

Kay J. Christofferson proposes the following substitute bill:

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**County Employment Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor:

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**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;

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▸ 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, unless before July 1, 2026, the county sheriff designates the position as a merit system position; and

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▸ 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:**

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AMENDS:

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

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

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**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,

30 Chapter 14  
31 **17-76-210**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
32 Chapter 14  
33 **17-76-211**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
34 Chapter 14  
35 **17-76-212**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
36 Chapter 14  
37 **17-76-214**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
38 Chapter 14  
39 **17-76-215**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
40 Chapter 14  
41 **17-76-216**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
42 Chapter 14  
43 **17-76-217**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
44 Chapter 14  
45 **17-76-301**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
46 Chapter 14  
47 **17-76-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
48 Chapter 14  
49 **17-76-303**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
50 Chapter 14  
51 **17-76-305**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
52 Chapter 14  
53 **17-76-310**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
54 Chapter 14  
55 **17-76-313**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
56 Chapter 14

57 **REPEALS AND REENACTS:**

58 **17-76-205**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
59 Chapter 14

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

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

63 **17-75-502 . Career service -- Exempt positions.**

- 64 (1) The career service:
- 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):
- 68 (A) the county executive, members of the county legislative body, and other
- 69 elected officials; and
- 70 (B) ~~[each]~~ a major county department head charged directly by the county
- 71 legislative body, or by a board appointed by the county legislative body, with
- 72 the responsibility of assisting to formulate and carry out policy matters;
- 73 (ii) one confidential secretary for each elected county officer and major county
- 74 department head, if a confidential secretary is assigned;
- 75 (iii) an administrative assistant to the county executive, each member of the county
- 76 legislative body, and each elected official, if an administrative assistant is
- 77 assigned;
- 78 (iv) ~~[each duty]~~ an appointed chief deputy of any elected county officer who takes
- 79 over and discharges the duties of the elected county officer in the absence or
- 80 disability of the elected county officer;
- 81 (v) a peace officer in a position with a rank or equivalent rank of lieutenant or higher,
- 82 unless, before July 1, 2026, the county sheriff designates the position as a merit
- 83 system position;
- 84 ~~[(v)]~~ (vi) subject to Subsection (3), an individual who~~[is]~~:
- 85 (A) is appointed by an elected county officer to be a division director, to
- 86 administer division functions in furtherance of the performance of the elected
- 87 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
- 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) ~~[Subsection (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 ~~[Subsection]~~ 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:
- 146 (i) in a position with a rank or equivalent rank of sergeant or lower; or  
 147 (ii) in a position, except chief deputy, with a rank of lieutenant or higher that the  
 148 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  
 150 merit system position under this part, unless, on or after July 1, 2026, the peace  
 151 officer:
- 152 (i) except as described in Subsection (7)(c), voluntarily accepts a position that is not a  
 153 merit system position; or
- 154 (ii) in accordance with the written policy described in Subsection 17-76-202(4),  
 155 voluntarily surrenders merit status; or
- 156 (c) a peace officer who returns to a merit system position after a leave of absence under  
 157 Section 17-76-214, unless the peace officer voluntarily surrenders merit status under  
 158 Subsection (7)(b)(ii).
- 159 (8) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated by  
 160 the sheriff, who is in the continuous employ of a county.
- 161 (9) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103,  
 162 that is created:
- 163 (a) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a  
 164 county of the first class is a party; and
- 165 (b) to provide law enforcement service to an area that includes the unincorporated part

166 of the county.

167 (10) "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  
 169 by the legislative body of a county of the first class, alone or with one or more other  
 170 county legislative bodies; and

171 (b) that is created to provide law enforcement service to an area that includes the  
 172 unincorporated part of the county.

173 Section 3. Section ~~17-76-202~~ is amended to read:

174 **17-76-202 . Applicability.**

175 (1) This ~~[chapter]~~ part does not apply to a county of the first class or an interlocal entity, as  
 176 defined in Section 11-13-103, in which a county of the first class is a party to an  
 177 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  
 179 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;  
 184 and-]~~

185 ~~[(b) promote, transfer, demote, suspend or remove peace officers in accordance with this  
 186 part.]~~

187 (2) The sheriff of a county with a population of 20,000 or more residents that employs one  
 188 or more merit system officers shall make all decisions regarding the promotion, transfer,  
 189 demotion, suspension, or removal of a merit system officer with the advice and consent  
 190 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  
 192 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  
 195 this part.]~~

196 ~~[(4)]~~ (3) Counties with a population of less than 20,000 people may implement a deputy  
 197 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

200 merit system.

201 (4) A commission shall:

202 (a) establish a written policy that provides financial or other incentives for a peace  
 203 officer who retains merit status under Subsection 17-76-201(7)(b) to voluntarily  
 204 surrender merit status; and

205 (b) provide a copy of the policy to each peace officer who retains merit status under  
 206 Subsection 17-76-201(7)(b).

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

208 **17-76-205 . Organization of commission -- Secretary -- Offices -- Job**  
 209 **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  
 216 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  
 220 classify the position in the classification plan described in Subsection (1)(c).

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

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

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

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

228 **17-76-207 . Examinations -- How prepared, conducted, and graded -- Notice of**  
 229 **examination -- Preservation and inspection of examination papers.**

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

233 (b) An examination shall be practical in character and shall relate to matters that will

- 234 fairly test the mental and physical ability and knowledge of the applicants to  
235 discharge the duties of peace officer.
- 236 (c) An examination shall be prepared, conducted, and graded as directed by the  
237 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  
240 newspaper of general circulation in the area concerned; and  
241 (B) published, in accordance with Section 45-1-101, for 15 days before the  
242 examination; and  
243 (ii) posted in a conspicuous place in the office of the appointing authority's  
244 department.
- 245 (b) The notice shall [~~set forth~~] describe the minimum and maximum wages, physical and  
246 educational requirements, and passing grades that are not less than 70% correct  
247 answers.
- 248 (c) An applicant completing an examination shall be promptly notified of the applicant's  
249 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  
251 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  
254 30 days after the date the commission mails the notice described in Subsection (2);  
255 and  
256 (b) the appointing authority may inspect the papers of any eligible applicant the  
257 commission certifies for appointment.
- 258 Section 6. Section **17-76-209** is amended to read:
- 259 **17-76-209 . Preparation and expiration of eligible register -- Appointments from**  
260 **eligible register -- Failure to accept appointment -- Probationary period.**
- 261 (1)(a) Upon completion of an examination, the commission shall make an eligible  
262 register that contains the names of all applicants that received a passing grade in the  
263 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  
265 unless the commission, for good reason, extends the time not to exceed one  
266 additional year.
- 267 (c) When the commission makes a new eligible register, previous eligible registers for

268 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  
 270 appointing authority shall request that the commission certify three eligible  
 271 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  
 274 applicants standing highest on the eligible register; and

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

277 (c) If an applicant described in Subsection (2)(b)(ii) does not accept the appointing  
 278 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  
 281 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  
 283 probationary period of 12 consecutive months, during which time the appointing  
 284 authority may discharge the [~~peace officer~~] merit system officer.

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

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

293 (d) Service as a [~~peace officer~~] merit system officer under a temporary or emergency  
 294 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  
 296 system officer's probationary period may not be placed on the eligible register again  
 297 without having passed another regular examination.

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

299 **17-76-210 . Vacancies -- Positions requiring special qualifications -- Competition**  
 300 **suspended -- Promotion -- Promotion register.**

301 [(1)(a) When there is a vacancy in a position requiring peculiar and exceptional

302 qualifications of a scientific, professional, or expert character, the commission may,  
303 after public hearing and by unanimous vote of the commission, suspend competition  
304 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  
307 attainments.]

308 [(b) When the commission suspends competitive hiring, the commission shall report the  
309 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  
312 would best be filled by an individual with those qualifications;

313 (b) there is substantial evidence that competition to fill the vacant position is  
314 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  
318 for the suspension, in the commission's annual reports.

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

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

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

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

329 [(e) The appointing authority shall fill subsequent vacancies by promotion until the  
330 lowest grade is reached, which grade shall then be filled from the eligible list in  
331 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  
335 limited to peace officers in the merit system.

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

339 (c) The seniority element of the examination may not exceed 40% of the entire  
 340 examination score.

341 [(i)] (5)(a) After an examination for a promotion, the commission shall prepare a  
 342 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  
 344 makes an eligible register.

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

346 **17-76-211 . Temporary appointment.**

347 (1) An appointing authority may make a temporary appointment [~~for a period not exceeding~~  
 348 ~~60 days, pending examination, when there is no existing eligible, promotion, or~~  
 349 ~~re-employment register.] if:~~

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

351 (b) no eligible individual is immediately available from the eligible, promotional, or  
 352 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~~  
 355 ~~exceeding seven days.]~~

356 [(b) ~~With the commission's consent, the appointing authority may extend an emergency~~  
 357 ~~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~~  
 359 ~~register, promotion register described in Section 17-76-210, or reemployment~~  
 360 ~~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  
 363 appointment once for an additional period that does not exceed seven days.

