

**DEPUTY SHERIFFS MERIT SYSTEM AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Perry L. Buckner**

AN ACT RELATING TO COUNTIES; EXPANDING THE MATTERS THAT CAN BE APPEALED TO THE MERIT SYSTEM COMMISSION; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

**17-30-19**, as enacted by The People Nov. 8, 1960, Laws of Utah 1960

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

Section 1. Section **17-30-19** is amended to read:

**17-30-19. Disciplinary charges and officer grievances -- Appeal to commission -- Hearing -- Findings.**

~~[Upon] (1) Each person who orders the demotion, reduction in pay, suspension, or discharge of a merit system officer for any cause set forth in Section 17-30-18[; the person ordering the demotion, reduction in pay, suspension, or discharge] shall:~~

~~(a) file written charges with the commission[;]; and [shall]~~

~~(b) serve the officer with a copy [thereof] of the written charges. [In the absence of an appeal, copies of such charges shall not be made public without the consent of the charged officer. The]~~

(2) (a) (i) An officer who is the subject of charges under Subsection (1) may, within ten days after service of the charges, [may] appeal in writing to the commission.

(ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not be made public without the consent of the officer charged.

(b) If an officer files a grievance, as defined by the commission, and exhausts all internal grievance procedures, if any, the officer may, within ten days after receiving notice of the final disposition of the grievance, file an appeal with the commission.

(3) (a) The commission shall:

(i) fix a time and place for a hearing upon the charges~~[, which shall not be less than five nor more than twenty days after appeal is filed,]~~ or appeal of the officer grievance; and

(ii) give notice of ~~[which shall be given]~~ the hearing to the parties.

(b) (i) Except as provided in Subsection (3)(b)(ii), each hearing under this Subsection (3) shall be held not less than ten and not more than 90 days after an appeal or grievance is filed.

(ii) A hearing may be held more than 90 days after an appeal or grievance is filed if:

(A) the officer and employer agree; or

(B) for good cause the commission so orders.

(4) (a) If the aggrieved officer so desires, the hearing shall be public~~[, and the]~~.

(b) The parties may be represented by counsel at the hearing.

(5) After the hearing the commission shall make its decision in writing, including ~~[therein]~~ findings of fact, and shall mail a copy to each party.