

1 **CITIZENS' CUSTOMER SATISFACTION PROGRAM**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Karen Mayne

7 **LONG TITLE**

8 **General Description:**

9 This bill creates the Citizens' Customer Satisfaction Program.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ creates the Citizens' Customer Satisfaction Program to covertly observe and
14 evaluate the customer service provided by the Department of Alcoholic Beverage

15 Control;

16 ▶ establishes program responsibilities;

17 ▶ establishes reporting requirements; and

18 ▶ designates certain records as private records.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **63A-15-101**, Utah Code Annotated 1953

26 **63A-15-102**, Utah Code Annotated 1953

27 **63A-15-103**, Utah Code Annotated 1953



- 28 [63A-15-104](#), Utah Code Annotated 1953
- 29 [63A-15-105](#), Utah Code Annotated 1953
- 30 [63A-15-106](#), Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **63A-15-101** is enacted to read:

34 **Part 1. Citizens' Customer Satisfaction Program**

35 **63A-15-101. Title.**

36 This part is known as the "Citizens' Customer Satisfaction Program."

37 Section 2. Section **63A-15-102** is enacted to read:

38 **63A-15-102. Definitions.**

39 As used in this section:

40 (1) "Covert observation" or "covertly observe" means an act taken by the program to
41 directly observe and evaluate the service offered by a subject store without the knowledge of
42 the subject store.

43 (2) "Interaction" means an individual act under the program to covertly observe a
44 subject store in a manner authorized by this part.

45 (3) "Program" means the Citizens' Customer Satisfaction Program created under
46 Section [63A-15-103](#).

47 (4) "Subject department" means the Department of Alcoholic Beverage Control.

48 (5) "Subject store" means a store created under Title 32B, Chapter 2, Part 5, State
49 Store, by the Alcoholic Beverage Control Commission.

50 Section 3. Section **63A-15-103** is enacted to read:

51 **63A-15-103. Creation.**

52 (1) There is created within the department the Citizens' Customer Satisfaction
53 Program.

54 (2) The executive director may procure the services of a nonpublic entity in accordance
55 with Title 63G, Chapter 6a, Utah Procurement Code, to administer the program.

56 Section 4. Section **63A-15-104** is enacted to read:

57 **63A-15-104. Program duties and responsibilities -- Data collection.**

58 (1) The executive director shall ensure that the program, through covert observation,

59 evaluates each store's:

60 (a) quality of customer service;

61 (b) cleanliness;

62 (c) customer satisfaction;

63 (d) product availability; and

64 (e) compliance with laws controlling the sale of alcoholic beverages.

65 (2) Before January 1 of each year, the executive director shall consult with the director
66 of the subject department to:

67 (a) identify categories, including those described in Subsection (1), that are subject to
68 the program's assessment;

69 (b) establish performance measures for the categories identified under Subsection
70 (2)(a) that the program will measure, including a scoring system by which the program will
71 evaluate each subject store's performance in each category; and

72 (c) establish goals for all subject stores' customer service, using the performance
73 measures established under Subsection (2)(b).

74 (3) Before January 1 of each year, the executive director shall create a plan, based upon
75 the performance measures established under Subsection (2)(b), by which the program will
76 covertly observe and evaluate each subject store's performance.

77 (4) The program shall:

78 (a) collect detailed data on each interaction conducted under the program, including the
79 name of each subject store employee who is contacted during the interaction; and

80 (b) score the subject store according to the scoring system for each performance
81 measure established under Subsection (2)(b).

82 (5) (a) The executive director:

83 (i) shall ensure that the program covertly observes the customer service offered by each
84 subject store through an in-person interaction at least once per month; and

85 (ii) may also authorize the program to covertly observe the customer service offered by
86 a subject store through an interaction conducted by telephone or through electronic
87 communication.

88 (b) The executive director may authorize the program to covertly record an interaction.

