

Part 10

Civil Service Commission

10-3-1001 Subordinates in police, health, and fire departments to be appointed from list.

Subject to the rules and regulations of the civil service commission, the head of the police and fire departments of each first and second class city that establishes a civil service commission and the health officer in each first class city that establishes a civil service commission shall, from the classified civil service list furnished by the civil service commission and by and with the advice and consent of the city legislative body:

- (1) appoint all subordinate officers, employees, members, or agents in the department; and
- (2) fill vacancies in the positions listed in Subsection (1).

Amended by Chapter 178, 2001 General Session

10-3-1002 Classified civil service -- Places of employment constituting classified civil service -- Appointments to and from classified civil service.

- (1) The classified civil service shall consist of all places of employment now existing or hereafter created in or under the police department and the fire department of each first or second class city that establishes a civil service commission and the health department in each first class city that establishes a civil service commission, except the head of the departments, deputy chiefs of the police and fire departments, and assistant chiefs of the police department and fire department in cities of the first and second class, and the members of the board of health of the departments.
- (2) No appointments to any of the places of employment constituting the classified civil service in the departments shall be made except according to law and under the rules and regulations of the civil service commission.
- (3) The head of each of the departments may, and the deputy chiefs of the police and fire departments and assistant chiefs of the police and fire departments shall, be appointed from the classified civil service, and upon the expiration of the term or upon the appointment of a successor shall be returned thereto.

Amended by Chapter 321, 2012 General Session

10-3-1003 Civil service commission -- Number, term, vacancies.

- (1)
 - (a) A city of the first or second class may establish a civil service commission under this part.
 - (b) A city that establishes a civil service commission under this part may dissolve the civil service commission.
- (2) Each civil service commission under this part shall consist of three members appointed by the city legislative body.
- (3)
 - (a) The term of office of commission members shall be six years, but members shall be appointed so that the term of office of one member shall expire on the 30th day of June of each even-numbered year.
 - (b) If a vacancy occurs in the civil service commission, it shall be filled by appointment by the city legislative body for the unexpired term.

Amended by Chapter 204, 2006 General Session

10-3-1004 Qualifications of commissioners -- Salary -- Removal.

Not more than two members of the civil service commission shall at any one time be of the same political party. No member of the civil service commission shall during his tenure of office hold any other public office, or be a candidate for any other public office. Each member shall receive \$25 for each meeting of the commission which he shall attend, but may not receive more than \$100 in any one month. In case of misconduct, inability or willful neglect in the performance of the duties of the office by any member, the member may be removed from office by the board of city commissioners by a majority vote of the entire membership, but the member shall, if he so desires, have opportunity to be heard in defense.

Amended by Chapter 378, 2010 General Session

10-3-1005 Organization of commission -- Secretary -- Offices.

The civil service commission shall organize by selecting one of its members chairman, and shall appoint as secretary one of the available officers or employees of the city, who shall act and serve without additional compensation. The secretary shall keep a record of all meetings of the civil service commission and of its work and shall perform such other services as the commission may require, and shall have the custody of the books and records of the commission. The board of city commissioners shall provide suitable accommodations and equipment to enable the civil service commission to attend to its business.

Enacted by Chapter 48, 1977 General Session

10-3-1006 Rules and regulations -- Printing and distribution.

The civil service commission shall make all necessary rules and regulations to carry out the purposes of this part and for examinations, appointments and promotions. All rules and regulations shall be printed by the civil service commission for distribution.

Enacted by Chapter 48, 1977 General Session

10-3-1007 Examinations.

All applicants for employment in the classified civil service shall be subject to examination, which shall be public, competitive and free. Examinations shall be held at such times and places as the civil service commission shall from time to time determine, and shall be for the purpose of determining the qualifications of applicants for positions. Examinations shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health.

Enacted by Chapter 48, 1977 General Session

10-3-1008 Appointments from civil service list -- Probation period.

In all cases the appointing power shall notify the civil service commission of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the commission therefor. Such appointment shall be on probation, and of a character and for a period to be prescribed by the civil service commission.

Enacted by Chapter 48, 1977 General Session

10-3-1009 Certification of applicants for position -- Number -- Eligible lists, removal.

- (1) If a position in the classified civil service is to be filled, the civil service commission shall as soon as possible certify to the appointing power the names of:
 - (a) 10 persons, if the position to be filled is entry level; or
 - (b) five persons, if the position to be filled is other than entry level.
- (2) Persons certified under Subsection (1) shall have the highest standing in the eligible list, but a lesser number may be certified if the required number is not on the eligible list.
- (3) If more than one position is available in the same department, the civil service commission shall also certify to the appointing power one additional name for each additional position to be filled.
- (4)
 - (a) All persons not appointed shall be restored to their relative positions on the eligible list.
 - (b) All persons who have been on the eligible list for two years without appointment shall be removed from the list and may be returned to it only upon regular examination.

Amended by Chapter 23, 1998 General Session

10-3-1010 Promotions -- Basis -- Certification of applicants.

The civil service commission shall provide for promotion in the classified civil service on the basis of ascertained merit, seniority in service and standing obtained by competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from the members of the next lower rank as submit themselves for the examination and promotion. The civil service commission shall certify to the appointing power the names of not more than five applicants having the highest rating for each promotion.

Amended by Chapter 29, 1983 General Session

10-3-1011 Temporary employees.

The head of each department, with the advice and consent of the board of city commissioners, may employ any person for temporary work only, without making the appointment from the certified list, but the appointment may not be longer than one month in the same calendar year, and under no circumstances shall the temporary employee be appointed to a permanent position unless he shall have been duly certified by the civil service commission as in other cases.

Amended by Chapter 378, 2010 General Session

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

- (1) All persons in the classified civil service may be suspended as provided in Section 10-3-912, or removed from office or employment by the head of the department for misconduct, incompetency, failure to perform duties, or failure to observe properly the rules of the department, but subject to appeal by the suspended or discharged person to the civil service commission.
- (2) Any person suspended or discharged may, within five days from the issuance by the head of the department of the order of suspension or discharge, appeal to the civil service commission, which shall fully hear and determine the matter.

- (3) The suspended or discharged person shall be entitled to appear in person and to have counsel and a public hearing.
- (4) The finding and decision of the civil service commission upon the hearing shall be certified to the head of the department from whose order the appeal is taken, and shall be final and immediately enforced by the head.

Amended by Chapter 178, 2001 General Session

10-3-1012.5 Appeal to Court of Appeals -- Scope of review.

Any final action or order of the commission may be appealed to the Court of Appeals for review. The notice of appeal shall be filed within 30 days of the issuance of the final action or order of the commission. The review by Court of Appeals shall be on the record of the commission and shall be for the purpose of determining if the commission has abused its discretion or exceeded its authority.

Amended by Chapter 378, 2010 General Session

10-3-1013 Annual and special reports by commission.

The civil service commission shall in December of each year make an annual report to the board of city commissioners and shall make as many special reports as the board of city commissioners shall request.

Enacted by Chapter 48, 1977 General Session