

COUNTY MERIT SYSTEM AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies provisions of the County Personnel Management Act.

Highlighted Provisions:

This bill:

- clarifies that a sheriff in a county employing more than 100 full-time uniformed peace officers may appoint more than one chief deputy or undersheriff, even if the county has chosen to use the County Personnel Management Act provisions as a single merit system for all county employees; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-33-1, as last amended by Laws of Utah 2002, Chapter 83

17-33-8, as last amended by Laws of Utah 2007, Chapter 211

ENACTS:

17-33-16, Utah Code Annotated 1953

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

Section 1. Section **17-33-1** is amended to read:

30 **17-33-1. Title -- Establishment of merit system -- Separate systems for peace**
31 **officers and firemen recognized -- Options of small counties.**

32 (1) This chapter shall be known and may be cited as the "County Personnel
33 Management Act."

34 (2) A merit system of personnel administration for the counties of the state of Utah,
35 their departments, offices, and agencies, except as otherwise specifically provided, is
36 established.

37 (3) This chapter recognizes the existence of the merit systems for peace officers of the
38 several counties as provided for in Chapter 30, Deputy Sheriffs - Merit System, and for firemen
39 of the several counties as provided for in Chapter 28, Firemen's Civil Service Commission, and
40 is intended to give county commissions the option of using the provisions of this chapter as a
41 single merit system for all county employees or in combination with these existing systems for
42 firemen and peace officers.

43 (4) On or after May 6, 2002, any county that has fewer than 200 employees not
44 covered by other merit systems or not exempt under Subsections 17-33-8(1)(a) through [(6)] (f)
45 may, at its option, comply with the provisions of this chapter.

46 (5) Notwithstanding the provisions of Subsection (4), any county which was in
47 compliance with the provisions of this chapter prior to May 6, 2002, shall continue to comply
48 with the provisions of this chapter even though the county may not thereafter meet or exceed
49 the threshold requirements of Subsection (4).

50 Section 2. Section 17-33-8 is amended to read:

51 **17-33-8. Career service -- Exempt positions.**

52 (1) The career service [~~shall be~~] is a permanent service to which this [~~law shall apply~~
53 ~~and shall comprise~~] chapter applies and comprises all tenured positions in the public service now
54 existing or hereafter established, except [~~the following~~]:

55 [~~(1) The~~] (a) the county executive, members of the county legislative body, other
56 elected officials, and major department heads charged directly by the county legislative body, or
57 by a board appointed by the county legislative body, with the responsibility of assisting in the

58 formulation and carrying out of matters of policy; ~~[and if it is sought that any position which~~
59 ~~differs from its present status be exempted or tenured after the effective date of this act, a public~~
60 ~~hearing on the proposed exemption or tenure shall be held upon due notice and the concurrence~~
61 ~~of the council.]~~

62 ~~[(2) One]~~ (b) one confidential secretary for each elected county officer and major
63 department head, if one is assigned[-];

64 ~~[(3) An]~~ (c) an administrative assistant to the county executive, each member of the
65 county legislative body, and to each elected official, if one is assigned[-];

66 ~~[(4) The]~~ (d) each duly appointed chief deputy of any elected county officer who
67 would take over and discharge the duties of the elected county officer in the absence or
68 disability of the originally responsible officer[-];

69 ~~[(5) Persons]~~ (e) each person employed to make or conduct a temporary and special
70 inquiry, investigation, or examination on behalf of the county legislative body or one of its
71 committees[-];

72 ~~[(6) Noncareer employees]~~ (f) each noncareer employee compensated for ~~[their]~~ the
73 employee's services on a seasonal or contractual basis ~~[who are]~~ and hired on emergency or
74 seasonal appointment basis, as approved by the council, and each provisional ~~[employees]~~
75 employee, as defined by the county's policies and procedures or its rules and regulations[-];

76 ~~[(7) Part-time employees]~~ (g) each part-time employee, as defined by the county's
77 policies and procedures or its rules and regulations[-];

78 ~~[(8) Employees]~~ (h) each employee appointed to perform:

79 ~~[(a)]~~ (i) work that does not exceed three years in duration; or

80 ~~[(b)]~~ (ii) work with limited funding[-]; and

81 ~~[(9) Positions which by their nature ==]~~

82 (i) each position that, by its nature as a confidential or key policy-determining position
83 or both ~~[==]~~, cannot or should not be appropriately included in the career service. ~~[All positions~~
84 ~~designated as being exempt under this Subsection shall be listed in the rules]~~

85 (2) Before changing the status of a position to exempt or tenured, the council shall,

86 after due notice, hold a public hearing on the proposed change.

87 (3) (a) Rules and regulations promulgated under this [act] chapter shall list by job title
88 and department, office or agency, [and any] each position designated as exempt under
89 Subsection (1)(i).

90 (b) A change in exempt status [shall constitute] under Subsection (1)(i) constitutes an
91 amendment to the rules and regulations.

92 Section 3. Section **17-33-16** is enacted to read:

93 **17-33-16. Appointment of more than one chief deputy or undersheriff.**

94 A sheriff in a county employing more than 100 full-time uniformed peace officers may,
95 with the consent of the council and the county legislative body, appoint more than one chief
96 deputy or undersheriff.