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**County Employment Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor:

2

**LONG TITLE**

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**General Description:**

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This bill amends provisions relating to law enforcement officers in a county merit system, career service, or civil service.

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**Highlighted Provisions:**

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This bill:

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- ▶ defines terms;
- ▶ provides that an employee in a county sheriff's office is exempt from a merit system, career service, or civil service, if that employee is in a position with a rank or equivalent rank of lieutenant or higher; and
- ▶ makes technical and conforming changes.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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This bill provides a special effective date.

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**Utah Code Sections Affected:**

13

**AMENDS:**

14

**17-75-502**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

15

**17-76-201**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

16

**17-76-202**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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**17-76-207**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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**17-76-209**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

19

**17-76-210**, as renumbered and amended by Laws of Utah 2025, First Special Session,

**H.B. 335**

31                   Chapter 14  
32                   **17-76-211**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
33                   Chapter 14  
34                   **17-76-212**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
35                   Chapter 14  
36                   **17-76-214**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
37                   Chapter 14  
38                   **17-76-215**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
39                   Chapter 14  
40                   **17-76-216**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
41                   Chapter 14  
42                   **17-76-217**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
43                   Chapter 14  
44                   **17-76-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
45                   Chapter 14  
46                   **17-76-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
47                   Chapter 14  
48                   **17-76-303**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
49                   Chapter 14  
50                   **17-76-305**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
51                   Chapter 14  
52                   **17-76-310**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
53                   Chapter 14  
54                   **17-76-313**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
55                   Chapter 14

56                   REPEALS AND REENACTS:

57                   **17-76-205**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
58                   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) The career service:  
64                   (a) is a permanent service to which this part applies; and

65 (b) comprises all tenured county positions in the public service, except:

66 (i) subject to Subsection (2):

67 (A) the county executive, members of the county legislative body, and other  
68 elected officials; and

69 (B) [each] a major county department head charged directly by the county  
70 legislative body, or by a board appointed by the county legislative body, with  
71 the responsibility of assisting to formulate and carry out policy matters;

72 (ii) one confidential secretary for each elected county officer and major county  
73 department head, if a confidential secretary is assigned;

74 (iii) an administrative assistant to the county executive, each member of the county  
75 legislative body, and each elected official, if an administrative assistant is  
76 assigned;

77 (iv) [each] an appointed chief deputy of any elected county officer who takes  
78 over and discharges the duties of the elected county officer in the absence or  
79 disability of the elected county officer;

80 (v) a law enforcement officer in a position with a rank or equivalent rank of  
81 lieutenant or higher;

82 [(v)] (vi) subject to Subsection (3), an individual who[is]:

83 (A) is appointed by an elected county officer to be a division director, to  
84 administer division functions in furtherance of the performance of the elected  
85 officer's professional duties;

86 (B) is in a confidential relationship with the elected county officer; and

87 (C) not in a law enforcement rank position of captain or below is not a law  
88 enforcement officer, or is a law enforcement officer whose position requires  
89 the regular supervision and performance evaluation of another law enforcement  
90 officer;

91 [(vi)] (vii) each [person] individual employed to make or conduct a temporary and  
92 special inquiry, investigation, or examination on behalf of the county legislative  
93 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;  
96 and

97 (B) hired on emergency or seasonal appointment basis, as approved by the council;

98 [(viii)] (ix) each provisional employee, as defined by the county's policies and

99 procedures or personnel rules;

100 [(ix)] (x) each part-time county employee, as defined by the county's policies and  
101 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  
106 policy-determining nature, cannot or should not be appropriately included in the  
107 career service.

108 (2) Before a position under Subsection (1)(b)(i) may be changed from its current status to  
109 exempt or tenured, the council shall, after giving due notice, hold a public hearing on the  
110 proposed change of status.

111 (3)(a) [Subseetion (1)(b)(v)] Subsection (1)(b)(vi) may not be construed to cause an  
112 individual serving as a nonexempt county employee on May 5, 2008, in a position  
113 described in that subsection to lose the nonexempt status.

114 (b) Subsection (1)(b)(v) may not be construed to cause an individual serving as a  
115 nonexempt county employee before July 1, 2026, in a position described in that  
116 subsection to lose the nonexempt status.

