



## UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1035 • FAX (801) 538-1414

January 23, 2004

Mr. President:

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 23**, AMENDMENTS TO MUNICIPAL GOVERNMENT, by Senator T. Hatch, with the following amendments:

1. *Page 2, Lines 41 through 54:*

- 41           (2) Subsection (1) does not apply to:  
                  \* \* \* *Some lines not shown* \* \* \*
- 49           (f) a deputy or assistant fire chief of the municipality;  
                  \* \* \* *Some lines not shown* \* \* \*
- 53           (j) a probationary employee of the municipality; ~~[[or]]~~ =  
                  (k) a part-time employee of the municipality; or
- 54           ~~[[k]]~~ (l) a seasonal employee of the municipality.

2. *Page 2, Line 58 through Page 3, Line 72:*

- 58           (1) ~~[No officer or]~~ An employee ~~[covered by]~~ to which Section 10-3-1105 ~~[shall]~~  
59           applies may not be discharged, suspended without pay, or involuntarily transferred to  
                  a position with less  
60           remuneration;  
                  \* \* \* *Some lines not shown* \* \* \*
- 64           (2) (a) If an employee is discharged, suspended without pay, or  
                  involuntarily transferred from one

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65 position to another for any reason, [~~he shall have the right to~~] the employee may <sup>3</sup>  
66 subject to Subsection (2)(b), appeal the  
67 discharge, suspension without pay, or involuntary transfer to a board to be known as  
68 the appeal board  
69 [~~which shall consist of five members, three of whom shall be chosen by and from the~~  
70 ~~appointive officers and employees, and two of whom shall be members of the governing~~  
71 ~~body~~],  
72 established under Subsection (7).

(b) If the municipality provides an internal grievance procedure, the employee shall exhaust the employee's rights under that grievance procedure before appealing to the board.

70 [~~2~~] ~~The~~ (3) (a) Each appeal under Subsection (2) shall be taken by filing written  
71 notice of the appeal with the recorder within ten days after :

(i) if the municipality provides an internal grievance procedure, the employee receives notice of the final disposition of the municipality's internal grievance procedure; or

(ii) if the municipality does not provide an internal grievance procedure, the  
72 discharge, suspension, or involuntary  
transfer.

3. Page 3, Line 88 through Page 4, Line 90:

88 (5) [~~The~~] (a) (i) Each decision of the appeal board shall be by secret ballot, and  
89 shall be  
90 certified to the recorder ~~[[with]]~~ within 15 days from the date the matter is  
referred to it , except as provided in Subsection (5)(a)(ii) . [~~The board may,~~  
in its decision,]

(ii) For good cause, the board may extend the 15-day period under Subsection (5)(a)(i) to a maximum of 60 days, if the employee and municipality both consent.

4. Page 4, Lines 106 through 108:

106 (6) (a) ~~[[An employee who is the subject of a]]~~ A final action or order of

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107 the appeal board  
may [~~appeal the action or order~~] be appealed to the Court of Appeals by  
108 filing with that court a notice of  
appeal.

Respectfully,

Carlene M. Walker  
Committee Chair

Voting: 6-0-1

3 SB0023.SC1.WPD rnorth/RCN RHR/JTW 1/23/04 2:44 pm

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