

Senator Ron Allen proposes the following substitute bill:

**REPEAL OF HUMAN RESOURCE ADVISORY
COMMITTEE**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

This act modifies the Personnel Management Act by repealing the Human Resource Advisory Committee. This act makes conforming changes consistent with the repeal of the committee. This act modifies provisions governing position classification grievances.

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

AMENDS:

67-19-3, as last amended by Chapter 192, Laws of Utah 1996

67-19-31, as last amended by Chapter 136, Laws of Utah 1995

REPEALS:

67-19-6.5, as last amended by Chapter 213, Laws of Utah 1997

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

Section 1. Section **67-19-3** is amended to read:

67-19-3. Definitions.

As used in this chapter:

(1) "Agency" means any department or unit of Utah state government with authority to employ personnel.

(2) "Career service" means positions under Schedule B as defined in Section 67-19-15.

(3) "Career service employee" means an employee who has successfully completed a probationary period of service in a position covered by the career service.

(4) "Career service status" means status granted to employees who successfully complete probationary periods for competitive career service positions.



26 (5) "Classified service" means those positions subject to the classification and
27 compensation provisions of Section 67-19-12.

28 [~~(6)~~] "~~Committee~~" means the ~~Human Resources Advisory Committee created by this~~
29 ~~chapter.~~]

30 [~~(7)~~] (6) "Controlled substance" means controlled substance as defined in Section 58-37-2.

31 [~~(8)~~] (7) "Department" means the Department of Human Resource Management.

32 [~~(9)~~] (8) "Disability" means a physical or mental disability as defined and protected under
33 the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

34 [~~(10)~~] (9) "Employee" means any individual in a paid status covered by the career service
35 or classified service provisions of this chapter.

36 [~~(11)~~] (10) "Examining instruments" means written or other types of proficiency tests.

37 [~~(12)~~] (11) "Executive director," except where otherwise specified, means the executive
38 director of the department.

39 [~~(13)~~] (12) "Market comparability adjustment" means a salary range adjustment
40 determined necessary through a market survey of salary ranges of a reasonable cross section of
41 comparable benchmark positions in private and public employment.

42 [~~(14)~~] (13) "Probationary employee" means an employee serving a probationary period in
43 a career service position but who does not have career service status.

44 [~~(15)~~] (14) "Probationary period" means that period of time determined by the department
45 that an employee serves in a career service position as part of the hiring process before career
46 service status is granted to the employee.

47 [~~(16)~~] (15) "Probationary status" means the status of an employee between the employee's
48 hiring and the granting of career service status.

49 [~~(17)~~] (16) "Total compensation" means salaries and wages, bonuses, paid leave, group
50 insurance plans, retirement, and all other benefits offered to state employees as inducements to
51 work for the state.

52 Section 2. Section **67-19-31** is amended to read:

53 **67-19-31. Position classification grievances -- Scope -- Procedure.**

54 (1) (a) For the purpose of position classification grievances, the process that culminates
55 in assigning a career service position to an appropriate class specification is a matter of position
56 classification and may be grieved.

57 (b) The process that culminates in assigning a salary range to the class specification is not
58 a position classification and may not be grieved as a classification grievance.

59 (2) (a) Upon receipt of a position classification grievance, the director shall refer the
60 grievance to a classification panel of three or more impartial persons trained in state classification
61 procedures.

62 (b) The classification panel shall determine whether or not the classification assignment
63 for career service positions was appropriate by applying the statutes, rules, and procedures adopted
64 by the department that were in effect at the time of the classification change.

65 (c) The classification panel may:

66 (i) obtain access to previous audits, classification decisions, and reports;

67 (ii) request new or additional audits by department or agency personnel analysts; and

68 (iii) consider new or additional information.

69 (d) The classification panel may sustain or modify the original decision and, if applicable,
70 recommend a new classification.

71 (e) The classification panel shall report its recommendation to the director, who shall make
72 the classification decision and notify the grievant.

73 (3) (a) Either party may appeal the director's decision to an impartial hearing officer trained
74 in state classification procedures selected through a public bid process by a panel consisting of the
75 following members:

76 (i) the executive director of the Department of Human Resource Management;

77 (ii) two department executive directors;

78 (iii) ~~[the chairman of the Human Resources Advisory Committee]~~ a private sector human
79 resources executive appointed by the governor; and

80 (iv) a representative of the Utah Public Employees Association.

81 (b) The successful bid shall serve under contract for no more than three years. At the end
82 of that time, the Department of Human Resource Management shall reissue the bid.

83 (c) The hearing officer shall review the classification and make the final decision. The
84 final decision is subject to judicial review pursuant to the provisions of Section 63-46b-15.

85 **Section 3. Repealer.**

86 This act repeals:

87 **Section 67-19-6.5, Human Resources Advisory Committee created -- Responsibilities.**