

EMPLOYMENT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill expands nepotism provisions of Title 52, Chapter 3, Prohibiting Employment of Relatives, to include a household member.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ expands nepotism provisions of Title 52, Chapter 3, Prohibiting Employment of Relatives, to include a household member; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-3-1, as last amended by Laws of Utah 2015, Chapter 56

52-3-2, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **52-3-1** is amended to read:

52-3-1. Employment of relatives and household members prohibited --

Exceptions.

30 (1) ~~[For purposes of this section]~~ As used in this chapter:

31 (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid
32 from public funds.

33 (b) "Chief administrative officer" means the person who has ultimate responsibility for
34 the operation of the department or agency of the state or a political subdivision.

35 (c) "Household member" means a person who resides in the same residence as the
36 public officer.

37 ~~[(c)]~~ (d) "Public officer" means a person who holds a position that is compensated by
38 public funds.

39 ~~[(d)]~~ (e) "Relative" means a father, mother, husband, wife, son, daughter, sister,
40 brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first
41 cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or
42 daughter-in-law.

43 (2) (a) ~~[No]~~ A public officer may not employ, appoint, or vote for or recommend the
44 appointment of ~~[a relative in or to any position or employment, when the salary, wages, pay, or~~
45 ~~compensation of the appointee will be paid from public funds and]~~ an appointee when the
46 appointee will be directly supervised by a relative~~[, except as follows]~~ or household member,
47 unless:

48 (i) the appointee is eligible or qualified to be employed by a department or agency of
49 the state or a political subdivision of the state as a result of ~~[his]~~ the appointee's compliance
50 with civil service ~~[laws or regulations,]~~ or merit system laws or regulations;

51 (ii) the appointee will be compensated from funds designated for vocational training;

52 (iii) the appointee will be employed for a period of 12 weeks or less;

53 (iv) the appointee is a volunteer as defined by the employing entity; or

54 (v) the chief administrative officer determines that the appointee is the only or best
55 person available, qualified, or eligible for the position.

56 (b) ~~[No]~~ A public officer may not directly supervise an appointee who is a relative
57 ~~[when the salary, wages, pay, or compensation of the relative will be paid from public funds,~~

58 ~~except as follows]~~ or household member of the public officer, unless:

59 (i) the ~~[relative]~~ appointee was appointed or employed before the public officer
60 assumed ~~[his]~~ the public officer's supervisory position, if the ~~[relative's]~~ appointee's
61 appointment did not violate the provisions of this chapter in effect at the time of [his] the
62 appointee's appointment;

63 (ii) the appointee is eligible or qualified to be employed by a department or agency of
64 the state or a political subdivision of the state as a result of ~~[his]~~ the appointee's compliance
65 with civil service ~~[laws or regulations,]~~ or merit system laws or regulations;

66 (iii) the appointee will be compensated from funds designated for vocational training;

67 (iv) the appointee will be employed for a period of 12 weeks or less;

68 (v) the appointee is a volunteer as defined by the employing entity;

69 (vi) the appointee is the only person available, qualified, or eligible for the position; or

70 (vii) the chief administrative officer determines that the public officer is the only
71 ~~[person]~~ individual available or best qualified to perform supervisory functions for the
72 appointee.

73 (c) When a public officer supervises a relative or household member under Subsection
74 (2)(b):

75 (i) the public officer shall ~~[make]~~ immediately submit a complete written disclosure of
76 the ~~[relationship to the chief administrative officer of the agency or institution; and]~~ public
77 officer's relationship with the relative or household member:

78 (A) for a public officer subject to the requirements of Title 67, Chapter 16, Utah Public
79 Officers' and Employees' Ethics Act, in the same manner the public officer is required to make
80 a disclosure under Section [67-16-7](#);

81 (B) for a public officer subject to the requirements of Title 17, Chapter 16a, County
82 Officers and Employees Disclosure Act, in the same manner the public officer is required to
83 make a disclosure under Section [17-16a-6](#); and

84 (C) for a public officer subject to the requirements of Title 10, Chapter 3, Part 13,
85 Municipal Officers' and Employees' Ethics Act, in the same manner the public officer is

86 required to make a disclosure under Section 10-3-1306; and

87 (ii) the public officer [~~who exercises authority over a relative~~] may not evaluate the
88 [~~relative's~~] job performance of or recommend salary increases for the relative or household
89 member.

90 (d) A disclosure submitted under this Subsection (2) is public, and the person or entity
91 with which the public officer files the disclosure shall make the disclosure available for public
92 inspection.

93 (3) [~~No~~] An appointee may not accept or retain employment if [he is paid from public
94 funds, and he is] accepting or retaining employment will place the appointee under the direct
95 supervision of a relative[~~, except as follows~~] or household member unless:

96 (a) the relative or household member was appointed or employed before the [~~public~~
97 ~~officer assumed his~~] appointee assumed the appointee's position, if the [relative's] appointment
98 of the relative or household member did not violate the provisions of this chapter in effect at
99 the time of [his] the appointment;

100 (b) the appointee was or is eligible or qualified to be employed by a department or
101 agency of the state or a political subdivision of the state as a result of [~~his~~] the appointee's
102 compliance with civil service [~~laws or regulations,~~] or merit system laws or regulations;

103 (c) the appointee is the only person available, qualified, or eligible for the position;

104 (d) the appointee is compensated from funds designated for vocational training;

105 (e) the appointee is employed for a period of 12 weeks or less;

106 (f) the appointee is a volunteer as defined by the employing entity; or

107 (g) the chief administrative officer [~~has determined~~] determines that the appointee's
108 relative or household member is the only [~~person~~] individual available or qualified to supervise
109 the appointee.

110 Section 2. Section 52-3-2 is amended to read:

111 **52-3-2. Each day of violation a separate offense.**

112 Each day [~~any such person, father, mother, husband, wife, son, daughter, sister, brother,~~
113 ~~uncle, aunt, nephew, niece, first cousins, mother-in-law, father-in-law, brother-in-law,~~

114 ~~sister-in-law, son-in-law or daughter-in-law, is retained in office by any of said officials shall~~
115 ~~be regarded as]~~ a relative or household member remains unlawfully in office in violation of this
116 chapter is a separate offense.