

1                   **EXPANSION OF CAREER SERVICE TO THE**  
2                   **OFFICE OF ATTORNEY GENERAL**

3                   2007 GENERAL SESSION

4                   STATE OF UTAH

5                   **Chief Sponsor: Rebecca D. Lockhart**

6                   Senate Sponsor: Curtis S. Bramble

---

---

8                   **LONG TITLE**

9                   **General Description:**

10                  This bill modifies Title 67, State Officers and Employees, to move employees of the  
11                  Office of the Attorney General from career service and classified service provisions  
12                  under the Department of Human Resource Management to their own career service  
13                  system.

14                  **Highlighted Provisions:**

15                  This bill:

16                  ▶ expands the career service system now applicable to attorneys employed by the  
17                  Office of the Attorney General to include all employees employed by the Office of  
18                  the Attorney General;

19                  ▶ expands the exemption from classified service provisions under the Department of  
20                  Human Resource Management from attorneys employed in the Office of the  
21                  Attorney General to include all employees employed by the Office of the Attorney  
22                  General;

23                  ▶ expands the exemption from career service provisions under the Department of  
24                  Human Resource Management to all employees in the Office of the Attorney  
25                  General; and

26                  ▶ makes technical changes.

27                  **Monies Appropriated in this Bill:**

28                  None

29                  **Other Special Clauses:**

30 This bill takes effect on July 15, 2007.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **67-5-7**, as last amended by Chapter 139, Laws of Utah 2006

34 **67-5-8**, as last amended by Chapter 203, Laws of Utah 1985

35 **67-5-9**, as last amended by Chapter 139, Laws of Utah 2006

36 **67-5-11**, as last amended by Chapter 92, Laws of Utah 1987

37 **67-5-12**, as last amended by Chapter 139, Laws of Utah 2006

38 **67-5-13**, as last amended by Chapter 203, Laws of Utah 1985

39 **67-19-12**, as last amended by Chapter 139, Laws of Utah 2006

40 **67-19-15**, as last amended by Chapter 139, Laws of Utah 2006



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

43 Section 1. Section **67-5-7** is amended to read:

44 **67-5-7. Establishment of career service system.**

45 (1) The purpose of this chapter is to establish a career service system for ~~[attorneys~~  
46 ~~employed by]~~ employees of the Office of the Attorney General that will attract and retain  
47 ~~[attorneys]~~ employees of proven ability and experience who will devote their full time to the  
48 service of the state.

49 (2) The Office of the Attorney General may adopt ~~[rules]~~ policies necessary to  
50 implement this chapter, including personnel and work ~~[rules]~~ policies different from those  
51 ~~[promulgated]~~ made by the Department of Human Resource Management.

52 Section 2. Section **67-5-8** is amended to read:

53 **67-5-8. Eligibility for career service status.**

54 (1) (a) The attorney general has sole authority to determine who may be employed with  
55 the ~~[attorney general's office. No attorney employed by]~~ Office of the Attorney General.

56 (b) An employee of the state or any of its departments or agencies has [any] no claim  
57 or right to a position in the attorney general's office by virtue of that employment.

58 (2) (a) An ~~[attorney employed by]~~ employee of the [attorney general's office] Office of  
59 the Attorney General shall be placed in a career service status if:

60 ~~[(a)]~~ (i) ~~for an employee who is an attorney,~~ the attorney is a member in good standing  
61 of the Utah State Bar Association; and

62 ~~[(b)]~~ (ii) ~~except as provided in Subsection (3),~~ the ~~[attorney]~~ employee has been  
63 employed by the ~~[attorney general's office]~~ Office of the Attorney General as ~~[an attorney for]~~ a  
64 probationary employee for a period of:

65 (A) at least one year but no more than [one year except as provided in Subsection (3),  
66 but in no event less than six months. No attorney] 18 months; or

67 (B) in the case of investigators, at least 18 months, but no more than two years.

68 (b) An employee now employed by the attorney general's office in career service may  
69 not be terminated under this chapter except for cause.

70 (3) (a) The attorney general shall determine whether an ~~[attorney]~~ employee should be  
71 granted career service status.

