

H.B. 449
PUBLIC EMPLOYEE STATUS MODIFICATIONS

Representative **Brad L. Dee** proposes the following amendments:

1. *Page 2, Line 52 through Page 3, Line 74:*

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) **subject to Subsection (3),** [an officer] a person appointed by the mayor, city 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 {~~being an~~

60 **at-will position with the municipality}** **exempt from the protections described in Subsection**
(1)(a) ; and

(iii) the position is described in an ordinance as exempt from the protections described in
Subsection (1)(a);

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 {~~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**
position designated in a municipal ordinance or personnel policy ;

65 [(~~e~~)] (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 firefighters; {~~or~~}

74 [(~~l~~)] (x) a seasonal **or temporary** employee of the municipality[-];

(xi) a person who works in the office of an elected official; or
(xii) a secretarial or administrative assistant support position that is specifically designated as a
position to assist an elected official or the head or deputy head of a municipal department;

2. Page 3, Line 86:

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

(3) In addition to the persons described in Subsections (2)(b) through (e), a municipality may appoint up to 10% of the municipality's workforce in accordance with Subsection (2)(a).

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

3. Page 6, Line 160:

160 transfer is the result of a layoff {~~;~~} or reorganization {~~;~~ ~~or other non-disciplinary reason~~} .