

1                                   **PAY EQUITY FOR STATE EMPLOYEES**

2   1998 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: James R. Gowans**

5 AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; MODIFYING  
6 RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF HUMAN  
7 RESOURCE MANAGEMENT; AMENDING REQUIREMENTS FOR APPOINTMENTS TO  
8 SCHEDULE B POSITIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING  
9 AN EFFECTIVE DATE.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12                   **67-19-6**, as last amended by Chapter 135, Laws of Utah 1995

13                   **67-19-16**, as last amended by Chapter 213, Laws of Utah 1997

14 *Be it enacted by the Legislature of the state of Utah:*

15                   Section 1. Section **67-19-6** is amended to read:

16                   **67-19-6. Responsibilities of director.**

17                   (1) The director shall:

18                   (a) develop, implement, and administer a statewide program of personnel management for  
19 state employees that will:

20                   (i) prevent salary inequities;

21                   [(†)] (ii) aid in the efficient execution of public policy;

22                   [(†)] (iii) foster careers in public service for qualified employees; and

23                   [(†)] (iv) render assistance to state agencies in performing their missions;

24                   (b) perform those functions necessary to implement this chapter unless otherwise assigned  
25 or prohibited;

26                   (c) perform duties assigned by the governor or statute;

27                   (d) adopt rules for personnel management according to the procedures of Title 63, Chapter

1 46a, Utah Administrative Rulemaking Act;

2 (e) establish and maintain a management information system that will furnish the  
3 governor, the Legislature, and agencies with current information on authorized positions, payroll,  
4 and related matters concerning state personnel;

5 (f) in cooperation with other agencies, conduct research and planning activities to:

6 (i) determine and prepare for future state personnel needs;

7 (ii) develop methods for improving public personnel management; and

8 (iii) propose needed policy changes to the governor;

9 (g) study the character, causes, and extent of discrimination in state employment and  
10 develop plans for its elimination through programs consistent with federal and state laws  
11 governing equal employment opportunity and affirmative action in employment;

12 (h) when requested by counties, municipalities, and other political subdivisions of the  
13 state, provide technical service and advice on personnel management at a charge determined by  
14 the director;

15 (i) establish compensation policies and procedures for early voluntary retirement;

16 (j) confer with the heads of other agencies about human resource policies and procedures;

17 and

18 (k) submit an annual report to the governor and the Legislature.

19 (2) (a) After consultation with the governor and the heads of other agencies, the director  
20 shall establish and coordinate statewide training programs.

21 (b) The programs developed under this subsection shall have application to more than one  
22 agency.

23 (c) The department may not establish training programs that train employees to perform  
24 highly specialized or technical jobs and tasks.

25 (3) (a) (i) The department may collect fees for training as authorized by this subsection.

26 (ii) Training funded from General Fund appropriations shall be treated as a separate  
27 program within the department budget.

28 (iii) All money received from fees under this section will be accounted for by the  
29 department as a separate user driven training program.

30 (iv) The user training program includes the costs of developing, procuring, and presenting  
31 training and development programs, and other associated costs for these programs.

1 (b) (i) Funds remaining at the end of the fiscal year in the user training program are  
2 nonlapsing.

3 (ii) Each year, as part of the appropriations process, the Legislature shall review the  
4 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require the  
5 department to lapse a portion of the funds.

6 Section 2. Section **67-19-16** is amended to read:

7 **67-19-16. Appointments to Schedule B positions -- Examinations -- Hiring lists --**  
8 **Probationary service -- Dismissal.**

9 (1) Each appointment to a position under Schedule B shall be made from hiring lists of  
10 applicants who have been selected by competitive procedures as defined by the director.

11 (2) Any person appointed to a position under Schedule B:

12 (a) shall be placed at or below the midpoint merit step in the department's approved salary  
13 range for the job classification; and

14 (b) may not receive a salary greater than a current employee in the same job classification,  
15 salary range, and agency as the new appointment.

16 [~~(2)~~] (3) The director shall publicly announce information regarding career service  
17 positions:

18 (a) for periods of time to be determined by the director; and

19 (b) in a manner designed to attract the highest number of qualified applicants.

20 [~~(3)~~] (4) The director shall make rules establishing standards for the development,  
21 approval, and implementation of examining instruments.

22 [~~(4)~~] (5) Applicants for employment to Schedule B positions shall be eligible for  
23 appointment based upon rules established by the director.

24 [~~(5)~~] (6) (a) The agency head shall make appointments to fill vacancies from hiring lists  
25 for probationary periods as defined by rule.

26 (b) The director shall make rules establishing probationary periods.

27 [~~(6)~~] (7) A person serving a probationary period may not use the grievance procedures  
28 provided in this chapter and in Title 67, Chapter 19a, Grievance and Appeal Procedures, and may  
29 be dismissed at any time by the appointing officer without hearing or appeal.

30 [~~(7)~~] (8) Career service status shall be granted upon the successful completion of the  
31 probationary period.

- 1           Section 3. **Effective date.**
- 2           This act takes effect on July 1, 1998.

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**Legislative Review Note**  
**as of 2-2-98 6:43 AM**

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

**Office of Legislative Research and General Counsel**