

Senator Scott N. Howell proposes to substitute the following bill:

LOCAL GOVERNMENT PEACE OFFICER EXAMINATIONS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott N. Howell

AN ACT RELATING TO LOCAL GOVERNMENT; ALLOWING THE CIVIL SERVICE COMMISSION AND THE PERSONAL MERIT SYSTEM COMMISSION TO USE OTHER COMPETITIVE EXAMINATION PROCESSES TO DETERMINE THE QUALIFICATION OF APPLICANTS FOR POSITIONS AS PEACE OFFICERS.

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

AMENDS:

10-3-1007, as enacted by Chapter 48, Laws of Utah 1977

17-30-6, as last amended by Chapter 234, Laws of Utah 1993

17-30-9, as enacted by The People Nov. 8, 1960, Laws of Utah 1960

17-30-10, as enacted by The People Nov. 8, 1960, Laws of Utah 1960

17-30-11, as last amended by Chapter 210, Laws of Utah 1983

ENACTS:

53-6-401, Utah Code Annotated 1953

53-6-402, Utah Code Annotated 1953

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

Section 1. Section **10-3-1007** is amended to read:

10-3-1007. Examinations.

(1) All applicants for employment in the classified civil service [~~shall be~~] are subject to examination, which shall be public, competitive, and free.

(2) Examinations shall be:

(a) held at [~~such~~] times and places [~~as~~] the civil service commission [~~shall from time to~~

26 time determine, and shall be] determines;

27 (b) for the purpose of determining the qualifications of applicants for positions[-

28 Examinations shall be]; and

29 (c) practical and shall fairly test the fitness in every respect of the persons examined to
30 discharge the duties of the positions to which they seek to be appointed[-, and shall include tests
31 of physical qualifications and health].

32 (3) The civil service commission, in determining the qualifications of applicants for
33 employment in the classified civil service, may recognize the results of a competitive examination
34 administered by the Utah Police Corps, as created in Section 53-6-402, if the examination meets
35 the requirements of Subsections (2)(b) and (c).

36 Section 2. Section 17-30-6 is amended to read:

37 **17-30-6. Examinations -- How prepared, conducted, and graded -- Notice of**
38 **examination.**

39 (1) (a) When necessary, the commission shall give competitive examinations to determine
40 the qualification of applicants for positions as peace officers.

41 (b) The examinations shall be practical in character and shall relate to matters that will
42 fairly test the mental and physical ability and knowledge of the applicants to discharge the duties
43 of the positions.

44 (c) The examinations shall be prepared, conducted, and graded under the direction of the
45 commission, or by impartial special examiners [if the commission finds it necessary].

46 (2) The commission, in determining the qualifications of applicants for positions as peace
47 officers, may recognize the results of a competitive examination administered by the Utah Police
48 Corps, as created in Section 53-6-402, if the examination meets the requirements of Subsection
49 (1)(b).

50 [(2)] (3) (a) Notice of examination shall be published one time not less than 15 days prior
51 to the examination in a newspaper of general circulation in the area concerned and shall be posted
52 in a conspicuous place in the office of the department concerned.

53 (b) The notice shall set forth minimum and maximum wages, physical and educational
54 requirements, and passing grades, which shall be not less than 70%.

55 (c) A person completing an examination shall be promptly notified of his final grade by
56 mail at his last-known address [of his final grade].

57 Section 3. Section **17-30-9** is amended to read:

58 **17-30-9. Preparation and expiration of eligible register.**

59 (1) Upon completion of [an] any examination, the commission shall prepare an eligible
60 register containing the names of all persons receiving a passing grade in the order of grades earned,
61 beginning with the highest.

62 (2) (a) An eligible register [~~shall expire~~], except for registers listing persons qualifying
63 under Subsection 17-30-6(2), expires not later than two years after the date of the examination
64 unless the commission, for good reason, [~~shall extend~~] extends the time not to exceed one
65 additional year.

66 (b) The promulgation of a new eligible register [~~shall~~] automatically [~~cancel~~] cancels all
67 previous registers for the same class or position, except that the commission may establish rules
68 governing registers established for Utah Police Corps positions.

69 Section 4. Section **17-30-10** is amended to read:

70 **17-30-10. Appointments from eligible register -- Failure to accept appointment.**

71 (1) When a peace officer is to be appointed, the appointing authority shall request the merit
72 system commission to certify three eligible applicants for the position. The commission shall
73 [thereupon] certify to the appointing authority the names of the three applicants standing highest
74 on the eligible register. The appointing authority shall select and appoint one of the persons so
75 certified.

76 (2) [~~In the event~~] If a certified person fails to accept a proffered appointment, he may, at
77 his request, retain his place on the eligible register if he submits in writing reasons sufficient in the
78 judgment of the commission to justify [~~such~~] the failure to accept.

79 (3) The commission, in appointing a peace officer, may recognize the results of a
80 competitive examination administered by the Utah Police Corps, as created in Section 53-6-402,
81 if the examination meets the requirements of Subsection 17-30-6(1)(b).

82 Section 5. Section **17-30-11** is amended to read:

83 **17-30-11. Probationary period of appointment.**

84 (1) Any officer appointed as provided in Section 17-30-10 shall serve a probationary
85 period of six consecutive months, during which time he may be discharged by the appointing
86 authority. The probationary period shall be extended for an officer who has not yet satisfactorily
87 completed an approved peace officer training program and received a certificate [~~attesting thereto~~]

88 of completion, as required under Title 67, Chapter 15. A person removed during his probationary
89 period ~~[shall]~~ may not be [replaced] placed again on the eligible register without passing another
90 regular examination. Continuance in his position after the expiration of the probationary period
91 ~~[shall constitute]~~ constitutes a permanent appointment. Service under a temporary or emergency
92 appointment ~~[shall]~~ is not [be considered as] part of the probationary period.

93 (2) The commission shall establish policies and procedures to govern the probationary
94 appointments of officers selected from the Utah Police Corps, but the probationary period may not
95 be less than six months.

96 Section 6. Section **53-6-401** is enacted to read:

97 **Part 4. Utah Police Corps Act**

98 **53-6-401. Title.**

99 This part is known as the "Utah Police Corps Act."

100 Section 7. Section **53-6-402** is enacted to read:

101 **53-6-402. Creation -- Purpose -- Funding.**

102 (1) There is created within the division the Utah Police Corps.

103 (2) The Utah Police Corps is a peace officer training program that:

104 (a) is funded solely by the federal government;

105 (b) requires participants to receive a four-year college degree;

106 (c) reimburses participants up to \$30,000 for education expenses; and

107 (d) requires participants to work for a state or local law enforcement agency for four years
108 after graduating from the corps.

109 (3) The state is not required to provide funding to the Utah Police Corps.