

1 **Law Enforcement Officer Employment Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Michael K. McKell

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses law enforcement officer employment.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires municipalities to provide certain procedures to a law enforcement officer before
9 the municipality may terminate or otherwise significantly impact the law enforcement
10 officer's employment; and

11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **10-3-1012**, as last amended by Laws of Utah 2001, Chapter 178

19 **10-3-1106**, as last amended by Laws of Utah 2012, Chapter 321

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

22 Section 1. Section **10-3-1012** is amended to read:

23 **10-3-1012 . Suspension or discharge by department head -- Appeal to**
24 **commission -- Hearing and decision.**

25 (1)(a) [AH] Subject to Subsection (1)(b), all persons in the classified civil service may be
26 suspended as provided in Section 10-3-912, or removed from office or employment
27 by the head of the department for misconduct, incompetency, failure to perform
28 duties, or failure to observe properly the rules of the department, but subject to appeal

- 29 by the suspended or discharged person to the civil service commission.
- 30 (b) Before a law enforcement officer, as that term is defined in Section 53-13-103, who
 31 is in the classified civil service may be suspended for more than two days, demoted,
 32 or removed from employment under Subsection (1)(a), the law enforcement officer's
 33 employing agency shall, at a minimum:
- 34 (i) notify the law enforcement officer of the allegations of wrongdoing that the
 35 employing agency believes may support a disciplinary action of suspension for
 36 more than two days, demotion, or removal;
- 37 (ii) give the law enforcement officer no less than two business days after the day on
 38 which the notification described in Subsection (1)(b)(i) is provided to submit a
 39 written reply to the agency head or the agency head's designated representative;
- 40 (iii) have the agency head, or the agency head's designated representative, consider
 41 any written reply submitted by the law enforcement officer; and
- 42 (iv) give the law enforcement officer an opportunity to be heard by the agency head
 43 or the agency head's designated representative.
- 44 (c) The provisions of Subsection (1)(b) do not limit or alter the rights under this part of:
- 45 (i) an employee in the classified civil service who is not a law enforcement officer; or
 46 (ii) a law enforcement officer in a municipality that provides, by adopted policy,
 47 procedures that are more protective for the law enforcement officer than the
 48 procedures described in Subsection (1)(b).
- 49 (2) Any person suspended or discharged under Subsection (1) may, within five days from
 50 the issuance by the head of the department of the order of suspension or discharge,
 51 appeal to the civil service commission, which shall fully hear and determine the matter.
- 52 (3) The suspended or discharged person shall be entitled to appear in person and to have
 53 counsel and a public hearing.
- 54 (4) The finding and decision of the civil service commission upon the hearing shall be
 55 certified to the head of the department from whose order the appeal is taken, and shall be
 56 final and immediately enforced by the head.

57 Section 2. Section **10-3-1106** is amended to read:

58 **10-3-1106 . Discharge, suspension without pay, or involuntary transfer --**

59 **Appeals -- Board -- Procedure.**

- 60 (1)(a) An employee to which Section 10-3-1105 applies may not be discharged,
 61 suspended without pay, or involuntarily transferred to a position with less
 62 remuneration:

- 63 ~~[(a)]~~ (i) because of the employee's politics or religious belief; or
64 ~~[(b)]~~ (ii) incident to, or through changes, either in the elective officers, governing
65 body, or heads of departments.
- 66 (b) Before an employee who is a law enforcement officer, as that term is defined in
67 Section 53-13-103, to which Subsection 10-3-1105(1)(a) applies may be discharged,
68 suspended without pay for more than two days, or involuntarily transferred to a
69 position with less remuneration due to disciplinary reasons, the law enforcement
70 officer's employing agency shall, at a minimum:
- 71 (i) notify the law enforcement officer of the allegations of wrongdoing that the
72 employing agency believes may support a disciplinary action of discharge,
73 suspension of more than two days without pay, or involuntary transfer to a
74 position with less remuneration due to disciplinary reasons;
- 75 (ii) give the law enforcement officer no less than two business days after the day on
76 which the notification described in Subsection (1)(b)(i) is provided to submit a
77 written reply to the agency head or the agency head's designated representative;
- 78 (iii) have the agency head, or the agency head's designated representative, consider
79 any written reply submitted by the law enforcement officer; and
- 80 (iv) give the law enforcement officer an opportunity to be heard by the agency head
81 or the agency head's designated representative.
- 82 (c) The provisions of Subsection (1)(b) do not limit or alter the rights under this part of:
- 83 (i) an employee to which Section 10-3-1105 applies who is not a law enforcement
84 officer; or
- 85 (ii) a law enforcement officer in a municipality that provides, by adopted policy,
86 procedures that are more protective for the law enforcement officer than the
87 procedures described in Subsection (1)(b).
- 88 (2)(a) If, after the requirements of Subsections (1)(a) and (b) have been met, an
89 employee other than an employee described in Subsection 10-3-1105(2), is
90 discharged, suspended for more than two days without pay, or involuntarily
91 transferred from one position to another with less remuneration for any disciplinary
92 reason, the employee may, subject to Subsection (2)(b), appeal the final decision to
93 discharge, suspend without pay, or involuntarily transfer to an appeal board or
94 hearing officer established under Subsection (7).
- 95 (b) If the municipality provides an internal grievance procedure, the employee shall
96 exhaust the employee's rights under that grievance procedure before appealing to the

