

COUNTY PERSONNEL AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Ross I. Romero

LONG TITLE

General Description:

This bill modifies a provision relating to county personnel rules.

Highlighted Provisions:

This bill:

▶ increases from 90 to 270 the number of days that county personnel rules are to provide as the maximum period for temporary, provisional, other noncareer service, and emergency appointments; and

▶ eliminates language allowing that period to be extended.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-33-5, as last amended by Laws of Utah 2008, Chapter 25

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

Section 1. Section **17-33-5** is amended to read:

17-33-5. Office of personnel management -- Director -- Appointment and responsibilities -- Personnel rules.



- 28 (1) (a) (i) Each county executive shall:
- 29 (A) create an office of personnel management, administered by a director of personnel
- 30 management; and
- 31 (B) ensure that the director is a person with proven experience in personnel
- 32 management.
- 33 (ii) Except as provided in Subsection (1)(b), the position of director of personnel
- 34 management shall be:
- 35 (A) a merit position; and
- 36 (B) filled as provided in Subsection (1)(a)(iii).
- 37 (iii) Except as provided in Subsection (1)(b), the career service council shall:
- 38 (A) advertise and recruit for the director position in the same manner as for merit
- 39 positions;
- 40 (B) select three names from a register; and
- 41 (C) submit those names as recommendations to the county legislative body.
- 42 (iv) Except as provided in Subsection (1)(b), the county legislative body shall select a
- 43 person to serve as director of the office of personnel management from the names submitted to
- 44 it by the career service council.
- 45 (b) (i) Effective for appointments made after May 1, 2006, and as an alternative to the
- 46 procedure under Subsections (1)(a)(ii), (iii), and (iv) and at the county executive's discretion,
- 47 the county executive may appoint a director of personnel management with the advice and
- 48 consent of the county legislative body.
- 49 (ii) The position of each director of personnel management appointed under this
- 50 Subsection (1)(b) shall be a merit exempt position.
- 51 (iii) A director of personnel management appointed under this Subsection (1)(b) may
- 52 be terminated by the county executive with the consent of the county legislative body.
- 53 (2) The director of personnel management shall:
- 54 (a) encourage and exercise leadership in the development of expertise in personnel
- 55 administration within the several departments, offices, and agencies in the county service and
- 56 make available the facilities of the office of personnel management to this end;
- 57 (b) advise the county legislative and executive bodies on the use of human resources;
- 58 (c) develop and implement programs for the improvement of employee effectiveness,

59 such as training, safety, health, counseling, and welfare;

60 (d) investigate periodically the operation and effect of this law and of the policies made
61 under it and report findings and recommendations to the county legislative body;

62 (e) establish and maintain records of all employees in the county service, setting forth
63 as to each employee class, title, pay or status, and other relevant data;

64 (f) make an annual report to the county legislative body and county executive regarding
65 the work of the department; and

66 (g) apply and carry out this law and the policies under it and perform any other lawful
67 acts that are necessary to carry out the provisions of this law.

68 (3) (a) (i) The director shall recommend personnel rules for the county.

69 (ii) The county legislative body may:

70 (A) recommend personnel rules for the county; and

71 (B) approve, amend, or reject personnel rules before they are adopted.

72 (b) The rules shall provide for:

73 (i) recruiting efforts to be planned and carried out in a manner that assures open
74 competition, with special emphasis to be placed on recruiting efforts to attract minorities,
75 women, persons with a disability as defined by and covered under the Americans with
76 Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that are substantially
77 underrepresented in the county work force to help assure they will be among the candidates
78 from whom appointments are made;

79 (ii) the establishment of job related minimum requirements wherever practical, that all
80 successful candidates shall be required to meet in order to be eligible for consideration for
81 appointment or promotion;

82 (iii) selection procedures that include consideration of the relative merit of each
83 applicant for employment, a job related method of determining the eligibility or ineligibility of
84 each applicant, and a valid, reliable, and objective system of ranking eligible applicants
85 according to their qualifications and merit;

86 (iv) certification procedures that insure equitable consideration of an appropriate
87 number of the most qualified eligible applicants based on the ranking system;

88 (v) appointments to positions in the career service by selection from the most qualified
89 eligible applicants certified on eligible lists established in accordance with Subsections

90 (3)(b)(iii) and (iv);

91 (vi) noncompetitive appointments in the occasional instance where there is evidence
92 that open or limited competition is not practical, such as for unskilled positions that have no
93 minimum job requirements;

94 (vii) limitation of competitions at the discretion of the director for appropriate positions
95 to facilitate employment of qualified applicants with a substantial physical or mental
96 impairment, or other groups protected by Title VII of the Civil Rights Act;

97 (viii) permanent appointment for entry to the career service that shall be contingent
98 upon satisfactory performance by the employee during a period of six months, with the
99 probationary period extendable for a period not to exceed six months for good cause, but with
100 the condition that the probationary employee may appeal directly to the council any undue
101 prolongation of the period designed to thwart merit principles;

102 (ix) temporary, provisional, or other noncareer service appointments, which may not be
103 used as a way of defeating the purpose of the career service and may not exceed [90] 270 days[;
104 ~~with the period extendable for a period not to exceed an additional 90 days for good cause];~~

105 (x) lists of eligible applicants normally to be used, if available, for filling temporary
106 positions, and short term emergency appointments to be made without regard to the other
107 provisions of law to provide for maintenance of essential services in an emergency situation
108 where normal procedures are not practical, these emergency appointments not to exceed [90]
109 270 days[~~, with that period extendable for a period not to exceed an additional 90 days for good~~
110 ~~cause];~~

111 (xi) promotion and career ladder advancement of employees to higher level positions
112 and assurance that all persons promoted are qualified for the position;

113 (xii) recognition of the equivalency of other merit processes by waiving, at the
114 discretion of the director, the open competitive examination for placement in the career service
115 positions of those who were originally selected through a competitive examination process in
116 another governmental entity, the individual in those cases, to serve a probationary period;

117 (xiii) preparation, maintenance, and revision of a position classification plan for all
118 positions in the career service, based upon similarity of duties performed and responsibilities
119 assumed, so that the same qualifications may reasonably be required for, and the same schedule
120 of pay may be equitably applied to, all positions in the same class, the compensation plan, in

121 order to maintain a high quality public work force, to take into account the responsibility and
122 difficulty of the work, the comparative pay and benefits needed to compete in the labor market
123 and to stay in proper alignment with other similar governmental units, and other factors;

124 (xiv) keeping records of performance on all employees in the career service and
125 requiring consideration of performance records in determining salary increases, any benefits for
126 meritorious service, promotions, the order of layoffs and reinstatements, demotions, discharges,
127 and transfers;

128 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,
129 abolition of positions, or material changes in duties or organization, and governing
130 reemployment of persons so laid off, taking into account with regard to layoffs and
131 reemployment the relative ability, seniority, and merit of each employee;

132 (xvi) establishment of a plan for resolving employee grievances and complaints with
133 final and binding decisions;

134 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
135 grade, or discharge, measures to provide for presentation of charges, hearing rights, and appeals
136 for all permanent employees in the career service to the career service council;

137 (xviii) establishment of a procedure for employee development and improvement of
138 poor performance;

139 (xix) establishment of hours of work, holidays, and attendance requirements in various
140 classes of positions in the career service;

141 (xx) establishment and publicizing of fringe benefits such as insurance, retirement, and
142 leave programs; and

143 (xxi) any other requirements not inconsistent with this law that are proper for its
144 enforcement.

Legislative Review Note
as of 1-29-09 12:57 PM

Office of Legislative Research and General Counsel

H.B. 291 - County Personnel Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. There could be some cost savings for local governments.