72 (b) If, at the end of the probationary period established under Subsection (2), the  
73 attorney general determines that an ~~[attorney]~~ employee should be granted career service status,  
74 the attorney general shall notify the ~~[attorney]~~ employee in writing of that decision and place a  
75 copy of the notification in the ~~[attorney's]~~ employee's personnel file.

76 (c) If the attorney general determines that career service status should not be granted,  
77 the attorney general may either terminate the ~~[attorney]~~ employee or extend the probationary  
78 period for a period not to exceed one year.

79 (d) The attorney general shall notify the ~~[attorney]~~ employee in writing of that decision  
80 and place a copy of the notification in the ~~[attorney's]~~ employee's personnel file.

81 (e) An ~~[attorney]~~ employee terminated under this section has no appeal rights under  
82 this chapter.

83 (4) (a) ~~[Attorneys]~~ An attorney in career service status under this chapter shall retire  
84 upon attaining the age of 70 years. ~~[Attorneys]~~

85 (b) Subject to the provisions of Section 49-11-504, an attorney required to retire under

86 this section may be employed by the attorney general, after retirement, as a special assistant  
 87 ~~[attorneys]~~ attorney general. ~~[Any]~~

88 (c) An attorney employed in [this] the capacity of a special assistant under Subsection  
 89 (4)(b) is not in career service status and is subject to termination [as any other attorney  
 90 employed by the attorney general who is not in a career service status] in accordance with  
 91 Section 67-5-12.

92 Section 3. Section **67-5-9** is amended to read:

93 **67-5-9. Reassignment of career status attorneys -- Additional compensation for**  
 94 **managerial assignments -- Employment of special assistant attorneys general --**  
 95 **Termination of attorneys -- Salary increases.**

96 This chapter does not affect the authority of the attorney general to:

97 (1) assign and reassign ~~[attorneys]~~ employees in a career status to different positions on  
 98 his staff. The salary of an ~~[attorney]~~ employee reassigned to a different position shall not be  
 99 decreased by reason of reassignment; except that if the ~~[attorney]~~ employee reassigned  
 100 occupies the position of chief deputy attorney general, the salary may be reduced by not more  
 101 than 15% upon the assignment to a different position;

102 (2) develop~~[- with the assistance of the Department of Human Resource Management,]~~  
 103 a plan for additional compensation for career status ~~[attorneys]~~ employees who accept  
 104 managerial assignments within the office. The provisions of Subsection (1) notwithstanding,  
 105 the attorney general may discontinue any additional compensation if the ~~[attorney]~~ employee  
 106 no longer holds a managerial assignment. Additional compensation provided under this  
 107 section shall be determined by the attorney general pursuant to the plan developed by the  
 108 Office of the Attorney General. ~~[At such time as]~~ If the ~~[attorney]~~ employee no longer holds a  
 109 managerial assignment, and the attorney general decides to discontinue any additional  
 110 compensation, the reduction may not place the ~~[attorney]~~ employee at a salary below where the  
 111 ~~[attorney]~~ employee would be through normal salary increases if the ~~[attorney]~~ employee had  
 112 not been in a managerial position;

113 (3) employ special assistant attorneys general, who shall not be subject to this chapter,

114 to represent the state in particular lawsuits or to handle particular legal matters for the state;

115 (4) terminate the employment of any ~~[attorney employed by]~~ employee of the Office of  
116 the Attorney General who is not in a career service status; or

117 (5) establish the salary or determine salary increases of any ~~[attorney]~~ employee under  
118 this chapter.

119 Section 4. Section **67-5-11** is amended to read:

120 **67-5-11. Employee accepting appointment to state position exempt from merit**  
121 **provisions -- Reinstatement in career status.**

122 (1) An ~~[attorney]~~ employee in a career status accepting appointment to a position in  
123 state government which is exempt from the merit provisions of Title 67, Chapter 19, Utah State  
124 Personnel Management Act, shall notify the attorney general in writing. Upon termination of  
125 the appointment, unless discharged for cause, the ~~[attorney]~~ employee, through written request  
126 of reinstatement made to the attorney general within 30 days from the effective date of  
127 termination from the appointment, shall be reinstated in a career status in the attorney general's  
128 office at a salary not less than that which he was receiving at the time of his appointment, and  
129 the time spent in the other position shall be credited toward seniority in the career service.  
130 Reinstatement shall be made no later than 60 days after the written notification required by this  
131 Subsection (1) or 60 days after the effective date of termination from the ~~[attorney's]~~  
132 employee's appointive position, whichever is later. The position and assignment to which the  
133 ~~[attorney]~~ employee shall return shall be determined by the attorney general.

