

1 **EQUAL EMPLOYMENT OPPORTUNITY -**
2 **TECHNICAL CHANGES**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Eli H. Anderson**

6 **This act modifies provisions relating to equal employment opportunity. This act requires**
7 **the Department of Human Resource Management to prepare an equal employment**
8 **opportunity plan instead of an affirmative action plan and makes technical corrections.**

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

10 AMENDS:

11 **67-19-6**, as last amended by Chapter 195, Laws of Utah 2002

12 **67-19-6.3**, as last amended by Chapter 375, Laws of Utah 1997

13 **67-19-8**, as last amended by Chapter 130, Laws of Utah 1995

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

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

16 **67-19-6. Responsibilities of director.**

17 (1) The director shall:

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

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

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

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

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

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

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



- 28 (e) establish and maintain a management information system that will furnish the
- 29 governor, the Legislature, and agencies with current information on authorized positions,
- 30 payroll, and related matters concerning state personnel;
- 31 (f) in cooperation with other agencies, conduct research and planning activities to:
- 32 (i) determine and prepare for future state personnel needs;
- 33 (ii) develop methods for improving public personnel management; and
- 34 (iii) propose needed policy changes to the governor;
- 35 (g) study the character, causes, and extent of discrimination in state employment and
- 36 develop plans for its elimination through programs consistent with federal and state laws
- 37 governing equal employment opportunity [~~and affirmative action~~] in employment;
- 38 (h) when requested by counties, municipalities, and other political subdivisions of the
- 39 state, provide technical service and advice on personnel management at a charge determined by
- 40 the director;
- 41 (i) establish compensation policies and procedures for early voluntary retirement;
- 42 (j) confer with the heads of other agencies about human resource policies and
- 43 procedures;
- 44 (k) submit an annual report to the governor and the Legislature; and
- 45 (l) (i) develop a procedure by which each agency will:
- 46 (A) identify funded vacant positions; and
- 47 (B) report those funded vacant positions to the department;
- 48 (ii) identify all funded employee positions in each agency that have been vacant for
- 49 more than 180 consecutive days during the 18-month period prior to July 1 of each year; and
- 50 (iii) by no later than September 1 of each year, provide a report of all funded employee
- 51 positions in each agency identified in Subsections (1)(l)(i) and (ii) to:
- 52 (A) the Governor's Office of Planning and Budget; and
- 53 (B) the Office of the Legislative Fiscal Analyst.
- 54 (2) (a) After consultation with the governor and the heads of other agencies, the
- 55 director shall establish and coordinate statewide training programs.
- 56 (b) The programs developed under this Subsection (2) shall have application to more
- 57 than one agency.
- 58 (c) The department may not establish training programs that train employees to

59 perform highly specialized or technical jobs and tasks.

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

61 (3).

62 (ii) Training funded from General Fund appropriations shall be treated as a separate
63 program within the department budget.

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

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

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

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

73 Section 2. Section **67-19-6.3** is amended to read:

74 **67-19-6.3. Equal employment opportunity plan.**

75 (1) In conjunction with the director's duties under Section 67-19-6, and
76 notwithstanding the general prohibition in Subsection 34A-5-106(3)(c), the director shall
77 prepare an [~~affirmative action~~] equal employment opportunity plan for state employment
78 consistent with the guidelines provided in [~~Title VII of the Civil Rights Act, 42 U.S.C. 2000e et~~
79 ~~seq., as amended,~~] federal equal employment opportunity laws and in related federal
80 regulations.

81 (2) The [~~affirmative action~~] equal employment opportunity plan required by this
82 section applies only to state career service employees described in Section 67-19-15.

83 (3) The [~~affirmative action~~] Legislature shall review the equal employment opportunity
84 plan required by this section [~~shall be reviewed by the Legislature~~] before [~~implementation~~] it
85 may be implemented.

86 (4) Nothing [~~contained~~] in this section [~~shall require~~] requires the establishment of
87 hiring quotas or preferential treatment of any identifiable group.

88 Section 3. Section **67-19-8** is amended to read:

89 **67-19-8. Functions of department not to be delegated.**

90 The department shall perform the following functions and may not contract or
91 otherwise delegate those functions to another state agency:
92 (1) design and administration of the state pay plan;
93 (2) design and administration of the state classification system and procedures for
94 determining schedule assignments;
95 (3) position classification studies, including periodic desk audits, except that an agency
96 may conduct classification studies and desk audits as necessary under Subsection 67-19-9(2)
97 consistent with a delegation agreement approved by the department;
98 (4) monitoring of state agency personnel practices to determine compliance with state
99 personnel guidelines, including equal employment opportunity [~~and affirmative action~~]; and
100 (5) maintenance of central personnel records.

Legislative Review Note
as of 11-20-02 5:13 PM

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

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-12-02 3:29 PM

The Government Operations Interim Committee recommended this bill.

Fiscal Note

Equal Employment Opportunity - Technical Changes

07-Jan-03

Bill Number HB00161:42 PM

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst