

Effective 7/1/2021

Part 8 Plans and Programs

63A-17-801 Equal employment opportunity plan.

- (1) In conjunction with the director's duties under Section 63A-17-106, and notwithstanding the general prohibition in Subsection 34A-5-106(3)(c), the director shall prepare an equal employment opportunity plan for state employment consistent with the guidelines provided in federal equal employment opportunity laws and in related federal regulations.
- (2) The equal employment opportunity plan required by this section applies only to state career service employees described in Section 63A-17-301.
- (3) The Legislature shall review the equal employment opportunity plan required by this section before it may be implemented.
- (4) Nothing in this section requires the establishment of hiring quotas or preferential treatment of any identifiable group.

Renumbered and Amended by Chapter 344, 2021 General Session

63A-17-802 Education benefit plan for law enforcement and correctional officers.

- (1) As used in this section:
 - (a) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
 - (b) "Correctional officer" means the same as that term is defined in Section 53-13-104.
- (2) The director shall establish a plan authorizing any agency to implement an educational compensation program for law enforcement officers and correctional officers employed by that agency.
- (3) The program shall provide that in order for a law enforcement officer or correctional officer to qualify for education benefits for college or university education, the law enforcement officer or correctional officer shall:
 - (a) provide a certified transcript of grades, demonstrating a grade point average of 3.0 or greater, from an accredited college or university; and
 - (b) have successfully completed the probationary employment period with the employing agency.
- (4) The program shall also provide that the agency may consider a law enforcement officer or correctional officer to receive additional compensation as follows for higher education degrees earned on or after April 30, 2001, in a subject area directly related to the law enforcement officer's or correctional officer's employment with the agency:
 - (a) 5.5% for an associate's degree;
 - (b) 5.5% for a bachelor's degree; and
 - (c) 5.5% for a master's degree.
- (5) Expenses incurred by an agency to provide additional compensation under this section may be only from the agency's existing budget.

Renumbered and Amended by Chapter 344, 2021 General Session

63A-17-803 Creation of Flexible Benefit Program -- Rulemaking power granted to establish program.

- (1) The division shall establish for calendar year 1990 and thereafter a Flexible Benefit Program under Section 125 of the Internal Revenue Code of 1986.

- (2) The division shall establish accounts for all employees eligible for benefits which meet the nondiscrimination requirements of the Internal Revenue Code of 1986.
- (3)
 - (a) Each account established under this section shall include employee paid premiums for health and dental services.
 - (b) The account may also include, at the option of the employee, out-of-pocket employee medical and dependent care expenses.
 - (c) Accounts may also include other expenses allowed under the Internal Revenue Code of 1986.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement the program established under this section.

Renumbered and Amended by Chapter 344, 2021 General Session

63A-17-804 Continuation of Insurance Benefits Program -- Creation -- Coverage following death in the line of duty.

- (1) There is created the "Continuation of Insurance Benefits Program" to provide a continuation of insurance to the surviving spouse and family of any state employee whose death occurs in the line of duty.
- (2) The insurance coverage shall be the same coverage as provided under Section 49-20-406.
- (3) The program provides that unused accumulated sick leave of a deceased employee may be used for additional medical coverage in the same manner as provided under Section 63A-17-507 or 63A-17-508 as applicable.

Renumbered and Amended by Chapter 344, 2021 General Session

63A-17-805 State employee matching supplemental defined contribution benefit.

- (1) As used in this section:
 - (a) "Qualifying account" means:
 - (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, which is sponsored by the Utah State Retirement Board;
 - (ii) a deemed Individual Retirement Account authorized under the Internal Revenue Code, which is sponsored by the Utah State Retirement Board; or
 - (iii) a similar savings plan or account authorized under the Internal Revenue Code, which is sponsored by the Utah State Retirement Board.
 - (b) "Qualifying employee" means an employee who is:
 - (i) in a position that is:
 - (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act; and
 - (B) accruing paid leave benefits that can be used in the current and future calendar years; and
 - (ii) not an employee who is reemployed as that term is:
 - (A) defined in Section 49-11-1202; or
 - (B) used in Section 49-11-504.
- (2) Subject to the requirements of Subsection (3), an employer shall make a biweekly matching contribution to every qualifying employee's defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject to federal requirements and limitations, which is sponsored by the Utah State Retirement Board.
- (3)

