

Effective 5/4/2022

Chapter 27
General Requirements for State Officers and Employees

67-27-101 Title

This chapter is known as "General Requirements for State Officers and Employees."

Enacted by Chapter 169, 2022 General Session

67-27-102 Definitions.

As used in this chapter:

- (1) "Career service employee" means the same as that term is defined in Section 63A-17-102.
- (2) "Executive branch elected official" means:
 - (a) the governor;
 - (b) the lieutenant governor;
 - (c) the attorney general;
 - (d) the state treasurer; or
 - (e) the state auditor.
- (3) "Executive branch official" means an individual who:
 - (a) is a management level employee of an executive branch elected official; and
 - (b) is not a career service employee.
- (4) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.

Renumbered and Amended by Chapter 169, 2022 General Session

67-27-103 State agency work week.

- (1) Except as provided in Subsection (2), and subject to Subsection (3):
 - (a) a state agency with five or more employees shall, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to another entity of the state, a political subdivision, or the public:
 - (i) in person;
 - (ii) online; or
 - (iii) by telephone; and
 - (b) a state agency with fewer than five employees shall, at least eight hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by statute to another entity of the state, a political subdivision, or the public:
 - (i) in person;
 - (ii) online; or
 - (iii) by telephone.
- (2)
 - (a) Subsection (1) does not require a state agency to operate a physical location, or provide a service, on a holiday established under Section 63G-1-301.
 - (b) Except for a legal holiday established under Section 63G-1-301, the following state agencies shall operate at least one physical location, and as many physical locations as necessary, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to another entity of the state, a political subdivision, or the public:

- (i) the Division of Technology Services, created in Section 63A-16-103;
 - (ii) the Division of Child and Family Services, created in Section 80-2-201; and
 - (iii) the Office of Guardian Ad Litem, created in Section 78A-2-802.
- (3) A state agency shall make staff available, as necessary, to provide:
- (a) services incidental to a court or administrative proceeding, during the hours of operation of a court or administrative body, including:
 - (i) testifying;
 - (ii) the production of records or evidence; and
 - (iii) other services normally available to a court or administrative body;
 - (b) security services; and
 - (c) emergency services.
- (4) This section does not limit the days or hours a state agency may operate.
- (5) To provide a service as required by Subsection (1), the chief administrative officer of a state agency may determine:
- (a) the number of physical locations, if any are required by this section, operating each day;
 - (b) the daily hours of operation of a physical location;
 - (c) the number of state agency employees who work per day; and
 - (d) the hours a state agency employee works per day.
- (6) To provide a service as required by Subsection (2)(b), the chief administrative officer of a state agency, or a person otherwise designated by law, may determine:
- (a) the number of physical locations operating each day;
 - (b) the daily hours of operation, as required by Subsection (2)(b), of each physical location;
 - (c) the number of state agency employees who work per day; and
 - (d) the hours a state agency employee works per day.
- (7) A state agency shall:
- (a) provide information, accessible from a conspicuous link on the home page of the state agency's website, on a method that a person may use to schedule an in-person meeting with a representative of the state agency; and
 - (b) except as provided in Subsection (8), as soon as reasonably possible:
 - (i) contact a person who makes a request for an in-person meeting; and
 - (ii) when appropriate, schedule and hold an in-person meeting with the person that requests an in-person meeting.
- (8) A state agency is not required to comply with Subsection (7)(b) to the extent that the contact or meeting:
- (a) would constitute a conflict of interest;
 - (b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a, Utah Procurement Code;
 - (c) would violate an ethical requirement of the state agency or an employee of the state agency; or
 - (d) would constitute a violation of law.

Amended by Chapter 335, 2022 General Session

67-27-104 Restrictions on outside employment by executive branch employees.

- (1) An employee who is under the direction or control of an executive branch elected official may not engage in outside employment that:
- (a) constitutes a conflict of interest;
 - (b) interferes with the ability of the employee to fulfill the employee's job responsibilities;

- (c) constitutes the provision of political services, political consultation, or lobbying;
 - (d) involves the provision of consulting services, legal services, or other services to a person that the employee could, within the course and scope of the employee's primary employment, provide to the person; or
 - (e) interferes with the hours that the employee is expected to perform work under the direction or control of an executive branch elected official, unless the employee takes authorized personal leave during the time that the person engages in the outside employment.
- (2) An executive branch official shall be subject to the same restrictions on outside employment as a career service employee.
- (3) This section does not prohibit an employee from advocating the position of the state office that employs the employee regarding legislative action or other government action.