134 (2) (a) The Office of the Attorney General shall establish and maintain a separate  
135 seniority list for each employee category, which categories may include attorneys,  
136 investigators, paralegals, secretaries, and others.

137 ~~[(2)] (b) [Every attorney employed by]~~ An employee of the [attorney general's office]  
138 Office of the Attorney General with less seniority than an ~~[attorney]~~ employee in the same  
139 category entitled to be reinstated under this section holds his position subject to any  
140 reinstatement provided by Subsection (1).

141 Section 5. Section **67-5-12** is amended to read:

142           **67-5-12. Dismissal of career status employees -- Causes -- Procedure -- Retention**  
143 **roster -- Reappointment register.**

144           (1) (a) [~~Attorneys~~] Employees in a career status may be dismissed only:

145           (i) to advance the good of public service;

146           (ii) where funds have expired or work no longer exists; or

147           ~~[(iii) for causes such as dishonesty, inefficiency, insubordination, disloyalty to the~~  
148 ~~orders of a superior, misfeasance, malfeasance, or nonfeasance in office.]~~

149           [(iii) for any of the following causes or reasons:

150           (A) noncompliance with provisions in the Office of Attorney General policy manual, or  
151 division policies, and, for attorneys, noncompliance with the Rules of Professional Conduct;

152           (B) work performance that is inefficient or incompetent;

153           (C) failure to maintain skills and adequate performance levels;

154           (D) insubordination or disloyalty to the orders of a superior;

155           (E) misfeasance, malfeasance, or nonfeasance;

156           (F) failure to advance the good of the public service, including conduct on or off duty  
157 which demeans or harms the effectiveness or ability of the office to fulfill its mission or legal  
158 obligations;

159           (G) conduct on or off duty which creates a conflict of interest with the employee's  
160 public responsibilities or impact that employee's ability to perform his or her job assignments;

161           (H) any incident involving intimidation, physical harm, threats of physical harm  
162 against coworkers, management, or the public;

163           (I) failure to meet the requirements of the position;

164           (J) dishonesty; or

165           (K) misconduct.

166           (b) [~~Attorneys~~] Employees in career status may not be dismissed for reasons of race,  
167 national origin, religion, or political affiliation.

168           (2) Except in aggravated cases of misconduct, [~~no attorney~~] an employee in a career  
169 status may not be suspended, demoted, or dismissed without the following procedures:

170 (a) The attorney general or a designated representative shall notify the [attorney]  
171 employee of the reasons for suspension, demotion, or dismissal.

172 (b) The [attorney] employee shall have an opportunity to reply and have the reply  
173 considered by the attorney general or a designated representative.

174 (c) The [attorney] employee shall have an opportunity to be heard by the attorney  
175 general or [~~his designated representatives~~] a designated representative.

176 (d) Following a hearing, an [attorney] employee may be suspended, demoted, or  
177 dismissed if the attorney general or a designated representative finds adequate reason.

178 (e) If the attorney general or a designated representative finds that retention of an  
179 [attorney] employee would endanger the peace and safety of others or pose a grave threat to the  
180 public interest, the [attorney] employee may be summarily suspended pending administrative  
181 hearings and a review by the Career Service Review Board.

182 (3) (a) An [attorney] employee in a career status who is aggrieved by a decision of the  
183 attorney general [~~to either dismiss or demote~~] or a designated representative to suspend,  
184 demote, or dismiss the employee may appeal the decision to the Career Service Review Board  
185 or its hearing officers by following the procedures in Title 67, Chapter 19a, Grievance and  
186 Appeal Procedures.

