

1                   **AMENDMENTS TO PROGRAMS FOR PEOPLE**  
2                                   **WITH DISABILITIES**

3                                   2010 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Steven R. Mascaro**

6                                   Senate Sponsor: Daniel R. Liljenquist

7   Cosponsors:                                   Neil A. Hansen                                   Christine F. Watkins  
8   Laura Black

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10 **LONG TITLE**

11 **General Description:**

12           This bill modifies the Utah State Personnel Management Act by amending provisions  
13 relating to employment programs for people with disabilities.

14 **Highlighted Provisions:**

15           This bill:

16           ▶ provides that the competitive career service schedule includes positions filled  
17 through an on the job examination intended to appoint a qualified person with a  
18 disability;

19           ▶ grants the executive director of the Department of Human Resource Management  
20 rulemaking authority to establish a Department of Human Resource Management  
21 approved on the job examination to appoint a qualified person with a disability;  
22 and

23           ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 67-19-15, as last amended by Laws of Utah 2009, Chapter 294

31 67-19-16, as last amended by Laws of Utah 2006, Chapter 139

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

34 Section 1. Section 67-19-15 is amended to read:

35 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**  
36 **positions -- Coverage of career service provisions.**

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

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

42 (b) appointed executives and board or commission executives enumerated in Section  
43 67-22-2, and commissioners designated as Schedule AB;

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

46 (d) employees who are in a confidential relationship to an agency head or  
47 commissioner and who report directly to, and are supervised by, a department head,  
48 commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;

49 (e) unskilled employees in positions requiring little or no specialized skill or training,  
50 designated as Schedule AE;

51 (f) part-time professional noncareer persons who are paid for any form of medical and  
52 other professional service and who are not engaged in the performance of administrative  
53 duties, designated as Schedule AF;

54 (g) employees in the Office of the Attorney General who are under their own career  
55 service pay plan under Sections 67-5-7 through 67-5-13, designated as Schedule AG;

56 (h) teaching staff of all state institutions, including educators as defined by Section  
57 53A-25b-102 who are employed by the Utah Schools for the Deaf and the Blind, designated as

58 Schedule AH;

59 (i) persons appointed to a position vacated by an employee who has a right to return  
60 under federal or state law or policy, designated as Schedule AI;

61 (j) noncareer employees compensated for their services on a seasonal or contractual  
62 basis who are hired for limited periods of less than nine consecutive months or who are  
63 employed on less than 1/2 time basis, designated as Schedule AJ;

64 (k) those employees in a personal and confidential relationship to elected officials,  
65 designated as Schedule AK;

66 (l) employees appointed to perform work of a limited duration not exceeding two years  
67 or to perform work with time-limited funding, designated as Schedule AL;

68 (m) employees of the Department of Community and Culture whose positions are  
69 designated as executive/professional positions by the executive director of the Department of  
70 Community and Culture with the concurrence of the executive director, and employees of the  
71 Governor's Office of Economic Development whose positions are designated as  
72 executive/professional positions by the director of the office, designated as Schedule AM;

73 (n) employees of the Legislature, designated as Schedule AN;

74 (o) employees of the judiciary, designated as Schedule AO;

75 (p) all judges in the judiciary, designated as Schedule AP;

76 (q) members of state and local boards and councils appointed by the governor and  
77 governing bodies of agencies, other local officials serving in an ex officio capacity, officers,  
78 faculty, and other employees of state universities and other state institutions of higher  
79 education, designated as Schedule AQ;

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

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

83 (t) employees of the Department of Technology Services, designated as  
84 executive/professional positions by the executive director of the Department of Technology  
85 Services with the concurrence of the executive director, designated as Schedule AT; and

86 (u) patients and inmates employed in state institutions, designated as Schedule AU.

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

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

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

91 (b) Schedule B is the competitive career service schedule, consisting of:

92 (i) all positions filled through competitive selection procedures as defined by the  
93 executive director; or

94 (ii) positions filled through a department approved on the job examination intended to  
95 appoint a qualified person with a disability.

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

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

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

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

105 (b) Compensation for employees of the judiciary shall be established by the state court  
106 administrator in accordance with Section 78A-2-107.

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

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

114 (5) All employees of the Office of State Auditor, the Office of State Treasurer, and  
115 employees who are not exempt under this section are covered by the career service provisions  
116 of this chapter.

117 Section 2. Section **67-19-16** is amended to read:

118 **67-19-16. Appointments to Schedule B positions -- Examinations -- Hiring lists --**  
119 **Probationary service -- Dismissal.**

120 (1) Each appointment to a position under Schedule B shall be made from hiring lists  
121 of applicants who have been selected by competitive procedures as defined by the executive  
122 director.

123 (2) The executive director shall publicly announce information regarding career  
124 service positions:

125 (a) for periods of time to be determined by the executive director; and

126 (b) in a manner designed to attract the highest number of qualified applicants.

127 (3) The executive director shall make rules establishing standards for the development,  
128 approval, and implementation of examining [~~instruments~~] processes, including establishing a  
129 department approved on the job examination to appoint a qualified person with a disability.

130 (4) Applicants for employment to Schedule B positions shall be eligible for  
131 appointment based upon rules established by the executive director.

132 (5) (a) The agency head shall make appointments to fill vacancies from hiring lists for  
133 probationary periods as defined by rule.

134 (b) The executive director shall make rules establishing probationary periods.

135 (6) A person serving a probationary period may not use the grievance procedures  
136 provided in this chapter and in Title 67, Chapter 19a, Grievance and Appeal Procedures, and  
137 may be dismissed at any time by the appointing officer without hearing or appeal.

138 (7) Career service status shall be granted upon the successful completion of the  
139 probationary period.