117 [(b)] (c) The elected county officer in a supervisory position over a county employee  
118 described in [Subseetion] Subsections (3)(a) and (3)(b) shall work with the county's  
119 office of personnel management to develop financial and other incentives to  
120 encourage a nonexempt employee to convert voluntarily to exempt status.

121 (4)(a) County policies made in conformity with this part shall list by job title and county  
122 department, office or agency, each position designated as exempt under Subsection [  
123 (1)(b)(xi)] (1)(b)(xii).

124 (b) A change in exempt status of a position designated as being exempt under  
125 Subsection [(1)(b)(xi)] (1)(b)(xii) constitutes an amendment to the personnel rules  
126 made under this chapter.

127 Section 2. Section **17-76-201** is amended to read:

128 **17-76-201 . Definitions.**

129 As used in this part:

130 (1) "Appointing authority" means the sheriff of a county having jurisdiction over any peace  
131 officer.

132 (2) "Commission" means [the] a merit system commission consisting of three individuals

133 appointed in accordance with Section 17-76-203 and having the duty, power, and  
134 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  
137 17-76-209(1) that contains the names of all applicants that took the examination and that  
138 received a passing grade.

139 (5) "Examination" means the competitive examination for employment as a peace officer  
140 described in Section 17-76-207.

141 (6) "Member" means an individual appointed to the merit commission in accordance with  
142 Section 17-76-203.

143 (7) "Merit system officer" means[ a peace officer who has merit status as defined in this  
144 part.] :

145 (a) a peace officer in a position with a rank or equivalent rank of sergeant or lower;

146 (b) regardless of rank, a peace officer who, immediately before July 1, 2026, was in a  
147 merit system position under this part, unless, on or after July 1, 2026, the peace  
148 officer:

149 (i) except as described in Subsection (7)(c), voluntarily accepts a position that is not a  
150 merit system position; or

151 (ii) in accordance with the written policy described in Subsection 17-76-202(4),  
152 voluntarily surrenders merit status; or

153 (c) a peace officer who returns to a merit system position after a leave of absence under  
154 Section 17-76-214, unless the peace officer voluntarily surrenders merit status under  
155 Subsection (7)(b)(ii).

156 (8) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated by  
157 the sheriff, who is in the continuous employ of a county.

158 (9) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103,  
159 that is created:

160 (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a  
161 county of the first class is a party; and

162 (b) to provide law enforcement service to an area that includes the unincorporated part  
163 of the county.

164 (10) "Police special district" means a special district, as defined in Section 17B-1-102:

165 (a) whose creation was initiated by the adoption of a resolution under Section 17B-1-203  
166 by the legislative body of a county of the first class, alone or with one or more other

167 county legislative bodies; and  
168 (b) that is created to provide law enforcement service to an area that includes the  
169 unincorporated part of the county.

170 Section 3. Section **17-76-202** is amended to read:

171 **17-76-202 . Applicability.**

172 (1) This [echapter] part does not apply to a county of the first class or an interlocal entity, as  
173 defined in Section 11-13-103, in which a county of the first class is a party to an  
174 interlocal agreement to provide law enforcement service.

175 [({2}) ~~The sheriff of each county with a population of 20,000 people or more who regularly~~  
176 ~~employs one or more peace officers shall:~~]

177 [({a}) ~~appoint peace officers and fill vacant positions for peace officers:~~ ]

178 [({i}) ~~with the advice and consent of the county legislative body;~~ ]

179 [({ii}) ~~subject to the rules of the merit service commission; and~~]

180 [({iii}) ~~from the classified merit service list furnished by the merit service commission;~~  
181 ~~and~~]

182 [({b}) ~~promote, transfer, demote, suspend or remove peace officers in accordance with this~~  
183 ~~part.~~]

184 (2) The sheriff of a county with a population of 20,000 or more residents that employs one  
185 or more merit system officers shall make all decisions regarding the promotion, transfer,  
186 demotion, suspension, or removal of a merit system officer with the advice and consent  
187 of the county legislative body and in accordance with this part.