187 (b) Matters other than dismissal or demotion may be appealed to and reviewed by the  
188 attorney general or a designated representative whose decision is final with no right of appeal  
189 to the Career Service Review Board or its hearing officers.

190 (4) Disciplinary actions shall be supported by credible evidence, but the normal rules  
191 of evidence in courts of law do not apply in hearings before the attorney general or a designated  
192 representative or the Career Service Review Board or its hearing officers.

193 (5) (a) Reductions in force required by reinstatement of an [attorney] employee under  
194 Section 67-5-11, inadequate funds, change of workload, or lack of work shall be governed by a  
195 retention roster to be maintained by the [~~executive director of the Department of Human~~  
196 ~~Resource Management~~] Office of the Attorney General and the requirements of this Subsection  
197 (5).

198 (b) ~~[Attorneys]~~ Except attorney general executive or administrative appointees,  
199 employees not in a career status shall be separated before any ~~[attorney]~~ employee in a career  
200 status.

201 (c) Retention points for each ~~[attorney]~~ employee in a career status shall be based on  
202 the ~~[attorney's]~~ employee's seniority in service ~~[as an attorney]~~ within each employee category  
203 in the Office of the Attorney General, including any military service fulfilled subsequent to the  
204 ~~[attorney's]~~ employee's original appointment.

205 (d) ~~[Attorneys]~~ Employees in career status shall be separated in the order of their  
206 retention points, the ~~[attorney]~~ employee with the lowest points to be discharged first.

207 (e) Those ~~[attorneys]~~ employees who are serving in other positions under Section  
208 67-5-11 shall:

209 (i) have retention points determined as if they were working for the office; and

210 (ii) be separated in the order of the retention points as if they were working in the  
211 Office of the Attorney General.

212 (f) An ~~[attorney]~~ employee in a career status who is separated by reason of a reduction  
213 in force shall be:

214 (i) placed on a reappointment register kept by the ~~[executive director of the Department~~  
215 ~~of Human Resource Management]~~ Office of the Attorney General for one year; and

216 (ii) offered reappointment to a position in the same category in the Office of the  
217 Attorney General before any ~~[attorney]~~ employee not having a career status is appointed.

218 Section 6. Section **67-5-13** is amended to read:

219 **67-5-13. Limitations on political activities by career status employees.**

220 (1) ~~[No attorney]~~ An employee in a career status may not, while in a pay status, be a  
221 state or federal officer in any partisan political party organization or in any statewide partisan  
222 political campaign. The ~~[attorney]~~ employee, however, may be an officer or delegate in a  
223 partisan political party organization at a county or inferior level or a delegate at a state or  
224 national level.

225 (2) ~~[No attorney]~~ An employee in career status ~~[shall]~~ may not be a candidate for any



226 partisan political office, but upon application to the attorney general [~~he~~] the employee shall be  
227 granted a leave of absence without pay but without loss of existing seniority to participate in a  
228 partisan political campaign either as an officer or as a candidate. Time spent during the  
229 political leave shall not be counted for seniority purposes as being in service. For the purposes  
230 of this section, an [~~attorney~~] employee is not [~~deemed~~] considered to be a candidate until the  
231 primary elections have been held.

232 (3) [~~No attorney~~] An employee in career status may not engage in political activity  
233 during the hours of employment, nor may any person solicit political contributions from any  
234 [~~attorney~~] employee in career status during hours of employment or through state facilities or in  
235 any manner impose assessments on them for political purposes; but nothing in this section shall  
236 preclude voluntary contributions to a candidate or a political party.

237 (4) Partisan political activity shall not be a basis for employment, promotion,  
238 demotion, or dismissal. Any violation of this section may lead to disciplinary action against  
239 the [~~attorney~~] employee, which may consist of reprimand, suspension, demotion, or termination  
240 as determined by the attorney general.

241 (5) This section shall not be construed to permit partisan political activity by any  
242 [~~attorney~~] employee in career status who is prevented or restricted from engaging in this  
243 political activity by the provisions of any federal act or the rules and regulations promulgated  
244 under it.

245 Section 7. Section **67-19-12** is amended to read:

246 **67-19-12. State pay plans -- Applicability of section -- Exemptions -- Duties of the**  
247 **executive director.**

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

250 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
251 service.

