

HB0335S01 compared with HB0335S02

18 **Utah Code Sections Affected:**

19 AMENDS:

- 20 **17-75-502** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
22 **17-76-201** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
24 **17-76-202** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
26 **17-76-207** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
28 **17-76-209** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
30 **17-76-210** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
32 **17-76-211** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
34 **17-76-212** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
36 **17-76-214** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
38 **17-76-215** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
40 **17-76-216** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
42 **17-76-217** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
44 **17-76-301** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
46 **17-76-302** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
48 **17-76-303** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
50 **17-76-305** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
52 **17-76-310** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
54 **17-76-313** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

56 REPEALS AND REENACTS:

- 57 **17-76-205** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14
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60 *Be it enacted by the Legislature of the state of Utah:*

61 Section 1. Section **17-75-502** is amended to read:

62 **17-75-502. Career service -- Exempt positions.**

63 (1) As used in this section, "frontline peace officer supervisor" means a peace officer in a position that:

65 (a) is required to regularly supervise and evaluate the performance of another peace officer; and

67 (b) does not regularly supervise and evaluate the performance of a peace officer who also regularly supervises and evaluates the performance of another peace officer.

64 [(H)] (2) The career service:

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- 65 (a) is a permanent service to which this part applies; and
- 66 (b) comprises all tenured county positions in the public service, except:
- 67 (i) subject to Subsection ~~[(2)]~~ (3):
- 68 (A) the county executive, members of the county legislative body, and other elected officials; and
- 70 (B) ~~[each]~~ a major county department head charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting to formulate and carry out policy matters;
- 73 (ii) one confidential secretary for each elected county officer and major county department head, if a confidential secretary is assigned;
- 75 (iii) an administrative assistant to the county executive, each member of the county legislative body, and each elected official, if an administrative assistant is assigned;
- 78 (iv) ~~[each duty]~~ an appointed chief deputy of any elected county officer who takes over and discharges the duties of the elected county officer in the absence or disability of the elected county officer;
- 81 (v) a peace officer who is in a position { ~~with a rank or equivalent rank of lieutenant or higher, unless, before July 1, 2026, the county sheriff designates the position as a merit system position;~~ } that:
- 84 ~~[(v)]~~ (vi) is required to regularly supervise and evaluate the performance of another peace officer;
- 89 (B) is no more than three levels below the county sheriff in the command structure of the office of the county sheriff;
- 91 (C) is not a frontline peace officer supervisor; and
- 92 (D) is not otherwise designated as a merit system position under Subsection 17-76-201(8) or 17-76-301(8);
- 94 ~~[(v)]~~ (vi) subject to Subsection ~~[(3)]~~ (4), an individual who~~-is~~:
- 85 (A) is appointed by an elected county officer to be a division director, to administer division functions in furtherance of the performance of the elected officer's professional duties;
- 88 (B) is in a confidential relationship with the elected county officer; and
- 89 (C) ~~[not in a law enforcement rank position of captain or below]~~ is not a peace officer;
- 91 ~~[(vi)]~~ (vii) each ~~[person]~~ individual employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees;
- 94 ~~[(vii)]~~ (viii) each noncareer employee:
- 95 (A) compensated for the employee's services on a seasonal or contractual basis; and
- 97 (B) hired on emergency or seasonal appointment basis, as approved by the council;

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- 98 [~~viii~~] (ix) each provisional employee, as defined by the county's policies and procedures or personnel
rules;
- 100 [~~ix~~] (x) each part-time county employee, as defined by the county's policies and procedures or
personnel rules;
- 102 [~~x~~] (xi) each county employee appointed to perform:
- 103 (A) work that does not exceed three years in duration; or
- 104 (B) work with limited funding; and
- 105 [~~xi~~] (xii) each county position that, by the position's confidential or key policy-determining nature,
cannot or should not be appropriately included in the career service.
- 108 ~~(2)~~ (3) Before a position under Subsection ~~(1)(b)(i)~~ (2)(b)(i) may be changed from its current
status to exempt or tenured, the council shall, after giving due notice, hold a public hearing on the
proposed change of status.
- 111 ~~(3)~~ (4)
- 112 (a) [~~Subsection (1)(b)(v)~~] Subsection ~~(1)(b)(vi)~~ (2)(b)(vi) may not be construed to cause an individual
serving as a nonexempt county employee on May 5, 2008, in a position described in that subsection
to lose the nonexempt status.
- 114 (b) Subsection ~~(1)(b)(v)~~ (2)(b)(v) may not be construed to cause an individual serving as a
nonexempt county employee before July 1, 2026, in a position described in that subsection to lose
the nonexempt status.
- 117 [~~b~~] (c) The elected county officer in a supervisory position over a county employee described in
[~~Subsection~~] Subsections ~~(3)(a)~~ ~~and (3)(b)~~ (4)(a) and (4)(b) shall work with the county's office
of personnel management to develop financial and other incentives to encourage a nonexempt
employee to convert voluntarily to exempt status.
- 121 ~~(4)~~ (5)
- 122 (a) County policies made in conformity with this part shall list by job title and county department,
office or agency, each position designated as exempt under Subsection [~~(1)(b)(xi)~~] ~~(1)(b)(xii)~~ (2)
(b)(xii).
- 124 (b) A change in exempt status of a position designated as being exempt under Subsection [~~(1)(b)~~
~~(xi)~~] ~~(1)(b)(xii)~~ (2)(b)(xii) constitutes an amendment to the personnel rules made under this
chapter.
- 137 Section 2. Section **17-76-201** is amended to read:

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138 **17-76-201. Definitions.**

As used in this part:

- 130 (1) "Appointing authority" means the sheriff of a county having jurisdiction over any peace officer.
- 132 (2) "Commission" means ~~[the]~~ a merit system commission consisting of three individuals appointed in accordance with Section 17-76-203 and having the duty, power, and responsibility for the discharge of the functions of this chapter.
- 135 (3) "Department of Public Safety" means the department created in Section 53-1-103.
- 136 (4) "Eligible register" means the list made by a commission described in Subsection 17-76-209(1) that contains the names of all applicants that took the examination and that received a passing grade.
- 139 (5) "Examination" means the competitive examination for employment as a peace officer described in Section 17-76-207.
- 151 (6) "Frontline peace officer supervisor" means a peace officer in a position that:
- 152 (a) is required to regularly supervise and evaluate the performance of another peace officer; and
- 154 (b) does not regularly supervise and evaluate the performance of a peace officer who also regularly supervises and evaluates the performance of another peace officer.
- 141 ~~(6)~~ (7) "Member" means an individual appointed to the merit commission in accordance with Section 17-76-203.
- 143 ~~(7)~~ (8) "Merit system officer" means~~[a peace officer who has merit status as defined in this part.] :~~
- 145 (a) a peace officer:
- 146 (i) who is in a position { ~~with a rank or equivalent rank of sergeant or lower; or~~ } that:
- 162 (A) is not required to regularly supervise and evaluate the performance of another peace officer;
- 164 (B) is more than three levels below the county sheriff in the command structure of the office of the county sheriff; or
- 166 (C) is a frontline peace officer supervisor; or
- 167 (ii) who is in a position, other than chief deputy:
- 168 (A) that is no more than three levels below the county sheriff in the command structure of the office of the county sheriff; and
- 147 (ii){ (B) } { in a position } that, { except chief deputy } before July 1, 2026, { with a rank of lieutenant or higher that } the county sheriff designates as a merit system position { before July 1, 2026 } :
- 149 (b) regardless of rank, a peace officer who, immediately before July 1, 2026, was in a merit system position under this part, unless, on or after July 1, 2026, the peace officer:

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- 152 (i) ~~except as described in Subsection {(7)(e)}~~ (8)(c), voluntarily accepts a position that is not a merit
system position; or
- 154 (ii) in accordance with the written policy described in Subsection 17-76-202(4), voluntarily surrenders
merit status; or
- 156 (c) a peace officer who returns to a merit system position after a leave of absence under Section
17-76-214, unless the peace officer voluntarily surrenders merit status under Subsection {(7)(b)(ii)}
(8)(b)(ii).
- 159 ~~[(8)]~~ (9) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated by the
sheriff, who is in the continuous employ of a county.
- 161 ~~[(9)]~~ (10) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103, that is
created:
- 163 (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a county of the
first class is a party; and
- 165 (b) to provide law enforcement service to an area that includes the unincorporated part of the county.
- 167 ~~[(10)]~~ (11) "Police special district" means a special district, as defined in Section 17B-1-102:
- 168 (a) whose creation was initiated by the adoption of a resolution under Section 17B-1-203 by the
legislative body of a county of the first class, alone or with one or more other county legislative
bodies; and
- 171 (b) that is created to provide law enforcement service to an area that includes the unincorporated part of
the county.
- 196 Section 3. Section **17-76-202** is amended to read:
- 197 **17-76-202. Applicability.**
- 175 (1) This ~~[chapter]~~ part does not apply to a county of the first class or an interlocal entity, as defined
in Section 11-13-103, in which a county of the first class is a party to an interlocal agreement to
provide law enforcement service.
- 178 ~~[(2) The sheriff of each county with a population of 20,000 people or more who regularly employs one
or more peace officers shall:]~~
- 180 ~~[(a) appoint peace officers and fill vacant positions for peace officers:]~~
- 181 ~~[(i) with the advice and consent of the county legislative body;]~~
- 182 ~~[(ii) subject to the rules of the merit service commission; and]~~
- 183 ~~[(iii) from the classified merit service list furnished by the merit service commission; and]~~

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- 185 [~~(b) promote, transfer, demote, suspend or remove peace officers in accordance with this part.~~]
- 187 (2) The sheriff of a county with a population of 20,000 or more residents that employs one or more merit system officers shall make all decisions regarding the promotion, transfer, demotion, suspension, or removal of a merit system officer with the advice and consent of the county legislative body and in accordance with this part.
- 191 [~~(3) Every peace officer who is serving as such upon the effective date of this part is considered:-]~~
- 193 [~~(a) fully qualified for such position without examination or test; and]~~
- 194 [~~(b) to have been appointed and to hold the position of peace officer in accordance with this part.]~~
- 196 [~~(4)~~] (3) Counties with a population of less than 20,000 people may implement a deputy sheriff merit system if:
- 198 (a) the county legislative body approves the deputy sheriff merit system; or
- 199 (b) the people of the county through referendum or initiative approve the deputy sheriff merit system.
- 201 (4) A commission shall:
- 202 (a) establish a written policy that provides financial or other incentives for a peace officer who retains merit status under Subsection {~~17-76-201(7)(b)~~} 17-76-201(8) to voluntarily surrender merit status;
and
- 205 (b) provide a copy of the policy to each peace officer who retains merit status under Subsection {~~17-76-201(7)(b)~~} 17-76-201(8).
- 230 Section 4. Section **17-76-205** is repealed and reenacted to read:
- 231 **17-76-205. Organization of commission -- Secretary -- Offices -- Job classification plan.**
- 210 (1) Each commission shall:
- 211 (a) be organized by the commission's members;
- 212 (b) select one member as chairperson;
- 213 (c) establish a comprehensive job classification plan that:
- 214 (i) covers each merit system officer of the governmental unit;
- 215 (ii) places each position requiring substantially the same duties and qualifications in the same classification;
- 217 (iii) provides standards for promotion for each position; and
- 218 (iv) includes minimum physical and educational qualifications for each position.
- 219 (2) If the governing body creates and approves a new position, the commission shall classify the position in the classification plan described in Subsection (1)(c).

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221 (3) The governing body shall assign a qualified county employee to act as secretary of the commission.

223 (4) The secretary described in Subsection (3) shall serve without additional compensation unless the
county legislative body specifies otherwise.

225 (5) The governing body shall provide suitable accommodations, supplies, and equipment as needed to
enable the commission to carry out the commission's business.

250 Section 5. Section **17-76-207** is amended to read:

251 **17-76-207. Examinations -- How prepared, conducted, and graded -- Notice of examination**
-- Preservation and inspection of examination papers.

230 (1)

(a) When necessary, [a] the commission shall administer a competitive examination for employment as
a [~~peace officer~~] merit system officer to determine the qualification of applicants[-].

233 (b) An examination shall be practical in character and shall relate to matters that will fairly test the
mental and physical ability and knowledge of the applicants to discharge the duties of peace officer.

236 (c) An examination shall be prepared, conducted, and graded as directed by the commission, or by
impartial special examiners if the commission finds it necessary.

238 (2)

(a) Notice of examination shall be:

239 (i)

(A) published one time not less than 15 days before the examination in a newspaper of general
circulation in the area concerned; and

241 (B) published, in accordance with Section 45-1-101, for 15 days before the examination; and

243 (ii) posted in a conspicuous place in the office of the appointing authority's department.

245 (b) The notice shall [~~set forth~~] describe the minimum and maximum wages, physical and educational
requirements, and passing grades that are not less than 70% correct answers.

248 (c) An applicant completing an examination shall be promptly notified of the applicant's final grade by
mail at the applicant's last known address.

250 (3) All examination papers are the commission's property, and the commission shall preserve the
examination papers until the expiration of the eligible register.

252 (4) Examination papers are not open to public inspection without court order, except that:

253 (a) an applicant may inspect the applicant's own examination papers at any time within 30 days after the
date the commission mails the notice described in Subsection (2); and

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256 (b) the appointing authority may inspect the papers of any eligible applicant the commission certifies
for appointment.

281 Section 6. Section **17-76-209** is amended to read:

282 **17-76-209. Preparation and expiration of eligible register -- Appointments from eligible
register -- Failure to accept appointment -- Probationary period.**

261 (1)

(a) Upon completion of an examination, the commission shall make an eligible register that contains the names of all applicants that received a passing grade in the order of grades earned, beginning with the highest.

264 (b) An eligible register expires not later than two years after the date of the examination unless the commission, for good reason, extends the time not to exceed one additional year.

267 (c) When the commission makes a new eligible register, previous eligible registers for the same class or position are automatically canceled.

269 (2)

(a) [~~When a peace officer is to be appointed~~] To appoint a merit system officer, the appointing authority shall request that the commission certify three eligible applicants for the position.

272 (b) After the appointing authority makes a request described in Subsection (2)(a):

273 (i) the commission shall certify to the appointing authority the names of the three applicants standing highest on the eligible register; and

275 (ii) the appointing authority shall select and appoint one of the three applicants the commission certifies.

277 (c) If an applicant described in Subsection (2)(b)(ii) does not accept the appointing authority's offer of appointment, the applicant may, in writing:

279 (i) request that the applicant retain the applicant's place on the eligible register; and

280 (ii) provide reasons sufficient, in the judgment of the commission, to justify the applicant's rejection of the appointing authority's offer of appointment.

282 (3)

(a) A [~~peace officer~~] merit system officer appointed under Subsection (2) shall serve a probationary period of 12 consecutive months, during which time the appointing authority may discharge the [~~peace officer~~] merit system officer.

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- 289 (b) The probationary period shall be extended as necessary for a ~~[peace officer]~~ merit system officer who has not yet satisfactorily completed an approved peace officer training program and received a certificate of completion under Title 53, Chapter 6, Peace Officer Standards and Training Act.
- 293 (c) If a ~~[peace officer]~~ merit system officer remains in the position to which the ~~[peace officer]~~ merit system officer was appointed after the expiration of the probationary period, the ~~[peace officer's]~~ merit system officer's retention constitutes appointment to merit status.
- 295 (d) Service as a ~~[peace officer]~~ merit system officer under a temporary or emergency appointment is not considered as part of the probationary period.
- 295 (e) A ~~[peace officer]~~ merit system officer removed during the ~~[peace officer's]~~ merit system officer's probationary period may not be placed on the eligible register again without having passed another regular examination.

321 Section 7. Section **17-76-210** is amended to read:

322 **17-76-210. Vacancies -- Positions requiring special qualifications -- Competition suspended**
-- Promotion -- Promotion register.

301 ~~[(1)~~

~~(a) When there is a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, the commission may, after public hearing and by unanimous vote of the commission, suspend competition regarding the position upon satisfactory evidence that:]~~

305 ~~[(i) competitive hiring is impracticable; and]~~

306 ~~[(ii) the position can best be filled by the selection of an individual of recognized attainments.]~~

308 ~~[(b) When the commission suspends competitive hiring, the commission shall report the reason for suspending competitive hiring in the commission's annual reports.]~~

310 (1) A commission may suspend competition to fill a vacant position if:

311 (a) the vacant position requires scientific, professional, or expert qualifications, and would best be filled by an individual with those qualifications;

313 (b) there is substantial evidence that competition to fill the vacant position is impracticable;

315 (c) the commission holds a public hearing about filling the position; and

316 (d) the commission members unanimously vote to suspend the competition.

317 (2) The commission shall report a suspension under Subsection (1), along with the reason for the suspension, in the commission's annual reports.

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- 319 [(2)
(a) The appointing authority shall fill vacancies occurring in the merit system classification by promotion if possible.—]
- 321 [(b) A promotion shall be made only after an examination, with admission to the examination limited to merit system officers.—]
- 323 [(c) An examination for a promotion shall include an average of service ratings for the next preceding year, a rating of seniority, and test the merit system officer's competence to perform the duties required in the position for which application is made.—]
- 327 [(d) An examination for a promotion shall not combine the weights of service rating and seniority to more than 40% of the whole examination.—]
- 329 [(e) The appointing authority shall fill subsequent vacancies by promotion until the lowest grade is reached, which grade shall then be filled from the eligible list in accordance with this part.]
- 332 [(f)]
- 333 (3) Vacancies in a merit system classification shall be filled by promotion when possible.
- 334 (4)
(a) A department shall make a promotion only after conducting an examination that is limited to peace officers in the merit system.
- 336 (b) An examination process described in Subsection (4)(a) shall include consideration of the seniority and competence of the peace officer to perform the duties required in the position for which application is made.
- 339 (c) The seniority element of the examination may not exceed 40% of the entire examination score.
- 341 [(i)] (5)
(a) After an examination for a promotion, the commission shall prepare a promotion register that takes precedence over an eligible register.
- 343 [(ii)] (b) The commission shall make the promotion register in the same manner as it makes an eligible register.
- 368 Section 8. Section **17-76-211** is amended to read:
- 369 **17-76-211. Temporary appointment.**
- 347 (1) An appointing authority may make a temporary appointment [~~for a period not exceeding 60 days, pending examination, when there is no existing eligible, promotion, or re-employment register.~~] if:
- 350 (a) the appointment does not exceed seven days;

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- 351 (b) no eligible individual is immediately available from the eligible, promotional, or re-employment
registers; and
- 353 (c) the appointment is necessary to conduct business.
- 354 [(2)
- (a) ~~An appointing authority may make an emergency appointment for a period not exceeding seven days.]~~
- 356 [(b) ~~With the commission's consent, the appointing authority may extend an emergency appointment one time, for an additional period not to exceed seven days, if:]~~
- 358 [(i) ~~an eligible applicant is not immediately available from an existing eligible register, promotion register described in Section 17-76-210, or reemployment register described in Section 17-76-212; and]~~
- 361 [(ii) ~~the work to be performed is necessary to expedite the public business.]~~
- 362 (2) With the commission's consent, an appointing authority may extend a temporary appointment once for an additional period that does not exceed seven days.
- 367 Section 9. Section **17-76-212** is amended to read:
- 368 **17-76-212. Temporary layoffs -- Reemployment register.**
- 366 (1) ~~[A peace officer may be temporarily laid off]~~ An appointing authority may temporarily layoff a merit system officer:
- 368 (a) when the appointing authority determines it is necessary because of lack of funds or work; and
- 370 (b) with the commission's approval.
- 371 (2) ~~[A]~~ An appointing authority shall make a layoff described in Subsection (1) [shall be made] according to the lowest rating of the [peace officers] merit system officers of the class of position affected, calculated upon seniority under a method prescribed by the commission.
- 375 (3) An individual serving under temporary ~~[or emergency]~~ appointment shall be laid off before any merit system officer.
- 377 (4) A merit system officer who is laid off shall be placed upon a reemployment register to be re-employed in the inverse order in which the merit system officer is laid off, which reemployment register shall take precedence over all eligible registers.
- 403 Section 10. Section **17-76-214** is amended to read:
- 404 **17-76-214. Leave of absence -- Sick leaves and vacations.**
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- (1) The appointing authority, with the commission's approval, may grant a ~~[peace officer]~~ merit system officer a leave of absence without pay for a period not to exceed one year.
- 384 (2) If a ~~[peace officer]~~ merit system officer on leave takes a higher position in police work that does not come under the merit system provisions of this part, the appointing authority may, with the commission's consent, renew the leave of absence.
- 387 (3) If a ~~[peace officer]~~ merit system officer is elected sheriff, or is appointed chief deputy, the ~~[peace officer]~~ merit system officer shall automatically be placed on a leave of absence for the period of time the peace officer remains sheriff or chief deputy.
- 390 (4) Upon the termination of a leave of absence, the ~~[peace officer]~~ merit system officer shall be returned to the peace officer's former position.
- 392 (5) Sick leaves and vacations with pay shall be as provided by law or ordinance.

416 Section 11. Section **17-76-215** is amended to read:

417 **17-76-215. Demotion, reduction in pay, suspension or discharge -- Grounds.**

- 395 (1) A merit system officer holding a permanent appointment may be demoted, reduced in pay, suspended, or discharged for:
- 397 (a) neglect of duty;
- 398 (b) disobedience of a reasonable order;
- 399 (c) misconduct;
- 400 (d) inefficiency, or inability to satisfactorily perform assigned duties; or
- 401 (e) any act inimical to the public service.
- 402 (2) ~~[No]~~ A merit system officer ~~[shall be]~~ may not be suspended for more than 30 days at one time, nor more than 60 days in one year.
- 404 (3) Demotion, reduction in pay, suspension, or discharge shall be made upon order of the appointing authority.

429 Section 12. Section **17-76-216** is amended to read:

430 **17-76-216. Disciplinary charges and merit system officer grievances -- Appeal to commission -- Hearing -- Findings.**

- 409 (1) An appointing authority who orders the demotion, reduction in pay, suspension, or discharge of a merit system officer for any cause described in Section 17-76-215 shall:
- 411 (a) file written charges with the commission; and
- 412 (b) serve the merit system officer with a copy of the written charges.