188 [({3}) ~~Every peace officer who is serving as such upon the effective date of this part is~~  
189 ~~considered:~~ ]

190 [({a}) ~~fully qualified for such position without examination or test; and~~ ]

191 [({b}) ~~to have been appointed and to hold the position of peace officer in accordance with~~  
192 ~~this part.~~]

193 [({4}) (3) Counties with a population of less than 20,000 people may implement a deputy  
194 sheriff merit system if:

195 (a) the county legislative body approves the deputy sheriff merit system; or

196 (b) the people of the county through referendum or initiative approve the deputy sheriff  
197 merit system.

198 (4) A commission shall:

199 (a) establish a written policy that provides financial or other incentives for a peace  
200 officer who retains merit status under Subsection 17-76-201(7)(b) to voluntarily

201 surrender merit status; and  
202 (b) provide a copy of the policy to each peace officer who retains merit status under  
203 Subsection 17-76-201(7)(b).

204 Section 4. Section **17-76-205** is repealed and reenacted to read:

205 **17-76-205 . Organization of commission -- Secretary -- Offices -- Job**  
206 **classification plan.**

207 (1) Each commission shall:

208 (a) be organized by the commission's members;  
209 (b) select one member as chairperson;  
210 (c) establish a comprehensive job classification plan that:  
211 (i) covers each merit system officer of the governmental unit;  
212 (ii) places each position requiring substantially the same duties and qualifications in  
213 the same classification;  
214 (iii) provides standards for promotion for each position; and  
215 (iv) includes minimum physical and educational qualifications for each position.

216 (2) If the governing body creates and approves a new position, the commission shall  
217 classify the position in the classification plan described in Subsection (1)(c).

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

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

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

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

225 **17-76-207 . Examinations -- How prepared, conducted, and graded -- Notice of**  
226 **examination -- Preservation and inspection of examination papers.**

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

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

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

235 (2)(a) Notice of examination shall be:

236 (i)(A) published one time not less than 15 days before the examination in a  
237 newspaper of general circulation in the area concerned; and  
238 (B) published, in accordance with Section 45-1-101, for 15 days before the  
239 examination; and  
240 (ii) posted in a conspicuous place in the office of the appointing authority's  
241 department.

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

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

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

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

250 (a) an applicant may inspect the applicant's own examination papers at any time within  
251 30 days after the date the commission mails the notice described in Subsection (2);  
252 and  
253 (b) the appointing authority may inspect the papers of any eligible applicant the  
254 commission certifies for appointment.

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

256 **17-76-209 . Preparation and expiration of eligible register -- Appointments from  
257 eligible register -- Failure to accept appointment -- Probationary period.**

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

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

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

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

269 (b) After the appointing authority makes a request described in Subsection (2)(a):  
270 (i) the commission shall certify to the appointing authority the names of the three  
271 applicants standing highest on the eligible register; and  
272 (ii) the appointing authority shall select and appoint one of the three applicants the  
273 commission certifies.

274 (c) If an applicant described in Subsection (2)(b)(ii) does not accept the appointing  
275 authority's offer of appointment, the applicant may, in writing:  
276 (i) request that the applicant retain the applicant's place on the eligible register; and  
277 (ii) provide reasons sufficient, in the judgment of the commission, to justify the  
278 applicant's rejection of the appointing authority's offer of appointment.

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

282 (b) The probationary period shall be extended as necessary for a [peace officer] merit  
283 system officer who has not yet satisfactorily completed an approved peace officer  
284 training program and received a certificate of completion under Title 53, Chapter 6,  
285 Peace Officer Standards and Training Act.

286 (c) If a [peace officer] merit system officer remains in the position to which the [peace  
287 officer] merit system officer was appointed after the expiration of the probationary  
288 period, the [peace officer's] merit system officer's retention constitutes appointment to  
289 merit status.

290 (d) Service as a [peace officer] merit system officer under a temporary or emergency  
291 appointment is not considered as part of the probationary period.

292 (e) A [peace officer] merit system officer removed during the [peace officer's] merit  
293 system officer's probationary period may not be placed on the eligible register again  
294 without having passed another regular examination.

