

**CAREER SERVICE REVIEW OFFICE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaVar Christensen**

Senate Sponsor: Brian Zehnder

**LONG TITLE**

**General Description:**

This bill repeals a requirement that the Career Service Review Office employ a court reporter to make a transcript of a grievance procedure hearing.

**Highlighted Provisions:**

This bill:

- ▶ repeals a requirement that the administrator of the Career Service Review Office employ a court reporter to make a transcript of a grievance procedure hearing; and
- ▶ requires the administrator of the Career Service Review Office to record a grievance procedure hearing.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**67-19a-406**, as last amended by Laws of Utah 2013, Chapter 109

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

Section 1. Section **67-19a-406** is amended to read:

**67-19a-406. Procedural steps to be followed by aggrieved employee -- Hearing before hearing officer -- Evidentiary and procedural rules.**

(1) (a) The administrator shall [~~employ a certified court reporter to~~] record the hearing

30 and ~~[prepare an official transcript of the hearing]~~ preserve the record.

31 (b) The ~~[official transcript]~~ recording of the proceedings and all exhibits, briefs,  
32 motions, and pleadings received by the hearing officer are the official record of the proceeding.

33 (2) (a) The agency has the burden of proof in all grievances.

34 (b) The agency must prove the agency's case by substantial evidence.

35 (3) (a) The hearing officer shall issue a written decision within 20 working days after  
36 the hearing is adjourned.

37 (b) If the hearing officer does not issue a decision within 20 working days, the agency  
38 that is a party to the grievance is not liable for any claimed back wages or benefits after the date  
39 the decision is due.

40 (4) The hearing officer may:

41 (a) not award attorney fees or costs to either party;

42 (b) close a hearing by complying with the procedures and requirements of Title 52,  
43 Chapter 4, Open and Public Meetings Act;

44 (c) seal the file and the evidence produced at the hearing if the evidence raises  
45 questions about an employee's character, professional competence, or physical or mental  
46 health;

47 (d) grant continuances according to rule; and

48 (e) decide a motion, an issue regarding discovery, or another issue in accordance with  
49 this chapter.

50 (5) (a) A hearing officer shall affirm, rescind, or modify agency action.

51 (b) (i) If a hearing officer does not affirm agency action, the hearing officer shall order  
52 back pay and back benefits that the grievant would have received without the agency action.

53 (ii) An order under Subsection (5)(b)(i) shall include:

54 (A) reimbursement to the grievant for premiums that the grievant paid for benefits  
55 allowed under the Consolidated Omnibus Reconciliation Act of 1985; and

56 (B) an offset for any state paid benefits the grievant receives because of the agency  
57 action, including unemployment compensation benefits.

58           (c) In an order under Subsection (5)(b)(i), a hearing officer may not reduce the amount  
59 of back pay and benefits awarded a grievant because of income that the grievant earns during  
60 the grievance process.