

Representative Michael E. Noel proposes the following substitute bill:

ATTORNEY GENERAL EMPLOYMENT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the Attorney General Career Service Act.

Highlighted Provisions:

This bill:

► provides that an individual hired as an attorney in the Office of the Attorney General on or after May 10, 2016, is exempt from the career service system;

► addresses the circumstances under which the attorney general may promote,

~~H→~~ [transfer] reassign ~~←H~~, or increase the ~~H→~~ [pay] salary ~~←H~~ of an individual who is employed by the Office of the

Attorney General as an attorney; and

► makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-5-8, as last amended by Laws of Utah 2012, Chapter 101

67-5-9, as last amended by Laws of Utah 2007, Chapter 166



57 (d) The attorney general shall notify the employee in writing of that decision and place
58 a copy of the notification in the employee's personnel file.

59 (e) An employee terminated under this section has no appeal rights under this chapter.

60 (4) (a) An individual who is hired by the Office of the Attorney General as an attorney
61 on or after May 10, 2016:

62 (i) is exempt from the career service system of the Office of the Attorney General
63 established under this chapter; and

64 (ii) may not be in a career service status.

65 (b) An employee of the Office of the Attorney General who is in a career service status
66 may voluntarily elect to be removed from a career service status and exempt from the career
67 service system of the Office of the Attorney General established under this chapter.

68 (5) On or after May 10, 2016, the attorney general may promote, ~~H→~~ [transfer]
68a reassign ~~←H~~, or increase
69 the ~~H→~~ [pay] salary ~~←H~~ of an individual employed by the Office of the Attorney General
69a as an attorney only if
70 the individual:

71 (a) is exempt from the career service system of the Office of the Attorney General
72 established under this chapter; or

73 (b) voluntarily elects to be removed from a career service status and exempt from the
74 career service system of the Office of the Attorney General established under this chapter.

75 Section 2. Section **67-5-9** is amended to read:

76 **67-5-9. Reassignment of career status employees -- Additional compensation for**
77 **managerial assignments -- Employment of special assistant attorneys general --**
78 **Termination of employees -- Salary increases.**

79 (1) This chapter does not affect the authority of the attorney general to:

80 [(1)] (a) subject to Subsection (2), assign and reassign employees in a career status to
81 different positions on [his] the attorney general's staff[. The salary of an employee reassigned
82 to a different position shall not be decreased by reason of reassignment, except that if the
83 employee reassigned occupies the position of chief deputy attorney general, the salary may be
84 reduced by not more than 15% upon the assignment to a different position];

85 [(2)] (b) subject to Subsection (3), develop a plan for additional compensation for
86 career status employees who accept managerial assignments within the office[. The provisions
87 of Subsection (1) notwithstanding, the attorney general may discontinue any additional

88 compensation if the employee no longer holds a managerial assignment. Additional
 89 compensation provided under this section shall be determined by the attorney general pursuant
 90 to the plan developed by the Office of the Attorney General. If the employee no longer holds a
 91 managerial assignment, and the attorney general decides to discontinue any additional
 92 compensation, the reduction may not place the employee at a salary below where the employee
 93 would be through normal salary increases if the employee had not been in a managerial
 94 position];

95 ~~[(3)]~~ (c) employ special assistant attorneys general, who shall not be subject to this
 96 chapter, to represent the state in particular lawsuits or to handle particular legal matters for the
 97 state;

98 ~~[(4)]~~ (d) terminate the employment of any employee of the Office of the Attorney
 99 General who is not in a career service status; or

100 ~~[(5)]~~ (e) **H→ except as provided in Subsection 67-5-8(5), ←H** establish the salary or
 100a determine salary increases of any employee under this
 101 chapter.

102 (2) (a) If the attorney general assigns or reassigns an employee in a career status to a
 103 different position, the attorney general may not decrease the employee's salary as a result of the
 104 assignment or reassignment.

105 (b) Notwithstanding Subsection (2)(a) and subject to Subsection (2)(c), the attorney
 106 general may decrease the salary of an employee in a career status if:

107 (i) the employee is reassigned from a managerial assignment to a non-managerial
 108 assignment;

109 (ii) the decrease in salary relates only to the reassignment described in Subsection
 110 (2)(b)(i); and

111 (iii) after any decrease, the employee's salary is equal to or greater than what the
 112 employee's salary would have been, based on normal salary increases, had the employee never
 113 been in the managerial position.

114 **H→** ~~[(c) If the attorney general reassigns an employee in a career status from the position of~~
 115 ~~chief deputy attorney general, the attorney general may not decrease the employee's salary by~~
 116 ~~more than 15%.] ←H~~

117 (3) The attorney general shall, in accordance with the plan described in Subsection
 118 (1)(b), determine any additional compensation for a managerial assignment.