

COUNTY PERSONNEL AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Ross I. Romero

LONG TITLE

General Description:

This bill modifies a provision relating to county personnel rules.

Highlighted Provisions:

This bill:

- ▶ increases from 90 to 270 the number of days that county personnel rules are to provide as the maximum period for temporary, provisional, other noncareer service, and emergency appointments; and
- ▶ eliminates language allowing that period to be extended.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-33-5, as last amended by Laws of Utah 2008, Chapter 25

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:

(A) create an office of personnel management, administered by a director of personnel

30 management; and

31 (B) ensure that the director is a person with proven experience in personnel
32 management.

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

35 (A) a merit position; and

36 (B) filled as provided in Subsection (1)(a)(iii).

37 (iii) Except as provided in Subsection (1)(b), the career service council shall:

38 (A) advertise and recruit for the director position in the same manner as for merit
39 positions;

40 (B) select three names from a register; and

41 (C) submit those names as recommendations to the county legislative body.

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

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

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

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

53 (2) The director of personnel management shall:

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

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

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

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

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

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

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

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

69 (ii) The county legislative body may:

70 (A) recommend personnel rules for the county; and

71 (B) approve, amend, or reject personnel rules before they are adopted.

72 (b) The rules shall provide for:

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

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

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

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

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

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

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

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

102 (ix) temporary, provisional, or other noncareer service appointments, which may not
103 be used as a way of defeating the purpose of the career service and may not exceed [90] 270
104 days~~[- with the period extendable for a period not to exceed an additional 90 days for good~~
105 ~~cause];~~

106 (x) lists of eligible applicants normally to be used, if available, for filling temporary
107 positions, and short term emergency appointments to be made without regard to the other
108 provisions of law to provide for maintenance of essential services in an emergency situation
109 where normal procedures are not practical, these emergency appointments not to exceed [90]
110 270 days~~[- with that period extendable for a period not to exceed an additional 90 days for~~
111 ~~good cause];~~

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

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

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

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

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

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

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

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

141 (xix) establishment of hours of work, holidays, and attendance requirements in various

142 classes of positions in the career service;
143 (xx) establishment and publicizing of fringe benefits such as insurance, retirement,
144 and leave programs; and
145 (xxi) any other requirements not inconsistent with this law that are proper for its
146 enforcement.