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

296 **17-76-210 . Vacancies -- Positions requiring special qualifications -- Competition**  
297 **suspended -- Promotion -- Promotion register.**

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

302 [ (1) competitive hiring is impracticable; and ]

303 [~~(iii) the position can best be filled by the selection of an individual of recognized  
304 attainments.~~]

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

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

308 (a) the vacant position requires scientific, professional, or expert qualifications, and  
309 would best be filled by an individual with those qualifications;  
310 (b) there is substantial evidence that competition to fill the vacant position is  
311 impracticable;  
312 (c) the commission holds a public hearing about filling the position; and  
313 (d) the commission members unanimously vote to suspend the competition.

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

316 [~~(2)(a) The appointing authority shall fill vacancies occurring in the merit system  
317 classification by promotion if possible.~~]

318 [~~(b) A promotion shall be made only after an examination, with admission to the  
319 examination limited to merit system officers.~~]

320 [~~(c) An examination for a promotion shall include an average of service ratings for the  
321 next preceding year, a rating of seniority, and test the merit system officer's  
322 competence to perform the duties required in the position for which application is  
323 made.~~]

324 [~~(d) An examination for a promotion shall not combine the weights of service rating and  
325 seniority to more than 40% of the whole examination.~~]

326 [~~(e) The appointing authority shall fill subsequent vacancies by promotion until the  
327 lowest grade is reached, which grade shall then be filled from the eligible list in  
328 accordance with this part.~~]

329 [~~(f)~~]

330 (3) Vacancies in a merit system classification shall be filled by promotion when possible.

331 (4)(a) A department shall make a promotion only after conducting an examination that is  
332 limited to peace officers in the merit system.

333 (b) An examination process described in Subsection (4)(a) shall include consideration of  
334 the seniority and competence of the peace officer to perform the duties required in the  
335 position for which application is made.

336 (c) The seniority element of the examination may not exceed 40% of the entire

337                   examination score.

338   [(i)] (5)(a) After an examination for a promotion, the commission shall prepare a  
339                   promotion register that takes precedence over an eligible register.

340   [(ii)] (b) The commission shall make the promotion register in the same manner as it  
341                   makes an eligible register.

342                   Section 8. Section **17-76-211** is amended to read:

343                   **17-76-211 . Temporary appointment.**

344   (1) An appointing authority may make a temporary appointment [for a period not exceeding  
345                   60 days, pending examination, when there is no existing eligible, promotion, or  
346                   re-employment register.] if:

347       (a) the appointment does not exceed seven days;

348       (b) no eligible individual is immediately available from the eligible, promotional, or  
349                   re-employment registers; and

350       (c) the appointment is necessary to conduct business.

351   [(2)(a) An appointing authority may make an emergency appointment for a period not  
352                   exceeding seven days.]

353       [(b) With the commission's consent, the appointing authority may extend an emergency  
354                   appointment one time, for an additional period not to exceed seven days, if:]

355       [(i) an eligible applicant is not immediately available from an existing eligible  
356                   register, promotion register described in Section 17-76-210, or reemployment  
357                   register described in Section 17-76-212; and]

358       [(ii) the work to be performed is necessary to expedite the public business.] ]

359   (2) With the commission's consent, an appointing authority may extend a temporary  
360                   appointment once for an additional period that does not exceed seven days.

361                   Section 9. Section **17-76-212** is amended to read:

362                   **17-76-212 . Temporary layoffs -- Reemployment register.**

363   (1) [A] peace officer may be temporarily laid off] An appointing authority may temporarily  
364                   layoff a merit system officer:

365       (a) when the appointing authority determines it is necessary because of lack of funds or  
366                   work; and

367       (b) with the commission's approval.

368   (2) [A] An appointing authority shall make a layoff described in Subsection (1) [shall be  
369                   made] according to the lowest rating of the [peace officers] merit system officers of the  
370                   class of position affected, calculated upon seniority under a method prescribed by the

371 commission.

372 (3) An individual serving under temporary [or emergency] appointment shall be laid off  
373 before any merit system officer.  
374 (4) A merit system officer who is laid off shall be placed upon a reemployment register to  
375 be re-employed in the inverse order in which the merit system officer is laid off, which  
376 reemployment register shall take precedence over all eligible registers.

