governor shall consider the executive director's proposals in preparing budget recommendations for the Legislature.
 - (c) The governor's budget proposals to the Legislature shall include a specific recommendation on employee compensation.