

STATE PERSONNEL MANAGEMENT ACT

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel R. Liljenquist

House Sponsor: _____

LONG TITLE

General Description:

This bill provides that a department head may disapprove the reappointment of an employee from a reappointment register.

Highlighted Provisions:

This bill:

▶ provides that the reappointment of a state employee from the reappointment register may be disapproved by the head of the reappointing department if the person is on the reappointment register because of a reduction in force; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-19-18, as last amended by Laws of Utah 2006, Chapter 139

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

Section 1. Section **67-19-18** is amended to read:



28 **67-19-18. Dismissals and demotions -- Grounds -- Disciplinary action --**
29 **Procedure -- Reductions in force.**

30 (1) Career service employees may be dismissed or demoted:

31 (a) to advance the good of the public service; or

32 (b) for just causes [~~such as~~], including inefficiency, incompetency, failure to maintain
33 skills or adequate performance levels, insubordination, disloyalty to the orders of a superior,
34 misfeasance, malfeasance, or nonfeasance in office.

35 (2) Employees may not be dismissed because of race, sex, age, disability, national
36 origin, religion, political affiliation, or other nonmerit factor including the exercise of rights
37 under this chapter.

38 (3) The executive director shall establish rules governing the procedural and
39 documentary requirements of disciplinary dismissals and demotions.

40 (4) If an agency head finds that a career service employee is charged with aggravated
41 misconduct or that retention of a career service employee would endanger the peace and safety
42 of others or pose a grave threat to the public interest, the employee may be suspended pending
43 the administrative appeal to the department head as provided in Subsection (5).

44 (5) (a) A career service employee may not be demoted or dismissed unless the
45 department head or designated representative has complied with this subsection.

46 (b) The department head or designated representative notifies the employee in writing
47 of the reasons for the dismissal or demotion.

48 (c) The employee has no less than five working days to reply and have the reply
49 considered by the department head.

50 (d) The employee has an opportunity to be heard by the department head or designated
51 representative.

52 (e) Following the hearing, the employee may be dismissed or demoted if the
53 department head finds adequate cause or reason.

54 (6) (a) Reductions in force required by inadequate funds, change of workload, or lack
55 of work are governed by retention rosters established by the executive director.

56 (b) Under those circumstances:

57 (i) The agency head shall designate the category of work to be eliminated, subject to
58 review by the executive director.

59 (ii) Temporary and probationary employees shall be separated before any career service
60 employee.

61 (iii) (A) Career service employees shall be separated in the order of their retention
62 points, the employee with the lowest points to be discharged first.

63 (B) Retention points for each career service employee shall be computed according to
64 rules established by the executive director, allowing appropriate consideration for proficiency
65 and for seniority in state government, including any active duty military service fulfilled
66 subsequent to original state appointment.

67 (iv) ~~(A)~~ Except as provided in Subsection (6)(b)(v), a career service employee who is
68 separated in a reduction in force shall be:

69 (A) placed on the reappointment roster provided for in Subsection 67-19-17(2); and

70 (B) reappointed without examination to any vacancy for which the employee is
71 qualified which occurs within one year of the date of the separation.

72 (v) The department head of a reappointing department under Subsection (6)(b)(iv)(B)
73 may disapprove the reappointment of a career service employee from the reappointment roster.

74 (c) (i) An employee separated due to a reduction in force may appeal to the department
75 head for an administrative review.

76 (ii) The notice of appeal must be submitted within 20 working days after the
77 employee's receipt of written notification of separation.

78 (iii) The employee may appeal the decision of the department head according to the
79 grievance and appeals procedure of this act.

Legislative Review Note
as of 1-27-09 11:17 AM

Office of Legislative Research and General Counsel

S.B. 126 - State Personnel Management Act 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, businesses, or local governments.