377 Section 10. Section **17-76-214** is amended to read:

378 **17-76-214 . Leave of absence -- Sick leaves and vacations.**

379 (1) The appointing authority, with the commission's approval, may grant a [peace officer]  
380 merit system officer a leave of absence without pay for a period not to exceed one year.  
381 (2) If a [peace officer] merit system officer on leave takes a higher position in police work  
382 that does not come under the merit system provisions of this part, the appointing  
383 authority may, with the commission's consent, renew the leave of absence.  
384 (3) If a [peace officer] merit system officer is elected sheriff, or is appointed chief deputy,  
385 the [peace officer] merit system officer shall automatically be placed on a leave of  
386 absence for the period of time the peace officer remains sheriff or chief deputy.  
387 (4) Upon the termination of a leave of absence, the [peace officer] merit system officer shall  
388 be returned to the peace officer's former position.  
389 (5) Sick leaves and vacations with pay shall be as provided by law or ordinance.

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

391 **17-76-215 . Demotion, reduction in pay, suspension or discharge -- Grounds.**

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

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

404 **17-76-216 . Disciplinary charges and merit system officer grievances -- Appeal to**

405       **commission -- Hearing -- Findings.**

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

410       (2)(a)(i) A merit system officer who is the subject of charges under Subsection (1)  
411       may, within 10 days after the day on which the charges [were] are served, appeal  
412       in writing to the commission.  
413               (ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not  
414       be made public without the consent of the merit system officer charged.  
415       (b) If a merit system officer files a grievance, as defined by the commission, and  
416       exhausts all internal grievance procedures, [if any,] the merit system officer may,  
417       within 10 days after the day on which the merit system officer [received] receives  
418       notice of the final disposition of the grievance, file an appeal with the commission.

419       (3)(a) The commission shall:  
420               (i) fix a time and place for a hearing upon the charges or appeal of a merit system  
421       officer grievance; and  
422               (ii) give notice of the hearing to the parties.  
423       (b)(i) Except as provided in Subsection (3)(b)(ii), each hearing under this Subsection  
424       (3) shall be held not less than 10 days[.] and not more than 90 days[.] after the day  
425       on which a merit system officer files an appeal or grievance.  
426               (ii) A hearing may be held more than 90 days after an appeal or grievance is filed if:  
427                       (A) the merit system officer and employer agree; or  
428                       (B) the commission determines there is good cause to delay the hearing.  
429       (4)(a) If the aggrieved merit system officer [so]desires, the hearing shall be public.  
430               (b) The parties may be represented by counsel at the hearing.  
431       (5) After the hearing, the commission shall make its decision in writing, including findings  
432       of fact, and shall mail a copy of the commission's decision to each party.  
433       (6)(a) [An individual aggrieved by an act or failure to act of any commission under this  
434       part has exhausted the remedies of appeal to the commission, the individual may  
435       appeal the commission's decision to the district court] An individual affected by a  
436       commission's action or inaction under this act may appeal to the district court after  
437       the individual exhausts all appeal options with the commission.  
438       (b) [The courts] A court may review questions of law and fact, and may affirm, set aside,

439 or modify the [ruling complained of] commission's action.

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

441 **17-76-217 . Prohibitions against political activities -- Penalties.**

442 (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:

443 (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;

444 (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

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

446 [(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.]

447 [(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.

448 [(4) (3) A merit system officer may not engage in political activity during the hours of employment.

449 [(5) (4) An individual may not solicit political contributions from a merit system officer during hours of employment for political purposes.

450 [(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.

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

452 **17-76-301 . Definitions.**

453 As used in this [part] chapter:

473 (1) "Appointing authority" means the county sheriff or the chief executive officer of a  
474 police interlocal entity.

475 (2) "Commission" means the merit system commission consisting of three individuals  
476 appointed in accordance with Section 17-76-304.

477 (3) "Department" means a county sheriff's office or a police interlocal entity.

478 (4) "Eligible appointment register" means the list made by a commission described in  
479 Section 17-76-310 that contains the names of all applicants that took the examination  
480 and that received a passing grade.

481 (5) "Examination" means the competitive examination to determine the qualification of an  
482 applicant for a position as a peace officer described in Section 17-76-307.

