

67-21-3.7 Administrative review for state institution of higher education employees.

- (1)
 - (a) A state institution of higher education may adopt a policy to establish an independent personnel board to hear and take action on a complaint alleging adverse action.
 - (b) The policy described in Subsection (1)(a) shall include:
 - (i) procedures for filing a complaint and conducting a hearing; and
 - (ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.
- (2) If a state institution of higher education adopts a policy described in Subsection (1), an employee of the state institution of higher education may file a complaint with the independent personnel board alleging adverse action.
- (3) If an independent personnel board finds that adverse action is taken in violation of the policy described in Subsection (1)(a), the independent personnel board may order:
 - (a) reinstatement of the employee at the same level as before the adverse action;
 - (b) the payment of back wages;
 - (c) full reinstatement of fringe benefits;
 - (d) full reinstatement of seniority rights; or
 - (e) if the adverse 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.

Enacted by Chapter 427, 2013 General Session