Renumbered and Amended by Chapter 169, 2022 General Session

67-27-106 Reasonable accommodations for government employees.

- (1) As used in this section:
- (a) "Confidential information" means any:
 - (i) information related to an employee's request under Subsection (2); or
 - (ii) record created under Subsection (3) or (4).
 - (b) "Conscience" means a sincerely held belief as to the rightness or wrongness of an action or inaction.
 - (c)
 - (i) "Employee" means an individual employed by a governmental entity.
 - (ii) "Employee" does not include:
 - (A) an elected official;
 - (B) an individual employed by the Legislature; or
 - (C) an individual who is appointed or employed to be on an elected official's personal staff to assist the elected official in fulfilling the elected official's duties.
 - (d) "First responder" means:
 - (i) a law enforcement officer, as that term is defined in Section 53-13-103;
 - (ii) an emergency medical technician, as that term is defined in Section 53-2e-101;
 - (iii) an advanced emergency medical technician, as that term is defined in Section 53-2e-101;
 - (iv) a paramedic, as that term is defined in Section 53-2e-101;
 - (v) a firefighter, as that term is defined in Section 53B-8c-102; or
 - (vi) a dispatcher, as that term is defined in Section 53-6-102.
 - (e) "Governmental entity" means:
 - (i) the state;
 - (ii) a political subdivision of the state, including a county, city, town, school district, special district, institution of higher education, or special service district; or
 - (iii) an entity created by the state, including an agency, board, bureau, commission, committee, department, division, institution, instrumentality, or office.
 - (f) "Retaliatory action" means any of the following actions taken by a governmental entity against an employee as a result of the employee filing a request under Subsection (2):
 - (i) a dismissal;
 - (ii) a reduction of compensation;
 - (iii) a failure to increase compensation by an amount that the employee is otherwise entitled to or was promised;
 - (iv) a failure to promote if the employee would otherwise be promoted; or

- (v) a threat to take an action described in Subsections (1)(f)(i) through (iv).
- (g) "Task" means a specific job, duty, or function.
- (h) "Undue hardship" means a substantial burden, privation, or adversity on a governmental entity that would result from granting an employee's request to be relieved from performing a certain task when considering all relevant factors, including:
 - (i) the practical impact on the governmental entity in light of the nature, size, and operating cost of the governmental entity;
 - (ii) the disruption of the governmental entity's operations;
 - (iii) the nature of the employee's duties;
 - (iv) the number of employees the governmental entity will be required to grant a request to if the governmental entity grants the employee's request;
 - (v) the type of workplace; and
 - (vi) the number of requests by the employee in the preceding 12 months from the day on which the employee submitted the request.
- (2)
 - (a) Except as provided in Subsection (2)(b), a governmental entity may not deny an employee's reasonable request to be relieved from performing a certain task if:
 - (i) performing the task would conflict with the employee's sincerely held religious beliefs or conscience;
 - (ii) the employee has complied with the requirements of Subsection (3); and
 - (iii) relieving the employee from the task would not impose an undue hardship on the governmental entity.
 - (b) A governmental entity is not required to grant an employee's request under Subsection (2)(a) if:
 - (i) the request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's employment;
 - (ii) granting the request would result in a deficit in the amount of work for which the employee is compensated;
 - (iii) granting the request would create a conflict with an existing legal obligation and the governmental entity cannot avoid the conflict if the governmental entity grants the employee's request under Subsection (3);
 - (iv) the employee is a first responder and the request by the employee under Subsection (2)(a) is to be relieved from performing a task that involves protecting the safety of the public; or
 - (v) the employee's asserted religious beliefs or conscience described in Subsection (2)(a)(i) is being asserted for an improper purpose.
- (3) Except as provided in Subsection (3)(b), an employee seeking to be relieved from performing a certain task under Subsection (2) shall:
 - (a)
 - (i) as soon as practicable but not more than two days after the day on which the employee received the assignment to perform the task, submit a written request to the employee's supervisor providing an explanation as to why the task would conflict with the employee's sincerely held religious beliefs or conscience; or
 - (ii) if the employee receives the assignment to perform the task within two days after the day on which the employee received the assignment, orally or in writing immediately request to be relieved from performing the task; and
 - (b) provide the governmental entity with a reasonable opportunity to grant the employee's request or otherwise address the employee's concerns.
- (4)