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

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

- 254 (b) members of the judiciary and judicial employees;
  - 255 (c) elected members of the executive branch and their direct staff who meet career  
256 service exempt criteria as defined in Subsection 67-19-15(1)(k);
  - 257 (d) certificated employees of the State Board of Education;
  - 258 (e) officers, faculty, and other employees of state institutions of higher education;
  - 259 (f) employees in any position that is determined by statute to be exempt from this  
260 Subsection (2);
  - 261 (g) ~~attorneys~~ employees in the Office of the Attorney General;
  - 262 (h) department heads and other persons appointed by the governor pursuant to statute;
  - 263 (i) employees of the Department of Community and Culture whose positions are  
264 designated as executive/professional positions by the executive director of the Department of  
265 Community and Culture with the concurrence of the executive director;
  - 266 (j) employees of the Governor's Office of Economic Development whose positions are  
267 designated as executive/professional positions by the director of the office; and
  - 268 (k) employees of the Medical Education Council.
- 269 (3) (a) The executive director shall prepare, maintain, and revise a position  
270 classification plan for each employee position not exempted under Subsection (2) to provide  
271 equal pay for equal work.
- 272 (b) Classification of positions shall be based upon similarity of duties performed and  
273 responsibilities assumed, so that the same job requirements and the same salary range may be  
274 applied equitably to each position in the same class.
- 275 (c) The executive director shall allocate or reallocate the position of each employee in  
276 classified service to one of the classes in the classification plan.
- 277 (d) (i) The department shall conduct periodic studies and desk audits to provide that the  
278 classification plan remains reasonably current and reflects the duties and responsibilities  
279 assigned to and performed by employees.
- 280 (ii) The executive director shall determine the schedule for studies and desk audits after  
281 considering factors such as changes in duties and responsibilities of positions or agency

282 reorganizations.

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

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

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

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

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

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

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

297 (B) The rules may provide for exceptional performance increases and for a program of  
298 incentive awards for cost-saving suggestions and other commendable acts of employees.

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

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

303 (v) By October 31 of each year, the executive director shall submit market  
304 comparability adjustments to the director of the Governor's Office of Planning and Budget for  
305 consideration to be included as part of the affected agency's base budgets.

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

308 (vii) (A) Adjustments shall incorporate the results of a total compensation market  
309 survey of salary ranges and benefits of a reasonable cross section of comparable benchmark

310 positions in private and public employment in the state.

311 (B) The survey may also study comparable unusual positions requiring recruitment in  
312 other states.

313 (C) The executive director may cooperate with other public and private employers in  
314 conducting the survey.

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

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

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

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

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

328 (ix) The establishing of a salary range is a nondelegable activity and is not appealable  
329 under the grievance procedures of Sections 67-19-30 through 67-19-32, Title 67, Chapter 19a,  
330 Grievance and Appeal Procedures, or otherwise.

331 (x) The governor shall:

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

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

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

337 (xi) If funding is approved by the Legislature in a general appropriations act, the

338 adjustments take effect on the July 1 following the enactment.

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

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

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

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

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

349 (b) The governor shall consider the executive director's proposals in preparing budget  
350 recommendations for the Legislature.

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

353 Section 8. Section **67-19-15** is amended to read:

354 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**  
355 **positions -- Coverage of career service provisions.**

356 (1) Except as otherwise provided by law or by rules and regulations established for  
357 federally aided programs, the following positions are exempt from the career service provisions  
358 of this chapter:

359 (a) the governor, members of the Legislature, and all other elected state officers,  
360 designated as Schedule AA;

361 (b) the agency heads enumerated in Section 67-22-2, and commissioners designated as  
362 Schedule AB;

363 (c) all employees and officers in the office and at the residence of the governor,  
364 designated as Schedule AC;