97 appeal board or hearing officer.

98 (3)(a) Each appeal under Subsection (2) shall be taken by filing written notice of the
99 appeal with the municipal recorder in accordance with procedures established by a
100 municipality within 10 calendar days after:

101 (i) if the municipality provides an internal grievance procedure, the employee
102 receives notice of the final disposition of the municipality's internal grievance
103 procedure; or

104 (ii) if the municipality does not provide an internal grievance procedure, the
105 discharge, suspension, or involuntary transfer.

106 (b)(i) Upon the filing of an appeal under Subsection (3)(a), the municipal recorder
107 shall refer a copy of a properly filed appeal to the appeal board or hearing officer
108 described in Subsection (7).

109 (ii) Upon receipt of the referral from the municipal recorder, the appeal board or
110 hearing officer shall schedule a hearing to take and receive evidence and fully hear
111 and determine the matter which relates to the reason for the discharge, suspension,
112 or transfer.

113 (4)(a) An employee who is the subject of the discharge, suspension, or transfer may:

114 (i) appear in person and be represented by counsel;

115 (ii) have a hearing open to the public;

116 (iii) confront the witness whose testimony is to be considered; and

117 (iv) examine the evidence to be considered by the appeal board.

118 (b) An employee or the municipality may request the hearing described in Subsection
119 (4)(a)(ii).

120 (5)(a)(i) A decision of the appeal board shall be by secret ballot.

121 (ii) The appeal board or the hearing officer shall certify a decision by the appeal
122 board or hearing officer, respectively, with the recorder no later than 15 days after
123 the day on which the hearing is held, except as provided in Subsection (5)(a)(iii).

124 (iii) For good cause, the appeal board or hearing officer may extend the 15-day
125 period under Subsection (5)(a)(ii) to a maximum of 60 calendar days, if the
126 employee and municipality both consent.

127 (b) If the appeal board or hearing officer finds in favor of the employee, the appeal board
128 or hearing officer shall provide that the employee shall receive:

129 (i) the employee's salary for the period of time during which the employee is
130 discharged or suspended without pay less any amounts the employee earned from

- 131 other employment during this period of time; or
132 (ii) any deficiency in salary for the period during which the employee was transferred
133 to a position of less remuneration.
- 134 (6)(a) A final action or order of the appeal board or hearing officer may be reviewed by
135 the Court of Appeals by filing with that court a petition for review.
- 136 (b) A petition under Subsection (6)(a) shall be filed within 30 days after the issuance of
137 the final action or order of the appeal board or hearing officer.
- 138 (c) The Court of Appeals' review shall be:
- 139 (i) on the record of the appeal board or hearing officer; and
140 (ii) for the purpose of determining if the appeal board or hearing officer abused its
141 discretion or exceeded its authority.
- 142 (7)(a) The method and manner of choosing a hearing officer or the members of the
143 appeal board, the number of members, the designation of a hearing officer's or appeal
144 board member's term of office, and the procedure for conducting an appeal and the
145 standard of review shall be prescribed by the governing body of each municipality by
146 ordinance.
- 147 (b) For a municipality operating under a form of government other than a council-mayor
148 form under Chapter 3b, Part 2, Council-Mayor Form of Municipal Government, an
149 ordinance adopted under Subsection (7)(a) may provide that the governing body of
150 the municipality shall serve as the appeal board.
- 151 (8) This section does not apply to an employee:
- 152 (a) described in Subsection 10-3-1105(2); or
153 (b) discharged or transferred to a position with less remuneration if the discharge or
154 transfer is the result of a layoff, reorganization, or other non-disciplinary reason.

155 **Section 3. Effective Date.**

156 This bill takes effect on May 6, 2026.