

67-19e-109 Procedure for review of complaint by conduct committee.

- (1) Upon a determination that a complaint requires further action, the executive director shall select four executive directors or their designees and convene the committee. The executive director of the agency that employs or contracts with the administrative law judge who is the subject of the complaint may not be a member of the committee.
- (2) The department shall provide a copy of the complaint, along with the results of the department's investigation, to the committee and the administrative law judge who is the subject of the complaint. If the committee directs, a copy of the complaint and investigation may also be provided to the attorney general.
- (3) The committee shall allow an administrative law judge who is the subject of a complaint to appear and speak at any committee meeting, except a closed meeting, during which the committee is deliberating the complaint.
- (4) The committee may meet in a closed meeting to discuss a complaint against an administrative law judge by complying with Title 52, Chapter 4, Open and Public Meetings Act.
- (5) After deliberation and discussion of the complaint and all information provided, the committee shall provide a report, with a recommendation, to the agency. The recommendation shall include:
 - (a) a brief description of the complaint and results of the department's investigation;
 - (b) the committee's findings; and
 - (c) a recommendation from the committee whether action should be taken against the administrative law judge.
- (6) Actions recommended by the committee may include no action, disciplinary action, termination, or any other action an employer may take against an employee.
- (7) The record of an individual committee member's vote on recommended actions against an administrative law judge is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.

Enacted by Chapter 165, 2013 General Session