- (a) In accordance with the requirements of this Subsection (3), each qualifying employee shall be eligible to receive the same dollar amount for the contribution under Subsection (2).
- (b) A qualifying employee who is hired before July 1, 2023:
 - (i) shall receive the contribution amount determined under Subsection (3)(f) if the qualifying employee makes a voluntary personal contribution to one or more qualifying accounts in an amount equal to or greater than the employer's contribution amount determined under Subsection (3)(f);
 - (ii) shall receive a partial contribution amount that is equal to the qualifying employee's personal contribution amount if the employee makes a voluntary personal contribution to one or more qualifying accounts in an amount less than the employer's contribution amount determined under Subsection (3)(f); or
 - (iii) may not receive a contribution under Subsection (2) if the qualifying employee does not make a voluntary personal contribution to a qualifying account.
- (c)
 - (i) An employer shall automatically enroll a qualifying employee who is hired on or after July 1, 2023, to make a personal contribution to a defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, which is sponsored by the Utah State Retirement Board, in an amount equal to the employer's contribution amount determined under Subsection (3)(f).
 - (ii) A qualifying employee who makes a personal contribution in accordance with Subsection (3)(c)(i) shall receive the contribution amount determined under Subsection (3)(f).
- (d)
 - (i) A qualifying employee who is hired on or after July 1, 2023, may opt out of the automatic enrollment by choosing not to make any future personal contributions.
 - (ii) A qualifying employee who opts out of automatic enrollment in accordance with this Subsection (3)(d) may not receive a contribution under Subsection (2).
- (e)
 - (i) A qualifying employee who is hired on or after July 1, 2023, may modify the automatic enrollment by opting to make future personal contributions:
 - (A) in an amount other than the amount determined under Subsection (3)(f); or
 - (B) to a qualifying account other than the defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, which is sponsored by the Utah State Retirement Board.
 - (ii) A qualifying employee who opts to make a personal contribution for less than the amount determined under Subsection (3)(f) shall receive a partial contribution that is equal to the qualifying employee's personal contribution amount.
- (f)
 - (i) Subject to the maximum limit under Subsection (3)(f)(iii), the Legislature shall annually determine the contribution amount that an employer shall provide to each qualifying employee under Subsection (2).
 - (ii) The division shall make recommendations annually to the Legislature on the contribution amount required under Subsection (2), in consultation with the Governor's Office of Planning and Budget and the Division of Finance.
 - (iii) The biweekly matching contribution amount required under Subsection (2) may not exceed \$26 for each qualifying employee.
- (4) A qualifying employee is eligible to receive the biweekly contribution under this section for any pay period in which the employee is in a paid status or other status protected by federal or state law.

- (5) The employer and employee contributions made and related earnings under this section vest immediately upon deposit and can be withdrawn by the employee at any time, subject to Internal Revenue Code regulations on the withdrawals.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director shall make rules establishing procedures to implement the provisions of this section.

Amended by Chapter 442, 2023 General Session

63A-17-806 Definitions -- Infant at Work Pilot Program -- Administration.

- (1) As used in this section:
 - (a) "Eligible employee" means an employee who has been employed by the Department of Health and Human Services for a minimum of:
 - (i) 12 consecutive months; and
 - (ii) 1,250 hours, excluding paid time off during the 12-month period immediately preceding the day on which the employee applies for participation in the program.
 - (b) "Infant" means a baby that is at least six weeks of age and no more than six months of age.
 - (c) "Parent" means:
 - (i) a biological or adoptive parent of an infant; or
 - (ii) an individual who has an infant placed in the individual's foster care by the Division of Child and Family Services.
 - (d) "Program" means the Infant at Work Pilot Program established in this section.
- (2) There is created the Infant at Work Pilot Program for eligible employees.
- (3) The program shall:
 - (a) allow an eligible employee to bring the eligible employee's infant to work subject to the provisions of this section;
 - (b) be administered by the division; and
 - (c) be implemented for a minimum of one year.
- (4) The division shall establish an application process for eligible employees of the Department of Health and Human Services to apply to the program that includes:
 - (a) a process for evaluating whether an eligible employee's work environment is appropriate for an infant;
 - (b) guidelines for infant health and safety; and
 - (c) guidelines regarding an eligible employee's initial and ongoing participation in the program.
- (5) If the division approves the eligible employee for participation in the program, the eligible employee shall have the sole responsibility for the care and safety of the infant at the workplace.
- (6) The division may not require the Department of Health and Human Services to designate or set aside space for an eligible employee's infant other than the eligible employee's existing work space.
- (7) The division, in consultation with the Department of Health and Human Services, shall make rules that the department determines necessary to establish the program in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 494, 2025 General Session

63A-17-807 Department award program.

