

Senator Karen Mayne proposes the following substitute bill:

HUMAN RESOURCE REQUIREMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill requires certain local entities to address human resource management.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires charter schools and local districts to:
 - establish human resource management policies; and
 - ensure that at least one of the school's or district's employees or another person is assigned human resource management duties and receives human resource management training;
- ▶ modifies a provision requiring the executive director of the Department of Human Resource Management to provide certain entities with human resource management advice and training recommendations; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53G-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3

29 **53G-5-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3

30 **67-19-6**, as last amended by Laws of Utah 2015, Chapter 175

31 ENACTS:

32 **17B-1-805**, Utah Code Annotated 1953

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

35 Section 1. Section **17B-1-805** is enacted to read:

36 **17B-1-805. Human resource management requirement.**

37 (1) As used in this section:

38 (a) "Governing body" means the same as that term is defined in Section [17B-1-201](#).

39 (b) "Human resource management duties" means the exercise of human resource
40 management functions and responsibilities, including:

41 (i) complying with federal and state employment law;

42 (ii) administering compensation and benefits; and

43 (iii) ensuring employee safety.

44 (c) "Human resource management training" means a program designed to instruct an
45 individual on the performance of human resource management duties.

46 (2) If a local district has full or part-time employees, the governing body shall:

47 (a) adopt human resource management policies;

48 (b) assign human resource management duties to one of the district's employees or
49 another person; and

50 (c) ensure that the employee or person assigned under Subsection (2)(b) receives
51 human resource management training.

52 Section 2. Section **53G-5-302** is amended to read:

53 **53G-5-302. Charter school application -- Applicants -- Contents.**

54 (1) (a) An application to establish a charter school may be submitted by:

55 (i) an individual;

56 (ii) a group of individuals; or

- 57 (iii) a nonprofit legal entity organized under Utah law.
- 58 (b) An authorized charter school may apply under this chapter for a charter from
- 59 another charter school authorizer.
- 60 (2) A charter school application shall include:
- 61 (a) the purpose and mission of the school;
- 62 (b) except for a charter school authorized by a local school board, a statement that,
- 63 after entering into a charter agreement, the charter school will be organized and managed under
- 64 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;
- 65 (c) a description of the governance structure of the school, including:
- 66 (i) a list of the governing board members that describes the qualifications of each
- 67 member; and
- 68 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
- 69 authorizer with the results of a background check for each member;
- 70 (d) a description of the target population of the school that includes:
- 71 (i) the projected maximum number of students the school proposes to enroll;
- 72 (ii) the projected school enrollment for each of the first three years of school operation;
- 73 and
- 74 (iii) the ages or grade levels the school proposes to serve;
- 75 (e) academic goals;
- 76 (f) qualifications and policies for school employees, including policies that:
- 77 (i) comply with the criminal background check requirements described in Section
- 78 [53G-5-408](#);
- 79 (ii) require employee evaluations; ~~and~~
- 80 (iii) address employment of relatives within the charter school; and
- 81 (iv) address human resource management and ensure that:
- 82 (A) at least one of the school's employees or another person is assigned human
- 83 resource management duties, as defined in Section [17B-1-805](#); and
- 84 (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives
- 85 human resource management training, as defined in Section [17B-1-805](#);
- 86 (g) a description of how the charter school will provide, as required by state and federal
- 87 law, special education and related services;

- 88 (h) for a public school converting to charter status, arrangements for:
89 (i) students who choose not to continue attending the charter school; and
90 (ii) teachers who choose not to continue teaching at the charter school;
91 (i) a statement that describes the charter school's plan for establishing the charter
92 school's facilities, including:
93 (i) whether the charter school intends to lease or purchase the charter school's facilities;
94 and
95 (ii) financing arrangements;
96 (j) a market analysis of the community the school plans to serve;
97 (k) a capital facility plan;
98 (l) a business plan;
99 (m) other major issues involving the establishment and operation of the charter school;
100 and
101 (n) the signatures of the governing board members of the charter school.
102 (3) A charter school authorizer may require a charter school application to include:
103 (a) the charter school's proposed:
104 (i) curriculum;
105 (ii) instructional program; or
106 (iii) delivery methods;
107 (b) a method for assessing whether students are reaching academic goals, including, at
108 a minimum, administering the statewide assessments described in Section [53E-4-301](#);
109 (c) a proposed calendar;
110 (d) sample policies;
111 (e) a description of opportunities for parental involvement;
112 (f) a description of the school's administrative, supervisory, or other proposed services
113 that may be obtained through service providers; or
114 (g) other information that demonstrates an applicant's ability to establish and operate a
115 charter school.
116 Section 3. Section **53G-5-407** is amended to read:
117 **53G-5-407. Employees of charter schools.**
118 (1) A charter school shall select its own employees.

119 (2) The school's governing board shall determine the level of compensation and all
120 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)
121 and under this chapter and other related provisions.

