

**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:

30 17-33-5, as last amended by Chapters 73 and 241, Laws of Utah 2001



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **17-33-5. Office of personnel management -- Director -- Appointment and**
35 **responsibilities -- Personnel rules.**

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

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

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

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

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

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

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

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

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

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

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

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

57 (ii) The position of each director of personnel management appointed under this

58 Subsection (1)(b) shall be a merit exempt position.

59 (iii) A director of personnel management appointed under this Subsection (1)(b) may
60 be terminated by the county executive with the consent of the county legislative body.

61 (2) The director of personnel management shall:

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

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

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

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

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

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

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

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

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

79 (b) The rules shall provide for:

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

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

89 (iii) selection procedures that include consideration of the relative merit of each
90 applicant for employment, a job related method of determining the eligibility or ineligibility of
91 each applicant, and a valid, reliable, and objective system of ranking eligible applicants
92 according to their qualifications and merit;

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

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

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

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

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

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

112 (x) lists of eligible applicants normally to be used, if available, for filling temporary
113 positions, and short term emergency appointments to be made without regard to the other

114 provisions of law to provide for maintenance of essential services in an emergency situation
115 where normal procedures are not practical, these emergency appointments not to exceed 90
116 days, with that period extendable for a period not to exceed an additional 90 days for good
117 cause;

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

120 (xii) recognition of the equivalency of other merit processes by waiving, at the
121 discretion of the director, the open competitive examination for placement in the career service
122 positions of those who were originally selected through a competitive examination process in
123 another governmental entity, the individual in those cases, to serve a probationary period;

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

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

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

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

141 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or

142 grade, or discharge, measures to provide for presentation of charges, hearing rights, and appeals
143 for all permanent employees in the career service to the career service council;
144 (xviii) establishment of a procedure for employee development and improvement of
145 poor performance;
146 (xix) establishment of hours of work, holidays, and attendance requirements in various
147 classes of positions in the career service;
148 (xx) establishment and publicizing of fringe benefits such as insurance, retirement, and
149 leave programs; and
150 (xxi) any other requirements not inconsistent with this law that are proper for its
151 enforcement.