483 (6) "Legislative body" means the county legislative body or the governing body of the  
484 police interlocal entity.

485 (7) "Merit system officer" means[ a peace officer who has merit status as defined in this  
486 part.] :  
487 (a) a peace officer in a position with a rank or equivalent rank of sergeant or lower;  
488 (b) regardless of rank, a peace officer who, immediately before July 1, 2026, was in a  
489 merit system position under this part, unless, on or after July 1, 2026, the peace  
490 officer:  
491 (i) except as described in Subsection (7)(c), voluntarily accepts a position that is not a  
492 merit system position; or  
493 (ii) in accordance with the written policy described in Subsection 17-76-302(2),  
494 voluntarily surrenders merit status; or  
495 (c) a peace officer who returns to a merit system position after a leave of absence under  
496 Section 17-76-316, unless the peace officer voluntarily surrenders merit status under  
497 Subsection (7)(b)(ii).

498 (8) "Peace officer" means a paid deputy sheriff or law enforcement officer, other than a  
499 chief deputy or other exempt appointed officer designated by the appointing authority,  
500 who is in the continuous employ of the appointing authority.

501 (9) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103,  
502 created:  
503 (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a  
504 county of the first class is a party; and  
505 (b) to provide law enforcement service to an area that includes the unincorporated part  
506 of the county.

507       Section 15. Section **17-76-302** is amended to read:

508       **17-76-302 . Applicability.**

509       (1) This part applies to a county of the first class or a police interlocal entity in which a  
510            county of the first class is a party to an interlocal agreement to provide law enforcement  
511            service.

512       (2) A commission shall:

513            (a) establish a written policy that provides financial or other incentives for a peace  
514            officer who retains merit status under Subsection 17-76-301(7)(b) to voluntarily  
515            surrender merit status; and  
516            (b) provide a copy of the policy to each peace officer who retains merit status under  
517            Subsection 17-76-301(7)(b).

518       Section 16. Section **17-76-303** is amended to read:

519       **17-76-303 . Subordinate peace officers appointed, reappointed.**

520       (1) The appointing authority of a county or police interlocal entity subject to this part that  
521            regularly employs one or more [peace officers] merit system officers shall:

522            (a) appoint a [peace officer] merit system officer with the advice and consent of the  
523            county legislative body or police interlocal entity governing body, subject to the  
524            commission's rules;  
525            (b) appoint each [subordinate peace officer] merit system officer;  
526            (c) fill a vacancy in the department; and  
527            (d) further promote, transfer, reassign, reappoint, demote, suspend, or remove a [peace  
528            officer] merit system officer in accordance with this part.

529       (2) The commission shall adopt rules governing the appointment of [peace officers] merit  
530            system officers through reappointment of a former employee who separated in good  
531            standing, within one year after separation.

532       (3) A [peace officer] merit system officer appointed before May 13, 2014, is considered to  
533            have been appointed to and hold the [peace officer's] merit system officer's position and  
534            classification in accordance with [the provisions of] this part.

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

536       **17-76-305 . General duty -- Creation of comprehensive job classification plan --**

537       **Oaths and subpoenas -- Provide for unspecified activities.**

538       (1) The commission:

539            (a) is responsible for carrying out the provisions of this chapter; and  
540            (b) shall make necessary rules and regulations to govern the merit system in accordance

541 with this part, including:

542 (i) adopting merit rules regarding:

543 (A) appointments and registers;

544 (B) examinations;

545 (C) promotions;

546 (D) reassessments;

547 (E) reappointments;

548 (F) disciplinary grievance procedures;

549 (G) administrative reviews;

550 (H) recognition of the equivalency of another merit system for the purpose of

551 appointing a [peace officer] merit system officer from another agency; and

552 (I) reductions in force;

553 (ii) adopting a rule regarding the preparation of a job classification plan; and

554 (iii) adopting rules necessary for the efficient management of the merit system not

555 specifically enumerated above and not inconsistent with this chapter or applicable

556 law.

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

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

562 (b) The job classification plan shall:

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

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

567 (iii) provide standards for promotion.