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

365 **17-76-212 . Temporary layoffs -- Reemployment register.**

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

368 (a) when the appointing authority determines it is necessary because of lack of funds or  
 369 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~~  
 372 ~~made]~~ according to the lowest rating of the ~~[peace officers]~~ merit system officers of the  
 373 class of position affected, calculated upon seniority under a method prescribed by the  
 374 commission.
- 375 (3) An individual serving under temporary ~~[or emergency]~~ appointment shall be laid off  
 376 before any merit system officer.
- 377 (4) A merit system officer who is laid off shall be placed upon a reemployment register to  
 378 be re-employed in the inverse order in which the merit system officer is laid off, which  
 379 reemployment register shall take precedence over all eligible registers.

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

381 **17-76-214 . Leave of absence -- Sick leaves and vacations.**

- 382 (1) The appointing authority, with the commission's approval, may grant a ~~[peace officer]~~  
 383 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  
 385 that does not come under the merit system provisions of this part, the appointing  
 386 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,  
 388 the ~~[peace officer]~~ merit system officer shall automatically be placed on a leave of  
 389 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  
 391 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.

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

394 **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  
 396 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  
 403 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  
 405 appointing authority.

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

407 **17-76-216 . Disciplinary charges and merit system officer grievances -- Appeal to**  
 408 **commission -- Hearing -- Findings.**

409 (1) An appointing authority who orders the demotion, reduction in pay, suspension, or  
 410 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.

413 (2)(a)(i) A merit system officer who is the subject of charges under Subsection (1)

414 may, within 10 days after the day on which the charges [~~were~~] are served, appeal  
 415 in writing to the commission.

416 (ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not  
 417 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  
 419 exhausts all internal grievance procedures, [~~if any,~~] the merit system officer may,  
 420 within 10 days after the day on which the merit system officer [~~received~~] receives  
 421 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  
 424 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  
 427 (3) shall be held not less than 10 days[;] and not more than 90 days[;] after the day  
 428 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 [~~sø~~]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  
 435 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~~  
 437 ~~part has exhausted the remedies of appeal to the commission, the individual may~~

438 ~~appeal the commission's decision to the district court]~~ An individual affected by a  
 439 commission's action or inaction under this part may appeal to the district court after  
 440 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,  
 442 or modify the ~~[ruling complained of]~~ commission's action.

443 Section 13. Section ~~17-76-217~~ is amended to read:

444 **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,~~  
 446 ~~promises, or threatens to appoint, promote, transfer, demote, suspend, discharge, or~~  
 447 ~~change the amount of compensation of a merit system officer, for giving, withholding,~~  
 448 ~~or neglecting to make any contributions or any service for any political purpose.]~~ A  
 449 government employee, member of a governing body, or appointing authority is guilty of  
 450 a class B misdemeanor if that individual:

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

454 (b) promises, seeks, aids, or abets the appointment, promotion, transfer, demotion,  
 455 suspension, discharge, or change in compensation of a merit system officer for  
 456 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  
 458 officer.

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

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

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

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

471 ~~[(6)]~~ (5) This section does not preclude a merit system officer from voluntarily contributing

472 to the party or candidate of the merit system officer's choice.

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

474 **17-76-301 . Definitions.**

475 As used in this ~~[part]~~ chapter:

- 476 (1) "Appointing authority" means the county sheriff or the chief executive officer of a  
477 police interlocal entity.
- 478 (2) "Commission" means the merit system commission consisting of three individuals  
479 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  
482 Section 17-76-310 that contains the names of all applicants that took the examination  
483 and that received a passing grade.
- 484 (5) "Examination" means the competitive examination to determine the qualification of an  
485 applicant for a position as a peace officer described in Section 17-76-307.
- 486 (6) "Legislative body" means the county legislative body or the governing body of the  
487 police interlocal entity.
- 488 (7) "Merit system officer" means~~[a peace officer who has merit status as defined in this~~  
489 ~~part.]~~ :
- 490 (a) a peace officer:
- 491 (i) in a position with a rank or equivalent rank of sergeant or lower; or
- 492 (ii) in a position, except chief deputy, with a rank of lieutenant or higher that the  
493 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  
495 merit system position under this part, unless, on or after July 1, 2026, the peace  
496 officer:
- 497 (i) except as described in Subsection (7)(c), voluntarily accepts a position that is not a  
498 merit system position; or
- 499 (ii) in accordance with the written policy described in Subsection 17-76-302(2),  
500 voluntarily surrenders merit status; or
- 501 (c) a peace officer who returns to a merit system position after a leave of absence under  
502 Section 17-76-316, unless the peace officer voluntarily surrenders merit status under  
503 Subsection (7)(b)(ii).
- 504 (8) "Peace officer" means a paid deputy sheriff or law enforcement officer, other than a  
505 chief deputy or other exempt appointed officer designated by the appointing authority,

506 who is in the continuous employ of the appointing authority.

