

EMPLOYEE COMPENSATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosemary T. Lesser

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill modifies principles upon which the Division of Human Resource Management is required to establish a career service system.

Highlighted Provisions:

This bill:

- ▶ requires that compensation be based on the relative ability, knowledge, and skills of the employee and not on compensation paid for previous employment; and
- ▶ prohibits a state agency from requesting that an employee or prospective employee disclose compensation paid to the employee or prospective employee for previous employment.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-17-103, as last amended by Laws of Utah 2021, Chapter 53 and renumbered and amended by Laws of Utah 2021, Chapter 344

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



28 Section 1. Section 63A-17-103 is amended to read:

29 **63A-17-103. Principles guiding interpretation of chapter and adoption of rules --**
30 **Merit principles.**

31 (1) The division shall establish a career service system designed in a manner that will
32 provide for the effective implementation of the following merit principles:

33 (a) recruiting, selecting, and advancing employees on the basis of their relative ability,
34 knowledge, and skills, including open consideration of qualified applicants for initial
35 appointment;

36 (b) providing for equitable and competitive compensation, based on the relative ability,
37 knowledge, and skills of the employee and not based on compensation paid for previous
38 employment;

39 (c) training employees as needed to assure high-quality performance;

40 (d) retaining employees on the basis of the adequacy of their performance and
41 separating employees whose inadequate performance cannot be corrected;

42 (e) fair treatment of applicants and employees in all aspects of human resource
43 administration without regard to race, color, religion, sex, national origin, political affiliation,
44 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

45 (f) providing information to employees regarding their political rights and the
46 prohibited practices under the Hatch Act; and

47 (g) providing a formal procedure for advancing grievances of employees:

48 (i) without discrimination, coercion, restraint, or reprisal; and

49 (ii) in a manner that is fair, expeditious, and inexpensive for the employee and the
50 agency.

51 (2) The career service system described in Subsection (1):

52 (a) may not prescribe a minimum educational requirement for employment, except
53 when a minimum educational qualification is legally required to perform the duties of the
54 position[-]; and

55 (b) shall prohibit an agency from requesting that an employee or prospective employee
56 disclose compensation paid to the employee or prospective employee for previous employment.

57 (3) As part of the career service system described in Subsection (1), the department
58 shall:

59 (a) consider comparable experience or ability as equal to education in determining a
60 candidate's satisfaction of minimum qualifications, except when a minimum educational
61 qualification is legally required to perform the duties of the position; and

62 (b) ensure that position descriptions and job postings published by agencies for career
63 service positions are based on the specific skills and competencies required to perform those
64 jobs.

65 (4) Within existing resources, the department shall create supporting materials that may
66 be used by a political subdivision that chooses to implement competency-based hiring
67 principles that are the same as or similar to those principles described in Subsections (2) and
68 (3).

69 (5) The principles in Subsections (1) through (3) shall govern interpretation and
70 implementation of this chapter.

71 Section 2. **Effective date.**

72 This bill takes effect on May 1, 2024.