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

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

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

575 (5)(a) A witness in a proceeding before the commission is subject to all the rights,  
576 privileges, duties, and penalties of witnesses in courts of record.  
577 (b) The commission shall pay a witness fee equivalent to those paid for a court of record.  
578 (6) The commission may adopt a rule for an activity within the purpose and spirit of this  
579 part that:  
580 (a) the commission deems is necessary and proper; and  
581 (b) not otherwise prohibited by law.

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

583 **17-76-310 . Preparation and expiration of eligible appointment register --**

584 **Appointments from eligible appointment register -- Failure to accept appointment --**

585 **Probationary period.**

586 (1) Upon completion of an examination, the commission shall prepare and adopt an eligible  
587 appointment register containing the names of applicants receiving a passing grade  
588 ranked in the order of grades earned, beginning with the highest.  
589 (2)(a) An eligible appointment register shall expire not later than two years after the date  
590 of the examination unless the commission, for good reason, extends the time not to  
591 exceed one additional year.  
592 (b) If the commission adopts a new eligible appointment register, a previous eligible  
593 appointment register for the same class or position is cancelled.  
594 (3) If the appointment of a [peace officer] merit system officer is an appointment based on  
595 an examination, the appointing authority shall request that the commission certify  
596 eligible applicants for each position.  
597 (4)(a) The commission shall certify, to the appointing authority, a number of names  
598 equal to three times the number of allocations being filled.  
599 (b) The names of the applicants shall be ranked in order of examination score, beginning  
600 with the name of the applicant standing highest on the eligible appointment register.  
601 (5) The appointing authority shall select [a person] an applicant described in Subsection  
602 (4)(b) and appoint one [person] applicant to each open position.  
603 (6) If a certified applicant fails to accept a proffered appointment, the applicant:  
604 (a) may request in writing that the applicant be able to retain the applicant's place on the  
605 eligible appointment register; and  
606 (b) shall provide reasons sufficient, in the judgment of the commission, to justify the  
607 applicant's failure to accept.  
608 (7) A [peace officer] merit system officer appointed under Subsection (5) shall serve a

609        probationary period of 12 consecutive months, during which time the merit system  
610        officer may be discharged at the appointing authority's sole discretion.

611        (8)(a) At the request of the appointing authority, and with the approval of the  
612        commission, the probationary period may be extended beyond 12 months for a [peaee  
613        officer] merit system officer who has not yet satisfactorily completed an approved  
614        peace officer training program and received a certificate of completion under Title  
615        53, Chapter 6, Peace Officer Standards and Training Act.

616        (b) At the request of the appointing authority, and with the approval of the commission,  
617        the probationary period of a [peaee officer] merit system officer may be extended  
618        beyond 12 months for good cause shown.

619        (c) Service under a temporary or part-time appointment is not considered a part of the  
620        probationary period.

621        (9) If a [peaee officer] merit system officer is retained in a position after the expiration of  
622        the probationary period, the [peaee officer's] merit system officer's retention constitutes  
623        appointment to merit status.

624        (10) [A person] An individual removed from employment during the probationary period  
625        may not be placed on the eligible appointment register again without having passed  
626        another regular examination.

627        (11) The commission may make or adopt policies governing probationary periods for other  
628        appointments, including the appointing or transfer of a [peaee officer] merit system  
629        officer from another jurisdiction.

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

631        **17-76-313 . Temporary layoffs -- Reappointment register.**

632        (1) Subject to Subsections (2) and (3), and if necessary, because of lack of funds or work, a  
633        department may temporarily lay off a merit system officer.

634        (2) A department that lays off a merit system officer under Subsection (1) shall lay off the  
635        merit system officer according to the seniority of the merit system officers of the class of  
636        positions affected, following the process prescribed by commission rule.

637        (3) A department shall lay off an individual serving under temporary or part-time  
638        appointment before a merit system officer.

639        (4)(a) If a merit system officer is laid off, the department shall place the merit system  
640        officer on an eligible reappointment register to be reappointed in the inverse order in  
641        which the merit system officer is laid off.

642        (b) The eligible reappointment register described in Subsection (4)(a) takes precedence

643 over all other eligible reappointment registers.

644 **Section 20. Effective Date.**

645 This bill takes effect on July 1, 2026.