

Part 2 Career Service Review Office

67-19a-201 Career Service Review Office created -- Appointment of an administrator -- Reporting -- Qualifications.

- (1) There is created a Career Service Review Office.
- (2)
 - (a) The governor shall appoint, with the consent of the Senate, an administrator of the office.
 - (b) The administrator shall have demonstrated an ability to administer personnel policies in performing the duties specified in this chapter.

Amended by Chapter 249, 2010 General Session

Amended by Chapter 249, 2010 General Session, (Coordination Clause)

Amended by Chapter 286, 2010 General Session

Amended by Chapter 324, 2010 General Session

67-19a-202 Powers -- Scope of authority.

- (1)
 - (a) The office shall serve as the final administrative body to review a grievance from a career service employee and an agency of a decision regarding:
 - (i) a dismissal;
 - (ii) a demotion;
 - (iii) a suspension;
 - (iv) a reduction in force;
 - (v) a dispute concerning abandonment of position;
 - (vi) a wage grievance if an employee is not placed within the salary range of the employee's current position;
 - (vii) a violation of a rule adopted under Chapter 19, Utah State Personnel Management Act; or
 - (viii) except as provided by Subsection (1)(c)(iii), equitable administration of the following benefits:
 - (A) long-term disability insurance;
 - (B) medical insurance;
 - (C) dental insurance;
 - (D) post-retirement health insurance;
 - (E) post-retirement life insurance;
 - (F) life insurance;
 - (G) defined contribution retirement;
 - (H) defined benefit retirement; and
 - (I) a leave benefit.
 - (b) The office shall serve as the final administrative body to review a grievance by a reporting employee alleging retaliatory action.
 - (c) The office may not review or take action on:
 - (i) a personnel matter not listed in Subsection (1)(a) or (b);
 - (ii) a grievance listed in Subsection (1)(a) or (b) that alleges discrimination or retaliation related to a claim of discrimination that is a violation of a state or federal law for which review and action by the office is preempted by state or federal law; or

- (iii) a grievance related to a claim for which an administrative review process is provided by statute and administered by:
 - (A) the Utah State Retirement Systems under Title 49, Utah State Retirement and Insurance Benefit Act;
 - (B) the Public Employees' Benefit and Insurance Program under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act; or
 - (C) the Public Employees' Long-Term Disability Program under Title 49, Chapter 21, Public Employees' Long-Term Disability Act.
- (2) The time limits established in this chapter supersede the procedural time limits established in Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 258, 2015 General Session

67-19a-203 Rulemaking authority.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator may make rules governing:
 - (a) definitions of terms, phrases, and words used in the grievance process established by this chapter;
 - (b) what matters constitute excusable neglect for purposes of the waiver of time limits established by this chapter;
 - (c) the application for and service of subpoenas, the service and filing of pleadings, and the issuance of rulings, orders, determinations, summary judgments, transcripts, and other legal documents necessary in grievance proceedings;
 - (d) the use, calling, attendance, participation, and fees of witnesses in grievance proceedings;
 - (e) continuances of grievance proceedings;
 - (f) procedures in hearings, unless governed by Title 63G, Chapter 4, Administrative Procedures Act;
 - (g) the presence of media representatives at grievance proceedings;
 - (h) procedures for sealing files or making data pertaining to a grievance unavailable to the public; and
 - (i) motions that will assist the parties in meeting the 150-day time limit.
- (2) The rule made under Subsection (1)(i) shall:
 - (a) prohibit a party from filing a dispositive motion under Utah Rules of Civil Procedure, Rule 12(b)(6) or Rule 56 before an evidentiary hearing; and
 - (b) authorize a party to file a motion before an evidentiary hearing to:
 - (i) dismiss for lack of authority to review the grievance under Utah Rules of Civil Procedure, Rule 12(b)(1) or Rule 12(b)(2); or
 - (ii) limit the introduction of evidence.

Amended by Chapter 249, 2010 General Session

67-19a-204 Administrator -- Powers.

- (1) In conjunction with any inquiry, investigation, hearing, or other proceeding, the administrator may:
 - (a) administer an oath;
 - (b) certify an official act;
 - (c) subpoena a witness, document, and other evidence; and
 - (d) grant a continuance as provided by rule.

- (2)
- (a) The administrator may:
 - (i) assign qualified, impartial hearing officers on a per case basis to adjudicate matters under the authority of the office;
 - (ii) subpoena witnesses, documents, and other evidence in conjunction with any inquiry, investigation, hearing, or other proceeding;
 - (iii) upon motion made by a party or person to whom the subpoena is directed and upon notice to the party who issued the subpoena, quash or modify the subpoena if it is unreasonable, requires an excessive number of witnesses, or requests evidence not relevant to any matter in issue; and
 - (iv) act as a hearing officer if the aggrieved employee consents.
 - (b) In selecting and assigning hearing officers under authority of this section, the administrator shall appoint hearing officers that have demonstrated by education, training, and experience the ability to adjudicate and resolve personnel administration disputes by applying employee relations principles within a large, public work force.

Amended by Chapter 339, 2015 General Session