

1                                   **REPORTING OF VACANT STATE POSITIONS**

2   1999 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Robert M. Muhlestein**

5 AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; REQUIRING THE  
6 DEPARTMENT OF HUMAN RESOURCE MANAGEMENT TO ANNUALLY PROVIDE  
7 CERTAIN INFORMATION RELATING TO VACANT STATE POSITIONS TO THE  
8 GOVERNOR'S OFFICE OF PLANNING AND BUDGET AND TO THE OFFICE OF THE  
9 LEGISLATIVE FISCAL ANALYST.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12                   **67-19-6**, as last amended by Chapter 135, Laws of Utah 1995

13 *Be it enacted by the Legislature of the state of Utah:*

14                   Section 1. Section **67-19-6** is amended to read:

15                   **67-19-6. Responsibilities of director.**

16                   (1) The director shall:

17                   (a) develop, implement, and administer a statewide program of personnel management for  
18 state employees that will:

19                   (i) aid in the efficient execution of public policy;

20                   (ii) foster careers in public service for qualified employees; and

21                   (iii) render assistance to state agencies in performing their missions;

22                   (b) perform those functions necessary to implement this chapter unless otherwise assigned  
23 or prohibited;

24                   (c) perform duties assigned by the governor or statute;

25                   (d) adopt rules for personnel management according to the procedures of Title 63, Chapter  
26 46a, Utah Administrative Rulemaking Act;

27                   (e) establish and maintain a management information system that will furnish the

28 governor, the Legislature, and agencies with current information on authorized positions, payroll,  
29 and related matters concerning state personnel;

30 (f) in cooperation with other agencies, conduct research and planning activities to:

31 (i) determine and prepare for future state personnel needs;

32 (ii) develop methods for improving public personnel management; and

33 (iii) propose needed policy changes to the governor;

34 (g) study the character, causes, and extent of discrimination in state employment and

35 develop plans for its elimination through programs consistent with federal and state laws

36 governing equal employment opportunity and affirmative action in employment;

37 (h) when requested by counties, municipalities, and other political subdivisions of the  
38 state, provide technical service and advice on personnel management at a charge determined by  
39 the director;

40 (i) establish compensation policies and procedures for early voluntary retirement;

41 (j) confer with the heads of other agencies about human resource policies and procedures;

42 [and]

43 (k) submit an annual report to the governor and the Legislature[-]; and

44 (l) (i) identify all employee positions in each agency that have been vacant for more than  
45 90 days as of August 1 of each year; and

46 (ii) by no later than September 1, of each year, provide a report of all employee positions  
47 in each agency identified in Subsection (1)(l)(i) to:

48 (A) the Governor's Office of Planning and Budget; and

49 (B) the Office of the Legislative Fiscal Analyst.

50 (2) (a) After consultation with the governor and the heads of other agencies, the director  
51 shall establish and coordinate statewide training programs.

52 (b) The programs developed under this Subsection (2) shall have application to more than  
53 one agency.

54 (c) The department may not establish training programs that train employees to perform  
55 highly specialized or technical jobs and tasks.

56 (3) (a) (i) The department may collect fees for training as authorized by this Subsection  
57 (3).

58 (ii) Training funded from General Fund appropriations shall be treated as a separate

59 program within the department budget.

60 (iii) All money received from fees under this section will be accounted for by the  
61 department as a separate user driven training program.

62 (iv) The user training program includes the costs of developing, procuring, and presenting  
63 training and development programs, and other associated costs for these programs.

64 (b) (i) Funds remaining at the end of the fiscal year in the user training program are  
65 nonlapsing.

66 (ii) Each year, as part of the appropriations process, the Legislature shall review the  
67 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require the  
68 department to lapse a portion of the funds.

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**Legislative Review Note**  
**as of 1-27-99 3:23 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**