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- 413 (2)
(a)
(i) A merit system officer who is the subject of charges under Subsection (1) may, within 10 days after the day on which the charges ~~[were]~~ are served, appeal in writing to the commission.
- 416 (ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not be made public without the consent of the merit system officer charged.
- 418 (b) If a merit system officer files a grievance, as defined by the commission, and exhausts all internal grievance procedures, ~~[if any,]~~ the merit system officer may, within 10 days after the day on which the merit system officer ~~[received]~~ receives notice of the final disposition of the grievance, file an appeal with the commission.
- 422 (3)
(a) The commission shall:
423 (i) fix a time and place for a hearing upon the charges or appeal of a merit system officer grievance;
and
425 (ii) give notice of the hearing to the parties.
- 426 (b)
(i) Except as provided in Subsection (3)(b)(ii), each hearing under this Subsection (3) shall be held not less than 10 days~~;~~ and not more than 90 days~~;~~ after the day on which a merit system officer files an appeal or grievance.
- 429 (ii) A hearing may be held more than 90 days after an appeal or grievance is filed if:
430 (A) the merit system officer and employer agree; or
431 (B) the commission determines there is good cause to delay the hearing.
- 432 (4)
(a) If the aggrieved merit system officer ~~[so]~~ desires, the hearing shall be public.
- 433 (b) The parties may be represented by counsel at the hearing.
- 434 (5) After the hearing, the commission shall make its decision in writing, including findings of fact, and shall mail a copy of the commission's decision to each party.
- 436 (6)
(a) ~~[An individual aggrieved by an act or failure to act of any commission under this part has exhausted the remedies of appeal to the commission, the individual may appeal the commission's decision to~~

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~~the district court]~~ An individual affected by a commission's action or inaction under this part may appeal to the district court after the individual exhausts all appeal options with the commission.

441 (b) ~~[The courts]~~ A court may review questions of law and fact, and may affirm, set aside, or modify the ~~[ruling complained of]~~ commission's action.

466 Section 13. Section **17-76-217** is amended to read:

467 **17-76-217. Prohibitions against political activities -- Penalties.**

445 (1) ~~[It is a class B misdemeanor for an individual with authority to, or who seeks, assists, promises, or threatens to appoint, promote, transfer, demote, suspend, discharge, or change the amount of compensation of a merit system officer, for giving, withholding, or neglecting to make any contributions or any service for any political purpose.]~~ A government employee, member of a governing body, or appointing authority is guilty of a class B misdemeanor if that individual:

451 (a) appoints, promotes, transfers, demotes, suspends, discharges, or alters the compensation of a merit system officer for giving, withholding, or neglecting to make a political contribution or service;

454 (b) promises, seeks, aids, or abets the appointment, promotion, transfer, demotion, suspension, discharge, or change in compensation of a merit system officer for giving, withholding, or neglecting to make a political contribution or service; or

457 (c) directly or indirectly solicits a political contribution or service from a merit system officer.

459 ~~[(2) It is a class B misdemeanor for an individual described in Subsection (1) to solicit, directly or indirectly, a contribution or service for a political purpose from a merit system officer.]~~

462 ~~[(3)]~~ (2) ~~[This section]~~ Subsection (1) does not apply to political speeches or use of mass communication media for political purposes by an individual who is not a merit system officer even though a merit system officer may be present or within the reach of such media unless the purpose and intent is to violate this section with direct respect to the merit system officer.

467 ~~[(4)]~~ (3) A merit system officer may not engage in political activity during the hours of employment.

469 ~~[(5)]~~ (4) An individual may not solicit political contributions from a merit system officer during hours of employment for political purposes.

471 ~~[(6)]~~ (5) This section does not preclude a merit system officer from voluntarily contributing to the party or candidate of the merit system officer's choice.

496 Section 14. Section **17-76-301** is amended to read:

497 **17-76-301. Definitions.**

As used in this ~~{part{}}~~ chapter:

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- 476 (1) "Appointing authority" means the county sheriff or the chief executive officer of a police interlocal
entity.
- 478 (2) "Commission" means the merit system commission consisting of three individuals appointed in
accordance with Section 17-76-304.
- 480 (3) "Department" means a county sheriff's office or a police interlocal entity.
- 481 (4) "Eligible appointment register" means the list made by a commission described in Section
17-76-310 that contains the names of all applicants that took the examination and that received a
passing grade.
- 484 (5) "Examination" means the competitive examination to determine the qualification of an applicant for
a position as a peace officer described in Section 17-76-307.
- 509 (6) "Frontline peace officer supervisor" means a peace officer in a position that:
- 510 (a) is required to regularly supervise and evaluate the performance of another peace officer; and
- 512 (b) does not regularly supervise and evaluate the performance of a peace officer who also regularly
supervises and evaluates the performance of another peace officer.
- 486 ~~[(6)]~~ (7) "Legislative body" means the county legislative body or the governing body of the police
interlocal entity.
- 488 ~~[(7)]~~ (8) "Merit system officer" means~~[a peace officer who has merit status as defined in this part.]~~ :
- 490 (a) a peace officer:
- 491 (i) who is in a position {with a rank or equivalent rank of sergeant or lower; or} that:
- 520 (A) is not required to regularly supervise and evaluate the performance of another peace officer;
- 522 (B) is more than three levels below the county sheriff in the command structure of the office of the
county sheriff; or
- 524 (C) is a frontline peace officer supervisor; or
- 525 (ii) who is in a position, other than chief deputy:
- 526 (A) that is no more than three levels below the county sheriff in the command structure of the office of
the county sheriff; and
- 492 (ii) ~~{(B)}~~ {in a position} that, {except chief deputy} before July 1, 2026, {with a rank of lieutenant or
higher than} the county sheriff designates as a merit system position {before July 1, 2026} :
- 494 (b) regardless of rank, a peace officer who, immediately before July 1, 2026, was in a merit system
position under this part, unless, on or after July 1, 2026, the peace officer:

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- (i) except as described in Subsection {~~(7)(e)~~ (8)(c), voluntarily accepts a position that is not a merit system position; or
- 499 (ii) in accordance with the written policy described in Subsection 17-76-302(2), voluntarily surrenders merit status; or
- 501 (c) a peace officer who returns to a merit system position after a leave of absence under Section 17-76-316, unless the peace officer voluntarily surrenders merit status under Subsection {~~(7)(b)(ii)~~ (8)(b)(ii).
- 504 ~~(8)~~ (9) "Peace officer" means a paid deputy sheriff or law enforcement officer, other than a chief deputy or other exempt appointed officer designated by the appointing authority, who is in the continuous employ of the appointing authority.
- 507 ~~(9)~~ (10) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103, created:
- 509 (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a county of the first class is a party; and
- 511 (b) to provide law enforcement service to an area that includes the unincorporated part of the county.
- 549 Section 15. Section **17-76-302** is amended to read:
- 550 **17-76-302. Applicability.**
- 515 (1) This part applies to a county of the first class or a police interlocal entity in which a county of the first class is a party to an interlocal agreement to provide law enforcement service.
- 518 (2) A commission shall:
- 519 (a) establish a written policy that provides financial or other incentives for a peace officer who retains merit status under Subsection {~~17-76-301(7)(b)~~ 17-76-301(8) to voluntarily surrender merit status; and
- 522 (b) provide a copy of the policy to each peace officer who retains merit status under Subsection {~~17-76-301(7)(b)~~ 17-76-301(8).
- 560 Section 16. Section **17-76-303** is amended to read:
- 561 **17-76-303. Subordinate peace officers appointed, reappointed.**
- 526 (1) The appointing authority of a county or police interlocal entity subject to this part that regularly employs one or more [~~peace officers~~] merit system officers shall:
- 528 (a) appoint a [~~peace officer~~] merit system officer with the advice and consent of the county legislative body or police interlocal entity governing body, subject to the commission's rules;
- 531 (b) appoint each [~~subordinate peace officer~~] merit system officer;

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- 532 (c) fill a vacancy in the department; and
533 (d) further promote, transfer, reassign, reappoint, demote, suspend, or remove a [~~peace officer~~] merit system officer in accordance with this part.
- 535 (2) The commission shall [~~adopt~~] make rules governing the appointment of [~~peace officers~~] merit system officers through reappointment of a former employee who separated in good standing, within one year after separation.
- 538 (3) A [~~peace officer~~] merit system officer appointed before May 13, 2014, is considered to have been appointed to and hold the [~~peace officer's~~] merit system officer's position and classification in accordance with [~~the provisions of~~]this part.

577 Section 17. Section **17-76-305** is amended to read:

578 **17-76-305. General duty -- Creation of comprehensive job classification plan -- Oaths and subpoenas -- Provide for unspecified activities.**

- 544 (1) The commission:
- 545 (a) is responsible for carrying out the provisions of this chapter; and
546 (b) shall make necessary rules and regulations to govern the merit system in accordance with this part, including:
- 548 (i) adopting merit rules regarding:
- 549 (A) appointments and registers;
550 (B) examinations;
551 (C) promotions;
552 (D) reassignments;
553 (E) reappointments;
554 (F) disciplinary grievance procedures;
555 (G) administrative reviews;
556 (H) recognition of the equivalency of another merit system for the purpose of appointing a [~~peace officer~~] merit system officer from another agency; and
558 (I) reductions in force;
- 559 (ii) adopting a rule regarding the preparation of a job classification plan; and
560 (iii) adopting rules necessary for the efficient management of the merit system not specifically enumerated above and not inconsistent with this chapter or applicable law.

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(2) Upon the request of the appointing authority and after conducting a public hearing, the commission may temporarily suspend a rule if the suspension is necessary for the proper enforcement of this part.

566 (3)

(a) The commission shall formulate a comprehensive job classification plan covering all merit system officers employed by the sheriff or by the police interlocal entity.

