

Law Enforcement Officer Employment Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor:

LONG TITLE**General Description:**

This bill addresses law enforcement officer employment.

Highlighted Provisions:

This bill:

- requires municipalities to provide certain procedures to a law enforcement officer before the municipality may terminate or otherwise significantly impact the law enforcement officer's employment; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

(b) Before a law enforcement officer, as that term is defined in Section 53-13-103, who

is in the classified civil service may be suspended for more than two days, demoted, or removed from employment under Subsection (1)(a), the law enforcement officer's employing agency shall, at a minimum:

(i) notify the law enforcement officer of the allegations of wrongdoing that the employing agency believes may support a disciplinary action of suspension for more than two days, demotion, or removal;

(ii) give the law enforcement officer no less than two business days after the day on which the notification described in Subsection (1)(b)(i) is provided to submit a written reply to the agency head or the agency head's designated representative;

(iii) have the agency head, or the agency head's designated representative, consider any written reply submitted by the law enforcement officer; and

(iv) give the law enforcement officer an opportunity to be heard by the agency head or the agency head's designated representative.

(c) The provisions of Subsection (1)(b) do not limit or alter the rights under this part of:

(i) an employee in the classified civil service who is not a law enforcement officer; or

(ii) a law enforcement officer in a municipality that provides, by adopted policy, procedures that are more protective for the law enforcement officer than the procedures described in Subsection (1)(b).

(2) Any person suspended or discharged under Subsection (1) may, within five days from the issuance by the head of the department of the order of suspension or discharge, appeal to the civil service commission, which shall fully hear and determine the matter.

(3) The suspended or discharged person shall be entitled to appear in person and to have counsel and a public hearing.

(4) The finding and decision of the civil service commission upon the hearing shall be certified to the head of the department from whose order the appeal is taken, and shall be final and immediately enforced by the head.

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

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

Appeals -- Board -- Procedure.

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

~~[(a)]~~ (i) because of the employee's politics or religious belief; or

~~[(b)]~~ (ii) incident to, or through changes, either in the elective officers, governing

body, or heads of departments.

(b) Before an employee who is a law enforcement officer, as that term is defined in Section 53-13-103, to which Subsection 10-3-1105(1)(a) applies may be discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, the law enforcement officer's employing agency shall, at a minimum:

(i) notify the law enforcement officer of the allegations of wrongdoing that the employing agency believes may support a disciplinary action of discharge, suspension of more than two days without pay, or involuntary transfer to a position with less remuneration;

(ii) give the law enforcement officer no less than two business days after the day on which the notification described in Subsection (1)(b)(i) is provided to submit a written reply to the agency head or the agency head's designated representative;

(iii) have the agency head, or the agency head's designated representative, consider any written reply submitted by the law enforcement officer; and

(iv) give the law enforcement officer an opportunity to be heard by the agency head or the agency head's designated representative.

(c) The provisions of Subsection (1)(b) do not limit or alter the rights under this part of:

(i) an employee to which Section 10-3-1105 applies who is not a law enforcement officer; or

(ii) a law enforcement officer in a municipality that provides, by adopted policy, procedures that are more protective for the law enforcement officer than the procedures described in Subsection (1)(b).

(2)(a) If, after the requirements of Subsections (1)(a) and (b) have been met, an employee other than an employee described in Subsection 10-3-1105(2), is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee may, subject to Subsection (2)(b), appeal the final decision to discharge, suspend without pay, or involuntarily transfer to an appeal board or hearing officer established under Subsection (7).

(b) If the municipality provides an internal grievance procedure, the employee shall exhaust the employee's rights under that grievance procedure before appealing to the appeal board or hearing officer.

(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.