

1 **STATE EMPLOYEE AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Ann W. Hardy**

5

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies the Utah State Personnel Management Act to amend salary survey
9 and line of duty death benefits provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends provisions for obtaining salary information for comparable unusual
13 positions requiring recruitment from surrounding states to other states;
- 14 ▶ requires the director of the Department of Human Resource Management to obtain
15 compensation survey information from the Division of Workforce Information and
16 Payment Services;
- 17 ▶ requires the Department of Human Resource Management to acquire and protect the
18 needed records in compliance with the records provisions of the Utah Work Force
19 Services Code;
- 20 ▶ amends unused sick leave benefits for the surviving family of an employee who dies
21 in the line of duty to:
 - 22 • repeal the dental benefit;
 - 23 • repeal the five-year maximum coverage provision; and
 - 24 • provide the same group health coverage that previously covered the surviving
25 family; and
- 26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **67-19-12**, as last amended by Chapter 16, Laws of Utah 2003

34 **67-19-14.3**, as enacted by Chapter 28, Laws of Utah 2004



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

37 Section 1. Section **67-19-12** is amended to read:

38 **67-19-12. State pay plans -- Applicability of section -- Exemptions -- Duties of**
39 **director.**

40 (1) (a) This section, and the rules adopted by the department to implement this section,
41 apply to each career and noncareer state employee not specifically exempted under Subsection
42 (2).

43 (b) If not exempted under Subsection (2), a state employee is considered to be in
44 classified service.

45 (2) The following state employees are exempt from this section:

46 (a) members of the Legislature and legislative employees;

47 (b) members of the judiciary and judicial employees;

48 (c) elected members of the executive branch and their direct staff who meet career
49 service exempt criteria as defined in Subsection 67-19-15(1)(k);

50 (d) certificated employees of the State Board of Education;

51 (e) officers, faculty, and other employees of state institutions of higher education;

52 (f) employees in any position that is determined by statute to be exempt from this
53 Subsection (2);

54 (g) attorneys in the Office of the Attorney General;

55 (h) department heads and other persons appointed by the governor pursuant to statute;

56 (i) employees of the Department of Community and Economic Development whose
57 positions are designated as executive/professional positions by the executive director of the
58 Department of Community and Economic Development with the concurrence of the director;

59 and

60 (j) employees of the Medical Education Council.

61 (3) (a) The director shall prepare, maintain, and revise a position classification plan for
62 each employee position not exempted under Subsection (2) to provide equal pay for equal
63 work.

64 (b) Classification of positions shall be based upon similarity of duties performed and
65 responsibilities assumed, so that the same job requirements and the same salary range may be
66 applied equitably to each position in the same class.

67 (c) The director shall allocate or reallocate the position of each employee in classified
68 service to one of the classes in the classification plan.

69 (d) (i) The department shall conduct periodic studies and desk audits to provide that the
70 classification plan remains reasonably current and reflects the duties and responsibilities
71 assigned to and performed by employees.

72 (ii) The director shall determine the schedule for studies and desk audits after
73 considering factors such as changes in duties and responsibilities of positions or agency
74 reorganizations.

75 (4) (a) With the approval of the governor, the director shall develop and adopt pay
76 plans for each position in classified service.

77 (b) The director shall design each pay plan to achieve, to the degree that funds permit,
78 comparability of state salary ranges to salary ranges used by private enterprise and other public
79 employment for similar work.

80 (c) The director shall adhere to the following in developing each pay plan:

81 (i) Each pay plan shall consist of sufficient salary ranges to permit adequate salary
82 differential among the various classes of positions in the classification plan.

83 (ii) (A) The director shall assign each class of positions in the classification plan to a
84 salary range and shall set the width of the salary range to reflect the normal growth and
85 productivity potential of employees in that class.

86 (B) The width of the ranges need not be uniform for all classes of positions in the plan,
87 but each range shall contain merit steps in increments of 2.75% salary increases.

88 (iii) (A) The director shall issue rules for the administration of pay plans.

89 (B) The rules may provide for exceptional performance increases and for a program of

90 incentive awards for cost-saving suggestions and other commendable acts of employees.