- (a) Except as provided in Subsection (4)(c), a governmental entity that receives a request under Subsection (3) shall respond to the request as soon as practicable but at least five days before the day on which the certain task is required to be performed.
 - (b) If a governmental entity denies an employee's request submitted as described in Subsection (3), the governmental entity shall include in the response required under Subsection (4)(a):
 - (i) an explanation of the governmental entity's decision and why:
 - (A) granting the request would impose an undue hardship on the governmental entity; or
 - (B) the governmental entity is not required to grant the employee's request for a reason described in Subsection (2)(b); and
 - (ii) that the employee may seek redress in a court as described in Subsection (6) if the employee has exhausted the internal process allowing the governmental entity to address the employee's concerns under Subsection (3)(b).
 - (c) An employee and governmental entity may agree in writing to waive or extend the time limit described in Subsection (4)(a).
- (5)
- (a) A governmental entity may adopt a policy detailing the requirements of this section.
 - (b) A policy adopted under Subsection (5)(a) shall:
 - (i) provide the governmental entity's employees a process for making a request under this section;
 - (ii) designate an individual to receive an employee request described in Subsection (3);
 - (iii) outline the information an employee is required to provide to the governmental entity in a request described in Subsection (3);
 - (iv) describe the process the employee is required to undertake to allow the governmental entity a reasonable opportunity to grant the employee's request or otherwise address the employee's concerns under Subsection (3)(b); and
 - (v) outline the process the governmental entity will use to evaluate a request received under Subsection (3) in determining if the request will impose an undue hardship on the governmental entity.
 - (c) A governmental entity establishing a policy under this Subsection (5) shall ensure that:
 - (i) the governmental entity's employees receive notice of the policy and access to a copy of the policy when the policy is adopted or when an employee begins working for the governmental entity, whichever occurs first; and
 - (ii) if the governmental agency receives a request under Subsection (3), the governmental entity includes a reference to the governmental entity's policy in the governmental entity's response.
- (6)
- (a) An employee has a right of action against the governmental entity that employs the employee if:
 - (i) the employee has complied with Subsection (3) in good faith;
 - (ii) the employee has complied with any policy created under Subsection (5) after receiving notice and a reference of the policy as described in Subsection (5)(c);
 - (iii) the employee's asserted religious beliefs or conscience described in Subsection (2)(a)(i) is not asserted for an improper purpose; and
 - (iv)
 - (A) granting the request would not have imposed an undue hardship on the governmental entity; or
 - (B) the governmental entity cannot meet an exception described in Subsection (2)(b).

- (b) An employee seeking to assert a right of action under this section shall bring the action in a court within 180 calendar days after the day on which the employee received the governmental entity's response described in Subsection (4).
- (c) If an employee establishes, by a preponderance of the evidence, that the employee meets the requirements described in Subsection (6)(a), the court:
 - (i) shall grant the employee relief by:
 - (A) issuing an injunction ordering the governmental entity to relieve the employee from the specific task if the task is still to be performed; or
 - (B) ordering the governmental entity to reinstate or rehire the employee, with an award of back pay, if the employee was constructively discharged, demoted, or terminated as a direct result of the governmental entity's violation of Subsection (2); and
 - (ii) may award to the employee reasonable attorney fees, and court costs.
- (7) The classification of an employee's confidential information is governed by Title 63G, Chapter 2, Government Records Access and Management Act.
- (8) A governmental entity may not take retaliatory action against an employee for submitting a meritorious request under Subsection (3).
- (9) Nothing in this section:
 - (a) limits the employee's right to bring any other claim the employee may have against the governmental entity; or
 - (b) prevents a governmental entity from implementing a policy required by state or federal law.

Enacted by Chapter 500, 2024 General Session

**67-27-107 Prohibition on the use of certain submissions by governmental employers --
Exceptions.**

- (1) As used in this section:
 - (a)
 - (i) "Governmental employer" means any department, division, agency, commission, board, council, committee, authority, municipality, county, political subdivision, or any other institution of the state.
 - (ii) "Governmental employer" does not mean a local education agency or institution of higher education.
 - (b)
 - (i) "Prohibited submission" means a submission, statement, or document that requires an individual to articulate the individual's position, view, contribution, effort, or experience regarding a policy, program, or initiative that promotes differential treatment based on an individual's personal identity characteristics, as that term is defined in Section 53B-1-118.
 - (ii) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:
 - (A) anti-racism;
 - (B) bias;
 - (C) critical race theory;
 - (D) implicit bias;
 - (E) intersectionality;
 - (F) prohibited discriminatory practice, as that term is defined in Section 53B-1-118; or
 - (G) racial privilege.

- (iii) "Prohibited submission" does not include a submission, statement, or document for an employment position if the submission, statement, or document relates to a bona fide occupational qualification for the position.
- (2) Except as provided in Subsection (4), a governmental employer may not require, request, solicit, or compel a prohibited submission as a certification or condition before taking action with respect to:
 - (a) employment, including decisions regarding:
 - (i) hiring;
 - (ii) terms of employment;
 - (iii) benefits;
 - (iv) compensation;
 - (v) seniority status;
 - (vi) tenure or continuing status;
 - (vii) promotion;
 - (viii) performance reviews;
 - (ix) transfer;
 - (x) termination; or
 - (xi) appointment; or
 - (b) admissions and aid, including:
 - (i) admission to any state program or course;
 - (ii) financial or other forms of state-administered aid or assistance; or
 - (iii) other benefits from the governmental employer for which an individual is eligible.
- (3) A governmental employer may not grant any form of preferential consideration to an individual who, with or without solicitation from the governmental employer, provides a prohibited submission for any action described in Subsection (2).
- (4) If federal law requires a governmental employer to accept or require a prohibited submission, the governmental employer:
 - (a) may accept the prohibited submission only to the extent required under federal law; and
 - (b) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.
- (5) Nothing in this section limits or prohibits a governmental employer's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.

Enacted by Chapter 3, 2024 General Session

**67-27-108 Prohibition on the use of certain training by governmental employers --
Exceptions.**

- (1) As used in this section:
 - (a) "Governmental employer" means the same as that term is defined in Section 67-27-107.
 - (b)
 - (i) "Prohibited training" means a mandatory instructional program and related materials that a governmental employer requires the governmental employer's current or prospective employees to attend that promote prohibited discriminatory practices as that term is defined in Section 53B-1-118.
 - (ii) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.
- (2) A governmental employer may not require prohibited training.

- (3) Nothing in this section limits or prohibits a governmental employer's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.

Enacted by Chapter 3, 2024 General Session

67-27-109 Prohibited discriminatory practices -- Restrictions -- Reporting.

- (1) As used in this section:
 - (a) "Executive agency director" means the executive agency director of an executive department agency who, at the direction of the governor, carries out state business.
 - (b) "Governmental employer" means the same as that term is defined in Section 67-27-107.
 - (c) "Personal identity characteristics" means the same as that term is defined in Section 53B-1-118.
 - (d) "Prohibited discriminatory practice" means the same as that term is defined in Section 53B-1-118.
- (2)
 - (a) This section does not apply to a federal grant or program that would otherwise require a governmental employer to engage in a prohibited discriminatory practice if the grant or program has been reviewed and approved by the governmental employer's executive director, legislative body, or governing body, as that term is defined in Section 10-1-104.
 - (b) A governmental employer's executive director, legislative body, or governing body shall report the reviewed and approved federal grant or program under Subsection (2)(a) to the Executive Appropriations Committee.
- (3) A governmental employer may not engage in prohibited discriminatory practices.
- (4) Nothing in this section limits or prohibits a governmental employer from:
 - (a) as required or permitted by state law:
 - (i) establishing or maintaining an office, division, or employment position to implement, develop, plan, or promote practices relating to personal identity characteristics if the office, division, or employment position is not engaging in prohibited discriminatory practices; or
 - (ii) employing or assigning an employee or a third-party whose duties for governmental employer include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to personal identity characteristics if the employee or the third-party is not engaging in prohibited discriminatory practices;
 - (b) establishing policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment; or
 - (c) establishing policies that are necessary to comply with state law enacted on or before July 1, 2024.
- (5)
 - (a) Beginning on July 1, 2024, each executive agency director shall conduct a thorough review of existing agency programs and offices to determine if the program or office is in compliance with Subsection (3).
 - (b) On or before August 1, 2025, each executive agency director shall report on the compliance of agency programs and offices under Subsection (5)(a) to the governor.
 - (c) The governor shall provide the reports under Subsection (5)(b) to:
 - (i) the Government Operations Interim Committee at or before the November 2025, interim committee meeting; and
 - (ii) the Legislative Management Committee upon request.

Enacted by Chapter 3, 2024 General Session