

Effective 5/13/2014

Part 2
Merit System Commission Powers and Duties

17-30a-201 Title.

This part is known as "Merit System Commission Powers and Duties."

Enacted by Chapter 366, 2014 General Session

17-30a-202 Establishment of merit commission -- Appointment, qualifications, and compensation of members.

- (1)
- (a) Except as provided in Subsection (1)(b), a county subject to this chapter shall establish a merit system commission consisting of three appointed members:
 - (i) two members appointed by the legislative body of the county; and
 - (ii) one member appointed by the governing body of a police interlocal entity.
 - (b) If there is no police interlocal entity within the county, the county legislative body shall appoint all three members of a commission described in Subsection (1)(a).
 - (c) No more than two members of the commission may be affiliated with or members of the same political party.
 - (d)
 - (i) Of the original appointees described in Subsection (1)(a) or (b), one member shall be appointed for a term ending February 1 of the first odd-numbered year after the date of appointment, and one each for terms ending two and four years thereafter.
 - (ii) For a term subsequent to a term described in Subsection (1)(d), a commission member shall hold a term of six years.
 - (e) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause other than expiration of the member's term, the position is filled by appointment for the unexpired portion of the term only.
- (2) A member of the commission:
- (a) shall be a resident of the state;
 - (b) for at least five years preceding the date of appointment a resident of:
 - (i) the county; or
 - (ii) if applicable, the area served by the police interlocal entity from which appointed; and
 - (c) may not hold another office or employment with the county or, if applicable, in a municipality served by the police interlocal entity for which the member is appointed.
- (3) The county legislative body or interlocal entity governing body may compensate a member for service on the commission and reimburse the member for necessary expenses incurred in the performance of the member's duties.

Enacted by Chapter 366, 2014 General Session

17-30a-203 General duty of commission.

- (1) The commission:
- (a) is responsible for carrying out the provisions of this chapter; and
 - (b) shall make necessary rules and regulations to govern the merit system in accordance with this chapter, including:

- (i) adopting merit rules regarding:
 - (A) appointments and registers;
 - (B) examinations;
 - (C) promotions;
 - (D) reassignments;
 - (E) reappointments;
 - (F) disciplinary grievance procedures;
 - (G) administrative reviews;
 - (H) recognition of the equivalency of another merit system for the purpose of appointing a peace officer from another agency; and
 - (I) reductions in force;
 - (ii) adopting a rule regarding the preparation of a job classification plan; and
 - (iii) adopting rules necessary for the efficient management of the merit system not specifically enumerated above and not inconsistent with this chapter or applicable law.
- (2) Upon the request of the appointing authority and after conducting a public hearing, the commission may temporarily suspend a rule if the suspension is necessary for the proper enforcement of this chapter.

Enacted by Chapter 366, 2014 General Session

17-30a-204 Organization of commission -- Support -- Offices.

- (1) The members of the commission shall select one member as chair.
- (2) The commission shall adopt rules concerning its internal organization and procedures.
- (3)
 - (a) The county sheriff or the chief executive of the police interlocal entity:
 - (i) shall assign human resources staff sufficient to perform the commission's support duties; and
 - (ii) may assign other staff to the commission with the consent of the commission.
 - (b) The county or police interlocal entity shall provide suitable accommodations, supplies, and equipment as needed to enable the commission to attend to its business.
 - (c) The county sheriff or chief executive of the police interlocal entity may, in accordance with the contracting process established by the county or police interlocal entity, contract support services to third parties.

Enacted by Chapter 366, 2014 General Session

17-30a-205 Comprehensive job classification plan.

- (1) The commission shall formulate a comprehensive job classification plan covering all merit system officers employed by the sheriff or by the police interlocal entity.
- (2) The plan shall:
 - (a) place all positions requiring substantially the same duties and qualifications in the same classification;
 - (b) include minimum physical and educational qualifications of the applicants for each position; and
 - (c) provide standards for promotion.
- (3) In the event a new position is created and approved, the commission shall classify the position in the classification plan.

Enacted by Chapter 366, 2014 General Session

17-30a-206 Oaths and subpoenas -- Witnesses.

- (1)
 - (a) A member of the commission, in performance of commission duties, may administer oaths and subpoena witnesses and documents.
 - (b) If a person refuses to or fails to obey a subpoena issued by a commissioner, the district court may, upon application by a commissioner, compel obedience.
- (2)
 - (a) A witness in a proceeding before the commission is subject to all the rights, privileges, duties, and penalties of witnesses in courts of record.
 - (b) The commission shall pay a witness fee equivalent to those paid for a court of record.

Enacted by Chapter 366, 2014 General Session

17-30a-207 Duty of commission to provide for unspecified activities.

The commission may provide by rule for the operation and functioning of an activity within the purpose and spirit of this chapter if the activity is necessary and proper and not otherwise prohibited by law.

Enacted by Chapter 366, 2014 General Session