89 (c) The executive director may not authorize the program to purposely covertly observe

90 or record a direct interaction between a subject store and another person unless the person is
91 associated with the program or the department.

92 (6) The executive director may pay a stipend to a person that:

93 (a) performs an interaction for the program; and

94 (b) is not otherwise associated with the program or the department.

95 Section 5. Section **63A-15-105** is enacted to read:

96 **63A-15-105. Reporting and tracking results -- Online database.**

97 (1) The executive director shall prepare a detailed report each month that contains:

98 (a) the performance measures and goals established under Subsection [63A-15-104\(2\)](#)
99 for all subject stores;

100 (b) for each subject store:

101 (i) a compilation, analysis, and interpretation of the data collected and scores recorded
102 under Subsection [63A-15-104\(4\)](#);

103 (ii) an assessment of how the subject store's performance relates to the performance
104 measures and goals established under Subsection [63A-15-104\(2\)](#); and

105 (iii) a description of each interaction, including:

106 (A) the name of each of the subject store's employees who were contacted during the
107 interaction; and

108 (B) the scores recorded under Subsection [63A-15-104\(4\)\(b\)](#) for the interaction;

109 (c) an explanation of any observed patterns of a subject store's or the subject
110 department's practices that do not appear to be in compliance with state law, rule, or policy or
111 with generally accepted customer service practices; and

112 (d) any recommended changes needed to bring a subject store or the subject department
113 into compliance with state law, rule, or policy or with generally accepted customer service
114 practices.

115 (2) The executive director shall, within 30 days after the day on which the executive
116 director prepares a report described in Subsection (1), send the report to the director of the
117 subject department.

118 (3) (a) The director of the subject department shall create a repository to store and track
119 the information that the director of the subject department receives under Subsection (2).

120 (b) The repository described in Subsection (3)(a) shall:

- 121 (i) be accessible to the public through the subject department's website;
122 (ii) for each subject store, display a running total of the subject store's average monthly,
123 annual, and all-time performance measure scores; and
124 (iii) contain each report received under Subsection (2) from the executive director, with
125 private, protected, or controlled information, as defined in Title 63G, Chapter 2, Government
126 Records Access and Management Act, redacted from the report.

127 Section 6. Section **63A-15-106** is enacted to read:

128 **63A-15-106. Subject department responsibilities -- Incentives.**

129 (1) (a) Upon receipt of a report described in Subsection 63A-15-105(2), the director of
130 the subject department shall:

131 (i) identify each employee described in Subsection 63A-15-105(1)(b)(iii)(A); and

132 (ii) place a copy of the portions of the report that pertain to the employee in the
133 employee's personnel file.

134 (b) An employee may grieve the content of a report placed in the employee's personnel
135 file under Subsection (1)(a)(ii) by following the grievance procedures described in Title 67,
136 Chapter 19a, Grievance Procedures.

137 (2) (a) The director of the subject department may establish a pecuniary incentive to
138 award to a subject store employee:

139 (i) who takes part in an interaction under the program; and

140 (ii) whose performance, as measured under the program, meets or exceeds the goals
141 established under Subsection 63A-15-104(2)(c) for the entity.

142 (b) If the director of the subject department establishes a pecuniary incentive under
143 Subsection (2)(a), the director of the subject department shall distribute, in writing, to each
144 employee eligible to receive the incentive:

145 (i) a description of the incentive; and

146 (ii) a description of requirements that an employee must meet to receive the incentive.

147 (c) When the director of the subject department awards a pecuniary incentive to a
148 subject store's employee, the director of the subject department shall distribute, in writing, to
149 each of the subject department's employees who is eligible for the incentive:

150 (i) the name of each employee who was awarded the incentive;

151 (ii) a description of how the employee described in Subsection (2)(c)(i) met the

152 requirements established under Subsection (2)(b)(ii); and
153 (iii) a description of the incentive the individual was awarded.

Legislative Review Note
Office of Legislative Research and General Counsel