507 (9) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103,  
508 created:

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

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

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

514 **17-76-302 . Applicability.**

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

518 (2) A commission shall:

519 (a) establish a written policy that provides financial or other incentives for a peace  
520 officer who retains merit status under Subsection 17-76-301(7)(b) to voluntarily  
521 surrender merit status; and

522 (b) provide a copy of the policy to each peace officer who retains merit status under  
523 Subsection 17-76-301(7)(b).

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

525 **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  
527 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  
529 county legislative body or police interlocal entity governing body, subject to the  
530 commission's rules;

531 (b) appoint each [~~subordinate peace officer~~] merit system officer;

532 (c) fill a vacancy in the department; and

533 (d) further promote, transfer, reassign, reappoint, demote, suspend, or remove a [~~peace~~  
534 ~~officer~~] merit system officer in accordance with this part.

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

538 (3) A [~~peace officer~~] merit system officer appointed before May 13, 2014, is considered to  
539 have been appointed to and hold the [~~peace officer's~~] merit system officer's position and

540 classification in accordance with [~~the provisions of~~]this part.

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

542 **17-76-305 . General duty -- Creation of comprehensive job classification plan --**  
543 **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  
547 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  
557 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  
561 specifically enumerated above and not inconsistent with this chapter or applicable  
562 law.

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

566 (3)(a) The commission shall formulate a comprehensive job classification plan covering  
567 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  
570 same classification;

571 (ii) include minimum physical and educational qualifications of the applicants for  
572 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  
575 in the job classification plan.
- 576 (4)(a) A member of the commission, in performance of commission duties, may  
577 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  
579 a member of the commission, the district court may, upon application by the member  
580 of the commission, compel obedience.
- 581 (5)(a) A witness in a proceeding before the commission is subject to all the rights,  
582 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  
585 part that:
- 586 (a) the commission deems is necessary and proper; and  
587 (b) not otherwise prohibited by law.
- 588 Section 18. Section **17-76-310** is amended to read:
- 589 **17-76-310 . Preparation and expiration of eligible appointment register --**  
590 **Appointments from eligible appointment register -- Failure to accept appointment --**  
591 **Probationary period.**
- 592 (1) Upon completion of an examination, the commission shall prepare and adopt an eligible  
593 appointment register containing the names of applicants receiving a passing grade  
594 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  
596 of the examination unless the commission, for good reason, extends the time not to  
597 exceed one additional year.
- 598 (b) If the commission adopts a new eligible appointment register, a previous eligible  
599 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  
601 an examination, the appointing authority shall request that the commission certify  
602 eligible applicants for each position.
- 603 (4)(a) The commission shall certify, to the appointing authority, a number of names  
604 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  
606 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

- 608 (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
- 611 eligible appointment register; and
- 612 (b) shall provide reasons sufficient, in the judgment of the commission, to justify the
- 613 applicant's failure to accept.
- 614 (7) A ~~[peace-officer]~~ merit system officer appointed under Subsection (5) shall serve a
- 615 probationary period of 12 consecutive months, during which time the merit system
- 616 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
- 618 commission, the probationary period may be extended beyond 12 months for a ~~[peace~~
- 619 ~~officer]~~ merit system officer who has not yet satisfactorily completed an approved
- 620 peace officer training program and received a certificate of completion under Title
- 621 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,
- 623 the probationary period of a ~~[peace-officer]~~ merit system officer may be extended
- 624 beyond 12 months for good cause shown.
- 625 (c) Service under a temporary or part-time appointment is not considered a part of the
- 626 probationary period.
- 627 (9) If a ~~[peace-officer]~~ merit system officer is retained in a position after the expiration of
- 628 the probationary period, the ~~[peace-officer's]~~ merit system officer's retention constitutes
- 629 appointment to merit status.
- 630 (10) ~~[A person]~~ An individual removed from employment during the probationary period
- 631 may not be placed on the eligible appointment register again without having passed
- 632 another regular examination.
- 633 (11) The commission may make or adopt policies governing probationary periods for other
- 634 appointments, including the appointing or transfer of a ~~[peace-officer]~~ merit system
- 635 officer from another jurisdiction.
- 636 Section 19. Section **17-76-313** is amended to read:
- 637 **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
- 639 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
- 641 merit system officer according to the seniority of the merit system officers of the class of

642 positions affected, following the process prescribed by commission rule.

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

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

648 (b) The eligible reappointment register described in Subsection (4)(a) takes precedence  
649 over all other eligible reappointment registers.

650 Section 20. **Effective Date.**

651 This bill takes effect on July 1, 2026.