- (1) As used in this section:

- (a) "Department" means the Department of Government Operations, the Department of Agriculture and Food, the Department of Alcoholic Beverage Services, the Department of Commerce, the Department of Cultural and Community Engagement, the Department of Corrections, the Department of Workforce Services, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health, the Department of Human Services, the Insurance Department, the National Guard, the Department of Natural Resources, the Department of Public Safety, the Public Service Commission, the Labor Commission, the State Board of Education, the Utah Board of Higher Education, the State Tax Commission, and the Department of Transportation.
- (b) "Department head" means the individual or body of individuals in whom the ultimate legal authority of the department is vested by law.
- (2) There is created a department awards program to award an outstanding employee in each department of state government.
- (3)
 - (a) On or before April 1 of each year, each department head shall solicit nominations for outstanding employee of the year for that department from the employees in that department.
 - (b) On or before July 1 of each year, the department head shall:
 - (i) select a person from the department to receive the outstanding employee of the year award using the criteria established in Subsection (3)(c); and
 - (ii) announce the recipient of the award to the employees of the department.
 - (c) Department heads shall make the award to an employee who demonstrates:
 - (i) extraordinary competence in performing the employee's function;
 - (ii) creativity in identifying problems and devising workable, cost-effective solutions;
 - (iii) excellent relationships with the public and other employees;
 - (iv) a commitment to serving the public as the client; and
 - (v) a commitment to economy and efficiency in government.
- (4)
 - (a) The division shall divide any appropriation for outstanding department employee awards that the division receives from the Legislature equally among the departments.
 - (b) If a department receives money from the division or if a department budget allows, that department head shall provide the employee with a bonus, a plaque, or some other suitable acknowledgement of the award.
- (5)
 - (a) A department head may name the award after an exemplary present or former employee of the department.
 - (b) A department head may not name the award for oneself or for any relative as defined in Section 52-3-1.

Amended by Chapter 447, 2022 General Session

63A-17-808 On-site child care for state employees.

- (1) As used in this section:
 - (a) "Child care" means the same as that term is defined in Section 35A-3-201.
 - (b) "Licensed child care provider" means a person who holds a license from the Department of Health and Human Services to provide center based child care in accordance with Title 26B, Chapter 2, Part 4, Child Care Licensing.
 - (c) "On-site child care center" means a child care center established in a facility that is owned or operated by an agency.

- (2) An agency may enter into a contract with a licensed child care provider to operate an on-site child care center for the benefit of the agency's employees.
- (3) A licensed child care provider that operates an on-site child care center for an agency shall maintain professional liability insurance.
- (4)
 - (a) An agency may charge a licensed child care provider a reasonable fee for operating an on-site child care center so that the agency incurs no expense.
 - (b) The fee in Subsection (4)(a) shall include costs for utility, building maintenance, and administrative services supplied by the agency that are related to the operation of the on-site child care center.
- (5) An agency may consult with the Office of Child Care within the Department of Workforce Services, the Department of Health and Human Services, and the Division of Facilities Construction and Management for assistance in establishing an on-site child care center.
- (6) The state is not liable for any civil damages for acts or omissions resulting from the operation of an on-site child care center.

Amended by Chapter 381, 2024 General Session

63A-17-809 Guidance and data collection regarding employment of individuals with criminal histories.

- (1) The division shall:
 - (a) provide information and guidance to agencies encouraging the hiring of individuals with criminal histories, including:
 - (i) skills developed during incarceration through the Division of Correctional Industries and any other relevant program; and
 - (ii) guidelines to determine whether an applicant's conviction, disclosed in accordance with Section 34-52-201, is a job-related conviction; and
 - (b) ensure that agency job opportunities available to individuals with criminal histories are included in the web portal.
- (2) On or before October 1, 2024, the division shall provide a written report to the Law Enforcement and Criminal Justice Interim Committee describing the efforts described in Subsection (1).

Enacted by Chapter 58, 2023 General Session