568 (b) The job classification plan shall:

569 (i) place all positions requiring substantially the same duties and qualifications in the same classification;

571 (ii) include minimum physical and educational qualifications of the applicants for each position; and

573 (iii) provide standards for promotion.

574 (c) If a new position is created and approved, the commission shall classify the position in the job classification plan.

576 (4)

(a) A member of the commission, in performance of commission duties, may administer oaths and subpoena witnesses and documents.

578 (b) If an individual refuses to comply with or fails to comply with a subpoena issued by a member of the commission, the district court may, upon application by the member of the commission, compel obedience.

581 (5)

(a) A witness in a proceeding before the commission is subject to all the rights, privileges, duties, and penalties of witnesses in courts of record.

583 (b) The commission shall pay a witness fee equivalent to those paid for a court of record.

584 (6) The commission may adopt a rule for an activity within the purpose and spirit of this part that:

586 (a) the commission deems is necessary and proper; and

587 (b) not otherwise prohibited by law.

624 Section 18. Section **17-76-310** is amended to read:

625 **17-76-310. Preparation and expiration of eligible appointment register -- Appointments from eligible appointment register -- Failure to accept appointment -- Probationary period.**

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- (1) Upon completion of an examination, the commission shall prepare and adopt an eligible appointment register containing the names of applicants receiving a passing grade ranked in the order of grades earned, beginning with the highest.
- 595 (2)
- (a) An eligible appointment register shall expire not later than two years after the date of the examination unless the commission, for good reason, extends the time not to exceed one additional year.
- 598 (b) If the commission adopts a new eligible appointment register, a previous eligible appointment register for the same class or position is cancelled.
- 600 (3) If the appointment of a [~~peace officer~~] merit system officer is an appointment based on an examination, the appointing authority shall request that the commission certify eligible applicants for each position.
- 603 (4)
- (a) The commission shall certify, to the appointing authority, a number of names equal to three times the number of allocations being filled.
- 605 (b) The names of the applicants shall be ranked in order of examination score, beginning with the name of the applicant standing highest on the eligible appointment register.
- 607 (5) The appointing authority shall select [~~a person~~] an applicant described in Subsection (4)(b) and appoint one [~~person~~] applicant to each open position.
- 609 (6) If a certified applicant fails to accept a proffered appointment, the applicant:
- 610 (a) may request in writing that the applicant be able to retain the applicant's place on the eligible appointment register; and
- 612 (b) shall provide reasons sufficient, in the judgment of the commission, to justify the applicant's failure to accept.
- 614 (7) A [~~peace officer~~] merit system officer appointed under Subsection (5) shall serve a probationary period of 12 consecutive months, during which time the merit system officer may be discharged at the appointing authority's sole discretion.
- 617 (8)
- (a) At the request of the appointing authority, and with the approval of the commission, the probationary period may be extended beyond 12 months for a [~~peace officer~~] merit system officer

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who has not yet satisfactorily completed an approved peace officer training program and received a certificate of completion under Title 53, Chapter 6, Peace Officer Standards and Training Act.

- 622 (b) At the request of the appointing authority, and with the approval of the commission, the
probationary period of a [~~peace officer~~] merit system officer may be extended beyond 12 months for
good cause shown.
- 625 (c) Service under a temporary or part-time appointment is not considered a part of the probationary
period.
- 627 (9) If a [~~peace officer~~] merit system officer is retained in a position after the expiration of the
probationary period, the [~~peace officer's~~] merit system officer's retention constitutes appointment to
merit status.
- 630 (10) [~~A person~~] An individual removed from employment during the probationary period may
not be placed on the eligible appointment register again without having passed another regular
examination.
- 633 (11) The commission may make or adopt policies governing probationary periods for other
appointments, including the appointing or transfer of a [~~peace officer~~] merit system officer from
another jurisdiction.

672 Section 19. Section **17-76-313** is amended to read:

673 **17-76-313. Temporary layoffs -- Reappointment register.**

- 638 (1) Subject to Subsections (2) and (3), and if necessary, because of lack of funds or work, a department
may temporarily lay off a merit system officer.
- 640 (2) A department that lays off a merit system officer under Subsection (1) shall lay off the merit system
officer according to the seniority of the merit system officers of the class of positions affected,
following the process prescribed by commission rule.
- 643 (3) A department shall lay off an individual serving under temporary or part-time appointment before a
merit system officer.
- 645 (4)
- (a) If a merit system officer is laid off, the department shall place the merit system officer on an eligible
reappointment register to be reappointed in the inverse order in which the merit system officer is
laid off.
- 648 (b) The eligible reappointment register described in Subsection (4)(a) takes precedence over all other
eligible reappointment registers.

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Section 20. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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