91 (C) The director shall issue rules providing for salary adjustments.

92 (iv) Merit step increases shall be granted, if funds are available, to employees who
93 receive a rating of "successful" or higher in an annual evaluation of their productivity and
94 performance.

95 (v) By October 15 of each year, the director shall submit market comparability
96 adjustments to the director of the Governor's Office of Planning and Budget for consideration
97 to be included as part of the affected agency's base budgets.

98 (vi) By October 31 of each year, the director shall recommend a compensation package
99 to the governor.

100 (vii) (A) Adjustments shall incorporate the results of a total compensation market
101 survey of salary ranges and benefits of a reasonable cross section of comparable benchmark
102 positions in private and public employment in the state.

103 (B) The survey may also study comparable unusual positions requiring recruitment
104 [~~outside Utah in the surrounding western~~] in other states.

105 (C) The director may cooperate with other public and private employers in conducting
106 the survey.

107 (viii) (A) The director shall establish criteria to assure the adequacy and accuracy of the
108 survey and shall use methods and techniques similar to and consistent with those used in
109 private sector surveys.

110 (B) Except as provided under Section 67-19-12.3, the survey shall include a reasonable
111 cross section of employers.

112 (C) The director may cooperate with or participate in any survey conducted by other
113 public and private employers.

114 (D) The director shall obtain information for the purpose of constructing the survey
115 from the Division of Workforce Information and Payment Services and shall include employer
116 name, number of persons employed by the employer, employer contact information and job
117 titles, county code, and salary if available.

118 (E) The department shall acquire and protect the needed records in compliance with the
119 provisions of Section 35A-4-312.

120 (ix) The establishing of a salary range is a nondelegable activity subject to Subsection

121 67-19-8(1) and is not appealable under the grievance procedures of Sections 67-19-30 through
122 67-19-32, Title 67, Chapter 19a, Grievance and Appeal Procedures, or otherwise.

123 (x) The governor shall:

124 (A) consider salary adjustments recommended under Subsection (4)(c)(vi) in preparing
125 the executive budget and shall recommend the method of distributing the adjustments;

126 (B) submit compensation recommendations to the Legislature; and

127 (C) support the recommendation with schedules indicating the cost to individual
128 departments and the source of funds.

129 (xi) If funding is approved by the Legislature in a general appropriations act, the
130 adjustments take effect on the July 1 following the enactment.

131 (5) (a) The director shall regularly evaluate the total compensation program of state
132 employees in the classified service.

133 (b) The department shall determine if employee benefits are comparable to those
134 offered by other private and public employers using information from:

135 (i) the most recent edition of the Employee Benefits Survey Data conducted by the U.S.
136 Chamber of Commerce Research Center; or

137 (ii) the most recent edition of a nationally recognized benefits survey.

138 (6) (a) The director shall submit proposals for a state employee compensation plan to
139 the governor by October 31 of each year, setting forth findings and recommendations affecting
140 state employee compensation.

141 (b) The governor shall consider the director's proposals in preparing budget
142 recommendations for the Legislature.

143 (c) The governor's budget proposals to the Legislature shall include a specific
144 recommendation on state employee compensation.

145 Section 2. Section **67-19-14.3** is amended to read:

146 **67-19-14.3. Continuation of Insurance Benefits Program -- Creation -- Coverage**
147 **following death in the line of duty.**

148 (1) There is created the "Continuation of [~~Medical and Dental~~] Insurance Benefits
149 Program" to provide a continuation of [~~medical and dental~~] insurance to the surviving spouse
150 and family of any state employee whose death occurs in the line of duty.

151 (2) The insurance coverage shall [~~continue for a period of five years or until the~~

152 ~~surviving spouse becomes eligible for Medicare, whichever occurs first]~~ be the same coverage
153 as provided under Section 49-20-406.

154 (3) The program provides that unused accumulated sick leave of a deceased employee
155 may be used for additional medical coverage in the same manner as provided under Section
156 67-19-14.2.

Legislative Review Note

as of 12-15-04 10:01 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0173

State Employee Amendments

15-Jan-05

5:22 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst