

67-21-3.5 Administrative review of adverse action against a public entity employee.

- (1) A public entity employee who believes that the employee's employer has taken retaliatory action against the employee in violation of this chapter may file a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5 and subject to Section 67-21-4.
- (2) If the Career Service Review Office determines that retaliatory action is taken in violation of this chapter against the public entity employee, the Career Service Review Office may order:
 - (a) reinstatement of the public entity employee at the same level held by the public entity employee before the retaliatory action;
 - (b) the payment of back wages, in accordance with Subsection 67-19a-406(5)(b);
 - (c) full reinstatement of benefits;
 - (d) full reinstatement of other employment rights; or
 - (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(8)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.
- (3) A public entity employer has the burden to prove by substantial evidence that the public entity employer's action was justified.
- (4) A public entity employee or public entity employer may appeal a determination of the Career Service Review Office as provided in Section 67-19a-402.5.

Enacted by Chapter 427, 2013 General Session

Amended by Chapter 427, 2013 General Session, (Coordination Clause)