

Effective 2/27/2023

67-21-2 Definitions.

As used in this chapter:

- (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:
 - (a) adversely affects the employment rights of another; or
 - (b) results in personal gain to the person exercising the authority or to another person.
- (2) "Communicate" means a verbal, written, broadcast, or other communicated report.
- (3) "Damages" means general and special damages for injury or loss caused by each violation of this chapter.
- (4) "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied.
- (5)
 - (a) "Employer" means the public body or public entity that employs the employee.
 - (b) "Employer" includes an agent of an employer.
- (6) "Good faith" means that an employee acts with:
 - (a) subjective good faith; and
 - (b) the objective good faith of a reasonable employee.
- (7) "Gross mismanagement" means action or failure to act by a person, with respect to a person's responsibility, that causes significant harm or risk of harm to the mission of the public entity or public body that employs, or is managed or controlled by, the person.
- (8) "Judicial employee" means an employee of the judicial branch of state government.
- (9) "Legislative employee" means an employee of the legislative branch of state government.
- (10) "Political subdivision employee" means an employee of a political subdivision of the state.
- (11) "Public body" means any of the following:
 - (a) a state officer, employee, agency, department, division, bureau, board, commission, council, authority, educational institution, or any other body in the executive branch of state government;
 - (b) an agency, board, commission, council, institution member, or employee of the legislative branch of state government;
 - (c) a county, city, town, regional governing body, council, school district, special district, special service district, or municipal corporation, board, department, commission, council, agency, or any member or employee of them;
 - (d) any other body that is created by state or local authority, or that is primarily funded by or through state or local authority, or any member or employee of that body;
 - (e) a law enforcement agency or any member or employee of a law enforcement agency; and
 - (f) the judiciary and any member or employee of the judiciary.
- (12) "Public entity" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
- (13) "Public entity employee" means an employee of a public entity.
- (14) "Retaliatory action" means the same as that term is defined in Section 67-19a-101.
- (15) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.
- (16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

Amended by Chapter 16, 2023 General Session