

1 **AMENDMENTS TO PROGRAMS FOR PEOPLE**
2 **WITH DISABILITIES**
3 2010 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Steven R. Mascaro**

6 Senate Sponsor: Daniel R. Liljenquist

7 Cosponsors: Neil A. Hansen Christine F. Watkins
8 Laura Black

9
10 **LONG TITLE**

11 **Committee Note:**

12 The Workforce Services and Community and Economic Development Interim
13 Committee recommended this bill.

14 **General Description:**

15 This bill modifies the Utah State Personnel Management Act by amending provisions
16 relating to employment programs for people with disabilities.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ provides that the competitive career service schedule includes positions filled
20 through an on the job examination intended to appoint a qualified person with a
21 disability;
- 22 ▶ grants the executive director of the Department of Human Resource Management
23 rulemaking authority to establish a Department of Human Resource Management
24 approved on the job examination to appoint a qualified person with a disability; and
- 25 ▶ makes technical changes.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **67-19-15**, as last amended by Laws of Utah 2009, Chapter 294

33 **67-19-16**, as last amended by Laws of Utah 2006, Chapter 139



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

36 Section 1. Section **67-19-15** is amended to read:

37 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**
38 **positions -- Coverage of career service provisions.**

39 (1) Except as otherwise provided by law or by rules and regulations established for
40 federally aided programs, the following positions are exempt from the career service provisions
41 of this chapter:

42 (a) the governor, members of the Legislature, and all other elected state officers,
43 designated as Schedule AA;

44 (b) appointed executives and board or commission executives enumerated in Section
45 67-22-2, and commissioners designated as Schedule AB;

46 (c) all employees and officers in the office and at the residence of the governor,
47 designated as Schedule AC;

48 (d) employees who are in a confidential relationship to an agency head or
49 commissioner and who report directly to, and are supervised by, a department head,
50 commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;

51 (e) unskilled employees in positions requiring little or no specialized skill or training,
52 designated as Schedule AE;

53 (f) part-time professional noncareer persons who are paid for any form of medical and
54 other professional service and who are not engaged in the performance of administrative duties,
55 designated as Schedule AF;

56 (g) employees in the Office of the Attorney General who are under their own career
57 service pay plan under Sections 67-5-7 through 67-5-13, designated as Schedule AG;

58 (h) teaching staff of all state institutions, including educators as defined by Section

59 53A-25b-102 who are employed by the Utah Schools for the Deaf and the Blind, designated as
60 Schedule AH;

61 (i) persons appointed to a position vacated by an employee who has a right to return
62 under federal or state law or policy, designated as Schedule AI;

63 (j) noncareer employees compensated for their services on a seasonal or contractual
64 basis who are hired for limited periods of less than nine consecutive months or who are
65 employed on less than 1/2 time basis, designated as Schedule AJ;

66 (k) those employees in a personal and confidential relationship to elected officials,
67 designated as Schedule AK;

68 (l) employees appointed to perform work of a limited duration not exceeding two years
69 or to perform work with time-limited funding, designated as Schedule AL;

70 (m) employees of the Department of Community and Culture whose positions are
71 designated as executive/professional positions by the executive director of the Department of
72 Community and Culture with the concurrence of the executive director, and employees of the
73 Governor's Office of Economic Development whose positions are designated as
74 executive/professional positions by the director of the office, designated as Schedule AM;

75 (n) employees of the Legislature, designated as Schedule AN;

76 (o) employees of the judiciary, designated as Schedule AO;

77 (p) all judges in the judiciary, designated as Schedule AP;

78 (q) members of state and local boards and councils appointed by the governor and
79 governing bodies of agencies, other local officials serving in an ex officio capacity, officers,
80 faculty, and other employees of state universities and other state institutions of higher
81 education, designated as Schedule AQ;

82 (r) employees who make statewide policy, designated as Schedule AR;

83 (s) any other employee whose appointment is required by statute to be career service
84 exempt, designated as Schedule AS;

85 (t) employees of the Department of Technology Services, designated as
86 executive/professional positions by the executive director of the Department of Technology
87 Services with the concurrence of the executive director, designated as Schedule AT; and

88 (u) patients and inmates employed in state institutions, designated as Schedule AU.

89 (2) The civil service shall consist of two schedules as follows:

90 (a) (i) Schedule A is the schedule consisting of positions exempted by Subsection (1).

91 (ii) Removal from any appointive position under Schedule A, unless otherwise
92 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

93 (b) Schedule B is the competitive career service schedule, consisting of:

94 (i) all positions filled through competitive selection procedures as defined by the
95 executive director; or

96 (ii) positions filled through a department approved on the job examination intended to
97 appoint a qualified person with a disability.

98 (3) (a) The executive director, after consultation with the heads of concerned executive
99 branch departments and agencies and with the approval of the governor, shall allocate positions
100 to the appropriate schedules under this section.

101 (b) Agency heads shall make requests and obtain approval from the executive director
102 before changing the schedule assignment and tenure rights of any position.

103 (c) Unless the executive director's decision is reversed by the governor, when the
104 executive director denies an agency's request, the executive director's decision is final.

105 (4) (a) Compensation for employees of the Legislature shall be established by the
106 directors of the legislative offices in accordance with Section 36-12-7.

107 (b) Compensation for employees of the judiciary shall be established by the state court
108 administrator in accordance with Section 78A-2-107.

109 (c) Compensation for officers, faculty, and other employees of state universities and
110 institutions of higher education shall be established as provided in Title 53B, Chapters 1,
111 Governance, Powers, Rights, and Responsibilities, and 2, Institutions of Higher Education.

112 (d) Unless otherwise provided by law, compensation for all other Schedule A
113 employees shall be established by their appointing authorities, within ranges approved by, and
114 after consultation with the executive director of the Department of Human Resource
115 Management.

116 (5) All employees of the Office of State Auditor, the Office of State Treasurer, and
117 employees who are not exempt under this section are covered by the career service provisions
118 of this chapter.

119 Section 2. Section **67-19-16** is amended to read:

120 **67-19-16. Appointments to Schedule B positions -- Examinations -- Hiring lists --**

121 **Probationary service -- Dismissal.**

122 (1) Each appointment to a position under Schedule B shall be made from hiring lists of
123 applicants who have been selected by competitive procedures as defined by the executive
124 director.

125 (2) The executive director shall publicly announce information regarding career service
126 positions:

127 (a) for periods of time to be determined by the executive director; and

128 (b) in a manner designed to attract the highest number of qualified applicants.

129 (3) The executive director shall make rules establishing standards for the development,
130 approval, and implementation of examining [instruments] processes, including establishing a
131 department approved on the job examination to appoint a qualified person with a disability.

132 (4) Applicants for employment to Schedule B positions shall be eligible for
133 appointment based upon rules established by the executive director.

134 (5) (a) The agency head shall make appointments to fill vacancies from hiring lists for
135 probationary periods as defined by rule.

136 (b) The executive director shall make rules establishing probationary periods.

137 (6) A person serving a probationary period may not use the grievance procedures
138 provided in this chapter and in Title 67, Chapter 19a, Grievance and Appeal Procedures, and
139 may be dismissed at any time by the appointing officer without hearing or appeal.

140 (7) Career service status shall be granted upon the successful completion of the
141 probationary period.

Legislative Review Note
as of 11-18-09 4:49 PM

Office of Legislative Research and General Counsel

H.B. 17 - Amendments to Programs for People with Disabilities

**Revised
Fiscal Note**

2010 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.
