

**COUNTY PERSONNEL MANAGEMENT ACT**

**AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

**This act modifies the County Personnel Management Act by raising the threshold for an optional exemption from the act from 130 to 200 employees. The act modifies the employee classification for the optional exemption. The act amends career service exemptions.**

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

AMENDS:

**17-33-1**, as last amended by Chapter 241, Laws of Utah 2001

**17-33-8**, as last amended by Chapter 241, Laws of Utah 2001

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

Section 1. Section **17-33-1** is amended to read:

**17-33-1. Title -- Establishment of merit system -- Separate systems for peace officers and firemen recognized -- Options of small counties.**

(1) This chapter shall be known and may be cited as the "County Personnel Management Act."

(2) A merit system of personnel administration for the counties of the state of Utah, their departments, offices, and agencies, except as otherwise specifically provided, is established.

(3) This chapter recognizes the existence of the merit systems for peace officers of the several counties as provided for in Chapter 30, Deputy Sheriffs - Merit System, and for firemen of the several counties as provided for in Chapter 28, Firemen's Civil Service Commission, and is intended to give county commissions the option of using the provisions of this chapter as a single merit system for all county employees or in combination with these existing systems for firemen and peace officers.

(4) ~~[This chapter is optional with counties having]~~ On or after May 6, 2002, any county that has fewer than [130 full-time, part-time, and seasonal] 200 employees [and elected officials] not covered by other merit systems or not exempt under Subsections 17-33-8(1) through (6) may,

at its option, comply with the provisions of this chapter.

(5) Notwithstanding the provisions of Subsection (4), any county which was in compliance with the provisions of this chapter prior to May 6, 2002, shall continue to comply with the provisions of this chapter even though the county may not thereafter meet or exceed the threshold requirements of Subsection (4).

Section 2. Section **17-33-8** is amended to read:

**17-33-8. Career service -- Exempt positions.**

The career service shall be a permanent service to which this law shall apply and shall comprise all tenured positions in the public service now existing or hereafter established, except the following:

(1) The county executive, members of the county legislative body, other elected officials, and major department heads charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting in the formulation and carrying out of matters of policy; and if it is sought that any position which differs from its present status be exempted or tenured after the effective date of this act, a public hearing on the proposed exemption or tenure shall be held upon due notice and the concurrence of the council.

(2) One confidential secretary for each elected county officer and major department head if one is assigned.

(3) An administrative assistant to the county executive, each member of the county legislative body, and to each elected official, if one is assigned.

(4) The duly appointed chief deputy of any elected county officer who would take over and discharge the duties of the elected county officer in the absence or disability of the originally responsible officer.

(5) Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees.

(6) Noncareer employees compensated for their services on a seasonal or contractual basis who are hired on emergency or seasonal appointment basis, as approved by the council, and provisional [~~or part-time~~] employees as defined by the county's policies and procedures or its rules

and regulations.

(7) Part-time employees as defined by the county's policies and procedures or its rules and regulations.

~~[(7)]~~ (8) Positions which by their nature -- confidential or key policy-determining or both -- cannot or should not be appropriately included in the career service. All positions designated as being exempt under this subsection shall be listed in the rules and regulations promulgated under this act by job title and department, office or agency, and any change in exempt status shall constitute an amendment to the rules and regulations.