365 (d) employees who are in a confidential relationship to an agency head or

- 366 commissioner and who report directly to, and are supervised by, a department head,  
367 commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;
- 368 (e) unskilled employees in positions requiring little or no specialized skill or training,  
369 designated as Schedule AE;
- 370 (f) part-time professional noncareer persons who are paid for any form of medical and  
371 other professional service and who are not engaged in the performance of administrative duties,  
372 designated as Schedule AF;
- 373 (g) ~~[attorneys]~~ employees in the ~~[attorney general's office]~~ Office of the Attorney  
374 General who are under their own career service pay plan under Sections 67-5-7 through  
375 67-5-13, designated as Schedule AG;
- 376 (h) teaching staff of all state institutions and patients and inmates employed in state  
377 institutions, designated as Schedule AH;
- 378 (i) persons appointed to a position vacated by an employee who has a right to return  
379 under federal or state law or policy, designated as Schedule AI;
- 380 (j) noncareer employees compensated for their services on a seasonal or contractual  
381 basis who are hired for limited periods of less than nine consecutive months or who are  
382 employed on less than 1/2 time basis, designated as Schedule AJ;
- 383 (k) those employees in a personal and confidential relationship to elected officials,  
384 designated as Schedule AK;
- 385 (l) employees appointed to perform work of a limited duration not exceeding two years  
386 or to perform work with time-limited funding, designated as Schedule AL;
- 387 (m) employees of the Department of Community and Culture whose positions are  
388 designated as executive/professional positions by the executive director of the Department of  
389 Community and Culture with the concurrence of the executive director, and employees of the  
390 Governor's Office of Economic Development whose positions are designated as  
391 executive/professional positions by the director of the office, designated as Schedule AM;
- 392 (n) employees of the Legislature, designated as Schedule AN;
- 393 (o) employees of the judiciary, designated as Schedule AO;

394 (p) all judges in the judiciary, designated as Schedule AP;  
395 (q) members of state and local boards and councils appointed by the governor and  
396 governing bodies of agencies, other local officials serving in an ex officio capacity, officers,  
397 faculty, and other employees of state universities and other state institutions of higher  
398 education, designated as Schedule AQ;

399 (r) employees who make statewide policy, designated as Schedule AR;

400 (s) any other employee whose appointment is required by statute to be career service  
401 exempt, designated as Schedule AS; and

402 (t) employees of the Department of Technology Services, designated as  
403 executive/professional positions by the executive director of the Department of Technology  
404 Services with the concurrence of the executive director, designated as Schedule AT.

405 (2) The civil service shall consist of two schedules as follows:

406 (a) (i) Schedule A is the schedule consisting of positions exempted by Subsection (1).

407 (ii) Removal from any appointive position under Schedule A, unless otherwise  
408 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

409 (b) Schedule B is the competitive career service schedule, consisting of all positions  
410 filled through competitive selection procedures as defined by the executive director.

411 (3) (a) The executive director, after consultation with the heads of concerned executive  
412 branch departments and agencies and with the approval of the governor, shall allocate positions  
413 to the appropriate schedules under this section.

414 (b) Agency heads shall make requests and obtain approval from the executive director  
415 before changing the schedule assignment and tenure rights of any position.

416 (c) Unless the executive director's decision is reversed by the governor, when the  
417 executive director denies an agency's request, the executive director's decision is final.

418 (4) (a) Compensation for employees of the Legislature shall be established by the  
419 directors of the legislative offices in accordance with Section 36-12-7.

420 (b) Compensation for employees of the judiciary shall be established by the state court  
421 administrator in accordance with Section 78-3-24.

422 (c) Compensation for officers, faculty, and other employees of state universities and  
423 institutions of higher education shall be established as provided in Title 53B, Chapters 1,  
424 Governance, Powers, Rights, and Responsibilities, and 2, Institutions of Higher Education.

425 (d) Unless otherwise provided by law, compensation for all other Schedule A  
426 employees shall be established by their appointing authorities, within ranges approved by, and  
427 after consultation with the executive director of the Department of Human Resource  
428 Management.

429 (5) All employees of the Office of State Auditor, the Office of State Treasurer, [~~the~~  
430 ~~Office of the Attorney General, excluding attorneys who are under their own career service~~  
431 ~~system,~~] and employees who are not exempt under this section are covered by the career  
432 service provisions of this chapter.

433 **Section 9. Effective date.**

434 This bill takes effect on July 15, 2007.