

28 Section 1. Section **10-3-1002** is amended to read:

29 **10-3-1002. Classified civil service -- Places of employment constituting classified**
30 **civil service -- Appointments to and from classified civil service.**

31 (1) The classified civil service shall consist of all places of employment now existing
32 or hereafter created in or under the police department and the fire department of each first or
33 second class city that establishes a civil service commission and the health department in each
34 first class city that establishes a civil service commission, except the head of the departments,
35 deputy chiefs of the police and fire departments, and assistant chiefs of the police department
36 and fire department in cities of the first and second class, and the members of the board of
37 health of the departments.

38 (2) No appointments to any of the places of employment constituting the classified
39 civil service in the departments shall be made except according to law and under the rules and
40 regulations of the civil service commission.

41 (3) The head of each of the departments may, and the deputy chiefs of the police and
42 fire departments and assistant chiefs of the police [~~department~~] and fire departments shall, be
43 appointed from the classified civil service, and upon the expiration of the term or upon the
44 appointment of a successor shall be returned thereto.

45 Section 2. Section **10-3-1105** is amended to read:

46 **10-3-1105. Municipal employees -- Duration and termination of employment --**
47 **Exceptions.**

48 (1) (a) Except as provided in Subsection (1)(b) or (2), each employee of a municipality
49 shall hold employment without limitation of time, being subject to discharge, suspension of
50 over two days without pay, or involuntary transfer to a position with less remuneration only as
51 provided in Section 10-3-1106.

52 (b) Subsection (1)(a) does not apply to an employee who is discharged or involuntarily
53 transferred to a position with less remuneration if the discharge or involuntary transfer is the
54 result of a layoff ~~or~~ reorganization ~~or other non-disciplinary reason~~ .

55 (2) Subsection (1)(a) does not apply to:

56 (a) ~~[an officer]~~ subject to Subsection (3), ~~a person~~ appointed by the mayor, city
56a manager, or other person or body

57 ~~[exercising executive]~~ with the power to appoint in the municipality[;] if:

58 (i) the appointment is made in writing; ~~and~~

- 59 (ii) the person's written job description identifies the person's position as ~~H→~~ **[being an**
60 **at-will position with the municipality] exempt from the protections described in**
60a **Subsection (1)(a) ←H ; H→ and**
60b (iii) **the position is described in an ordinance as exempt from the protections described**
60c **in Subsection (1)(a); ←H**
- 61 (b) a member of the municipality's police department or fire department who is a
62 member of the classified civil service in a first or second class city;
- 63 (c) a person who holds a position described ~~H→~~ **[as follows, or the equivalent, as defined in**
64 **a local ordinance or local personnel policy] in Subsections (2)(c)(i) through (xii) or an equivalent**
64a **position designated in a municipal ordinance or personnel policy ←H :**
- 65 ~~(c)~~ (i) a police chief of the municipality;
- 66 ~~(d)~~ (ii) a deputy or assistant police chief of the municipality;
- 67 ~~(e)~~ (iii) a fire chief of the municipality;
- 68 ~~(f)~~ (iv) a deputy or assistant fire chief of the municipality;
- 69 ~~(g)~~ (v) a head of a municipal department or division;
- 70 ~~(h)~~ (vi) a deputy of a head of a municipal department or division;
- 71 ~~(i)~~ (vii) a superintendent;
- 72 ~~(j)~~ (viii) a probationary employee of the municipality;
- 73 ~~(k)~~ (ix) a part-time employee of the municipality, including paid call
73a **firefighters; H→ [or] ←H**
- 74 ~~(l)~~ (x) a seasonal ~~H→~~ **or temporary ←H** employee of the municipality[-];
- 74a **H→ (xi) a person who works in the office of an elected official; or**
74b **(xii) a secretarial or administrative assistant support position that is specifically**
74c **designated as a position to assist an elected official or the head or deputy head of a municipal**
74d **department; ←H**
- 75 ~~[(3) Nothing in this section or Section 10-3-1106 may be construed to limit a~~
76 ~~municipality's ability to define cause for an employee termination or reduction in force.]~~
- 77 (d) an individual appointed to a position under Part 9, Appointed Officials and Their
78 Duties, including:
- 79 (i) the city engineer;
- 80 (ii) the city recorder;
- 81 (iii) the city treasurer; or
- 82 (iv) the city attorney; or
- 83 (e) an employee who has:
- 84 (i) acknowledged in writing that the employee's employment status is appointed or

85 at-will; or

86 (ii) voluntarily waived the procedures required by Section 10-3-1106.

86a **H→ (3) In addition to the persons described in Subsections (2)(b) through (e), a**
86b **municipality may appoint up to 5% of the municipality's workforce in accordance with**
86c **Subsection (2)(a).**

86d **(4) Nothing in this section or Section 10-3-1106 may be construed to limit a**
86e **municipality's ability to define cause for an employee termination or reduction in force. ←H**

87 Section 3. Section **10-3-1106** is amended to read:

88 **10-3-1106. Discharge, suspension without pay, or involuntary transfer -- Appeals**

89 **-- Board -- Procedure.**