

S.B. 78

COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 3

FEBRUARY 11, 2008 9:29 AM

Senator **Wayne L. Niederhauser** proposes the following amendments:

1. *Page 1, Lines 25 through 26*

Senate Committee Amendments

1-31-2008:

25 Other Special Clauses:

26 ~~{None}~~ **This bill coordinates with H.B. 235, County Merit System Amendments, by providing which technical amendments supersede and by substantively and technically merging the amendments contained in H.B. 235 with the amendments contained in this bill.**

2. *Page 4, Line 117*

Senate Committee Amendments

1-31-2008:

117 promulgated under this chapter.

= **Section 3. Coordinating S.B. 78 with H.B. 235 -- Technically superseding amendments -- Substantively and technically merging the amendments.**

If this S.B. 78 and H.B. 235, County Merit System Amendments, both pass, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

(1) the amendments to Section 17-33-1 in this bill supersede the amendments to Section 17-33-1 in H.B. 235; and

(2) merge the amendments in this bill to Section 17-33-8 with the amendments in H.B. 235 so that Section 17-33-8 reads:

= **17-33-8. Career service -- Exempt positions.**

= **(1)** The career service ~~{shall be}~~ **:**

(a) is a permanent service to which this ~~{law shall apply and shall comprise}~~ **chapter applies; and**

(b) comprises all tenured **county** positions in the public service ~~{now existing or hereafter established}~~, except ~~{the following}~~ **:**

= **(i) subject to Subsection (2):**

~~{(1) The}~~ **(A) the** county executive, members of the county legislative body, other elected officials ~~{,}~~ **:** and

(B) each major department ~~{heads}~~ **head** charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting ~~{in the}~~

~~formulation and carrying out of matters of policy; and if it is sought that any position which differs from its present status be exempted or tenured after the effective date of this act, a public hearing on the proposed exemption or tenure shall be held upon due notice and the concurrence of the council.~~ } to formulate and carry out policy matters;

~~{(2) One}~~ } (ii) one confidential secretary for each elected county officer and major department head ~~.~~ if ~~{one}~~ } a confidential secretary is assigned ~~{.}~~ } ;

~~{(3) An}~~ } (iii) an administrative assistant to the county executive, each member of the county legislative body, and ~~{to}~~ } each elected official, if ~~{one}~~ } an administrative assistant is assigned ~~{.}~~ } ;

~~{(4) The}~~ } (iv) each duly appointed chief deputy of any elected county officer who ~~{would take}~~ } takes over and ~~{discharge}~~ } discharges the duties of the elected county officer in the absence or disability of the ~~{originally responsible}~~ } elected county officer ~~{.}~~ } ;

(v) subject to Subsection (3), a person who is:

(A) appointed by an elected county officer to administer division functions in furtherance of the performance of the elected officer's professional duties;

(B) in a confidential relationship with the elected county officer; and

(C) not in a law enforcement rank position of captain or below;

~~{(5) Persons}~~ } (iv) each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees ~~{.}~~ } ;

~~{(6) Noncareer employees}~~ } (vii) each noncareer employee:

(A) compensated for ~~{their}~~ } the employee's services on a seasonal or contractual basis ~~{who are}~~ } ; and

(B) hired on emergency or seasonal appointment basis, as approved by the council ~~{, and}~~ } ; and

(vii) each provisional ~~{employees}~~ } employee, as defined by the county's policies and procedures or its rules and regulations ~~{.}~~ } ;

~~{(7) Part-time employees}~~ } (ix) each part-time employee, as defined by the county's policies and procedures or its rules and regulations ~~{.}~~ } ;

~~{(8) Employees}~~ } (x) each employee appointed to perform:

~~{(a)}~~ } (A) work that does not exceed three years in duration; or

~~{(b)}~~ } (B) work with limited funding ~~{.}~~ } ; and

~~[(9) Positions which by their nature--]~~

(xi) each position that, by its confidential or key policy-determining ~~{or both--}~~ } nature, cannot or should not be appropriately included in the career service. ~~{All positions designated as being exempt under this Subsection shall be listed in the rules}~~ }

(2) Before a position under Subsection (1)(b)(i) may be changed from its current status to exempt or tenured, the career service council shall, after giving due notice, hold a public hearing on the proposed change of status.

(3) (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a nonexempt employee on May 5, 2008 in a position described in that subsection to lose the nonexempt status.

(b) The elected county officer in a supervisory position over an employee described in Subsection (3)(a) shall work with the county's office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.

(4) (a) Rules and regulations promulgated under this ~~{act}~~ chapter shall list by job title and department, office or agency, ~~{and any}~~ each position designated as exempt under Subsection (1)(b)(xi).

(b) A change in exempt status ~~{shall constitute}~~ of a position designated as being exempt under Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under this chapter .