

COUNTY DIRECTOR OF PERSONNEL

MANAGEMENT AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas V. Hatch

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill modifies provisions of the County Personnel Management Act.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to the selection of a county director of personnel management;
- ▶ provides an alternative method of selecting a county director of personnel management;
- ▶ authorizes a county executive to choose to appoint a director of personnel management, with the advice and consent of the county legislative body;
- ▶ provides that the position of a director of personnel management chosen under the alternative method is a merit exempt position and that the director may be terminated by the county executive with the consent of the county legislative body;
- and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



Utah Code Sections Affected:

AMENDS:

17-33-5, as last amended by Chapters 73 and 241, Laws of Utah 2001

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

Section 1. Section **17-33-5** is amended to read:

17-33-5. Office of personnel management -- Director -- Appointment and responsibilities -- Personnel rules.

(1) (a) (i) Each county executive shall:

[(i)] (A) create an office of personnel management, administered by a director of personnel management; and

[(ii)] (B) ensure that the director is a person with proven experience in personnel management.

[(b) The] (ii) Except as provided in Subsection (1)(b), the position of director of personnel management shall be:

[(i)] (A) a merit position; and

[(ii)] (B) filled as provided in Subsection (1)[(c)] (a)(iii).

[(c) The] (iii) Except as provided in Subsection (1)(b), the career service council shall:

[(i)] (A) advertise and recruit for the director position in the same manner as for merit positions;

[(ii)] (B) select three names from a register; and

[(iii)] (C) submit those names as recommendations to the county legislative body.

[(d) The] (iv) Except as provided in Subsection (1)(b), the county legislative body shall select a person to serve as director of the office of personnel management from the names submitted to it by the career service council.

(b) (i) ~~H~~→ [As] Effective for appointments made after May 1, 2006, and as ~~←H~~ an alternative to the procedure under Subsections (1)(a)(ii), (iii), and (iv) and at the county executive's discretion, the county executive may appoint a director of personnel management with the advice and consent of the county legislative body.

(ii) The position of each director of personnel management appointed under this Subsection (1)(b) shall be a merit exempt position.

(iii) A director of personnel management appointed under this Subsection (1)(b) may

59 be terminated by the county executive with the consent of the county legislative body.

60 (2) The director of personnel management shall:

61 (a) encourage and exercise leadership in the development of expertise in personnel
62 administration within the several departments, offices, and agencies in the county service and
63 make available the facilities of the office of personnel management to this end;

64 (b) advise the county legislative and executive bodies on the use of human resources;

65 (c) develop and implement programs for the improvement of employee effectiveness,
66 such as training, safety, health, counseling, and welfare;

67 (d) investigate periodically the operation and effect of this law and of the policies made
68 under it and report findings and recommendations to the county legislative body;

69 (e) establish and maintain records of all employees in the county service, setting forth
70 as to each employee class, title, pay or status, and other relevant data;

71 (f) make an annual report to the county legislative body and county executive regarding
72 the work of the department; and

73 (g) apply and carry out this law and the policies under it and perform any other lawful
74 acts that are necessary to carry out the provisions of this law.

75 (3) (a) (i) The director shall recommend personnel rules for the county.

76 (ii) The county legislative body may approve, amend, or reject those rules before they
77 are adopted.

78 (b) The rules shall provide for:

79 (i) recruiting efforts to be planned and carried out in a manner that assures open
80 competition, with special emphasis to be placed on recruiting efforts to attract minorities,
81 women, persons with a disability as defined by and covered under the Americans with
82 Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that are substantially
83 underrepresented in the county work force to help assure they will be among the candidates
84 from whom appointments are made;

85 (ii) the establishment of job related minimum requirements wherever practical, that all
86 successful candidates shall be required to meet in order to be eligible for consideration for
87 appointment or promotion;

88 (iii) selection procedures that include consideration of the relative merit of each
89 applicant for employment, a job related method of determining the eligibility or ineligibility of

each applicant, and a valid, reliable, and objective system of ranking eligible applicants according to their qualifications and merit;

(iv) certification procedures that insure equitable consideration of an appropriate number of the most qualified eligible applicants based on the ranking system;

(v) appointments to positions in the career service by selection from the most qualified eligible applicants certified on eligible lists established in accordance with Subsections (3)(b)(iii) and (iv);

(vi) noncompetitive appointments in the occasional instance where there is evidence that open or limited competition is not practical, such as for unskilled positions that have no minimum job requirements;

(vii) limitation of competitions at the discretion of the director for appropriate positions to facilitate employment of qualified applicants with a substantial physical or mental impairment, or other groups protected by Title VII of the Civil Rights Act;

(viii) permanent appointment for entry to the career service that shall be contingent upon satisfactory performance by the employee during a period of six months, with the probationary period extendable for a period not to exceed six months for good cause, but with the condition that the probationary employee may appeal directly to the council any undue prolongation of the period designed to thwart merit principles;

(ix) temporary, provisional, or other noncareer service appointments, which may not be used as a way of defeating the purpose of the career service and may not exceed 90 days, with the period extendable for a period not to exceed an additional 90 days for good cause;

(x) lists of eligible applicants normally to be used, if available, for filling temporary positions, and short term emergency appointments to be made without regard to the other provisions of law to provide for maintenance of essential services in an emergency situation where normal procedures are not practical, these emergency appointments not to exceed 90 days, with that period extendable for a period not to exceed an additional 90 days for good cause;

(xi) promotion and career ladder advancement of employees to higher level positions and assurance that all persons promoted are qualified for the position;

(xii) recognition of the equivalency of other merit processes by waiving, at the discretion of the director, the open competitive examination for placement in the career service

positions of those who were originally selected through a competitive examination process in another governmental entity, the individual in those cases, to serve a probationary period;

(xiii) preparation, maintenance, and revision of a position classification plan for all positions in the career service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class, the compensation plan, in order to maintain a high quality public work force, to take into account the responsibility and difficulty of the work, the comparative pay and benefits needed to compete in the labor market and to stay in proper alignment with other similar governmental units, and other factors;

(xiv) keeping records of performance on all employees in the career service and requiring consideration of performance records in determining salary increases, any benefits for meritorious service, promotions, the order of layoffs and reinstatements, demotions, discharges, and transfers;

(xv) establishment of a plan governing layoffs resulting from lack of funds or work, abolition of positions, or material changes in duties or organization, and governing reemployment of persons so laid off, taking into account with regard to layoffs and reemployment the relative ability, seniority, and merit of each employee;

(xvi) establishment of a plan for resolving employee grievances and complaints with final and binding decisions;

(xvii) establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge, measures to provide for presentation of charges, hearing rights, and appeals for all permanent employees in the career service to the career service council;

(xviii) establishment of a procedure for employee development and improvement of poor performance;

(xix) establishment of hours of work, holidays, and attendance requirements in various classes of positions in the career service;

(xx) establishment and publicizing of fringe benefits such as insurance, retirement, and leave programs; and

(xxi) any other requirements not inconsistent with this law that are proper for its enforcement.

Legislative Review Note

as of 2-2-06 5:53 PM

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