

# H.B. 449

## PUBLIC EMPLOYEE STATUS MODIFICATIONS

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 5, 2012 2:22 PM

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

1. *Page 2, Line 52 through Page 3, Line 86:*

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 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 [~~(f)~~] (ii) a deputy or assistant police chief of the municipality;

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

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

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

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

71 [~~(k)~~] (vii) a superintendent;

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

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

74 [~~(n)~~] (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;**

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.

**(3) In addition to the persons described in Subsections (2)(b) through (e), a municipality may appoint up to 5% 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.**