

H.B. 449

PUBLIC EMPLOYEE STATUS MODIFICATIONS

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

1. *Page 2, Lines 52 through 54:*

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} .

2. *Page 2, Line 55 through Page 3, Line 74:*

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

56 (a) ~~[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 ~~(i)~~ (i) a police chief of the municipality;

66 ~~(ii)~~ (ii) a deputy or assistant police chief of the municipality;

67 ~~(iii)~~ (iii) a fire chief of the municipality;

68 ~~(iv)~~ (iv) a deputy or assistant fire chief of the municipality;

69 ~~(v)~~ (v) a head of a municipal department or division;

70 ~~(vi)~~ (vi) a deputy of a head of a municipal department or division;

71 ~~(vii)~~ (vii) a superintendent;

72 ~~(viii)~~ (viii) a probationary employee of the municipality;

73 ~~(ix)~~ (ix) a part-time employee of the municipality, including paid call firefighters; {~~or~~}

74 ~~(x)~~ (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;

3. Page 3, Line 86:

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

(3) The portion of a municipal workforce that may be exempt from the protections described in Subsection (1)(a):

(a) may not exceed the greater of:

(i) 10% of the municipality's workforce; or

(ii) the sum of persons described in Subsections (2)(a) through (d); and

(b) may include a person described in Subsection (2)(e).

(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.

4. Page 6, Line 160:

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