122 (3) The following statutes governing public employees and officers do not apply to a
123 charter school:

124 (a) Chapter 11, Part 5, School District and USDB Employee Requirements; and

125 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

126 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter
127 school, under rules adopted by the State Board of Education, shall employ teachers who:

128 (i) are licensed; or

129 (ii) on the basis of demonstrated competency, would qualify to teach under alternative
130 certification or authorization programs.

131 (b) The school's governing board shall disclose the qualifications of its teachers to the
132 parents of its students.

133 (5) State Board of Education rules governing the licensing or certification of
134 administrative and supervisory personnel do not apply to charter schools.

135 (6) (a) An employee of a school district may request a leave of absence in order to
136 work in a charter school upon approval of the local school board.

137 (b) While on leave, the employee may retain seniority accrued in the school district and
138 may continue to be covered by the benefit program of the district if the charter school and the
139 locally elected school board mutually agree.

140 (7) (a) A proposed or authorized charter school may elect to participate as an employer
141 for retirement programs under:

142 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

143 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

144 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

145 (b) An election under this Subsection (7):

146 (i) shall be documented by a resolution adopted by the governing board of the charter
147 school; and

148 (ii) applies to the charter school as the employer and to all employees of the charter
149 school.

150 (c) The governing board of a charter school may offer employee benefit plans for its
151 employees:

152 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

153 or

154 (ii) under any other program.

155 (8) A charter school may not revoke an election to participate made under Subsection
156 (7).

157 (9) The governing board of a charter school shall ensure that, prior to the beginning of
158 each school year[-];

159 (a) each of [~~its~~] the charter school's employees signs a document acknowledging that
160 the employee:

161 [~~(a)~~] (i) has received:

162 [~~(i)~~] (A) the disclosure required under Section 63A-4-204.5 if the charter school
163 participates in the Risk Management Fund; or

164 [~~(ii)~~] (B) written disclosure similar to the disclosure required under Section
165 63A-4-204.5 if the charter school does not participate in the Risk Management Fund; and

166 [~~(b)~~] (ii) understands the legal liability protection provided to the employee and what is
167 not covered, as explained in the disclosure[-]; and

168 (b) (i) at least one of the charter school's employees or another person is assigned
169 human resource management duties, as defined in Section 17B-1-805; and

170 (ii) the assigned employee or person described in Subsection (9)(b)(i) receives human
171 resource management training, as defined in Section 17B-1-805.

172 Section 4. Section 67-19-6 is amended to read:

173 **67-19-6. Responsibilities of the executive director.**

174 (1) The executive director shall:

175 (a) develop, implement, and administer a statewide program of human resource
176 management that will:

177 (i) aid in the efficient execution of public policy;

178 (ii) foster careers in public service for qualified employees; and

179 (iii) render assistance to state agencies in performing their missions;

180 (b) design and administer the state pay plan;

- 181 (c) design and administer the state classification system and procedures for determining
182 schedule assignments;
- 183 (d) design and administer the state recruitment and selection system;
- 184 (e) administer agency human resource practices and ensure compliance with federal
185 law, state law, and state human resource rules, including equal employment opportunity;
- 186 (f) consult with agencies on decisions concerning employee corrective action and
187 discipline;
- 188 (g) maintain central personnel records;
- 189 (h) perform those functions necessary to implement this chapter unless otherwise
190 assigned or prohibited;
- 191 (i) perform duties assigned by the governor or statute;
- 192 (j) adopt rules for human resource management according to the procedures of Title
193 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 194 (k) establish and maintain a management information system that will furnish the
195 governor, the Legislature, and agencies with current information on authorized positions,
196 payroll, and related matters concerning state human resources;
- 197 (l) conduct research and planning activities to:
 - 198 (i) determine and prepare for future state human resource needs;
 - 199 (ii) develop methods for improving public human resource management; and
 - 200 (iii) propose needed policy changes to the governor;
- 201 (m) study the character, causes, and extent of discrimination in state employment and
202 develop plans for its elimination through programs consistent with federal and state laws
203 governing equal employment opportunity in employment;
- 204 (n) when requested by charter schools or counties, municipalities, and other political
205 subdivisions of the state, provide technical service [~~and~~], training recommendations, or advice
206 on human resource management at a charge determined by the executive director;
- 207 (o) establish compensation policies and procedures for early voluntary retirement;
- 208 (p) confer with the heads of other agencies about human resource policies and
209 procedures;
- 210 (q) submit an annual report to the governor and the Legislature; and
- 211 (r) assist with the development of a vacant position report required under Subsection

212 63J-1-201(2)(b)(vi).

213 (2) (a) After consultation with the governor and the heads of other agencies, the
214 executive director shall establish and coordinate statewide training programs, including and
215 subject to available funding, the development of manager and supervisor training.

216 (b) The programs developed under this Subsection (2) shall have application to more
217 than one agency.

218 (c) The department may not establish training programs that train employees to
219 perform highly specialized or technical jobs and tasks.

220 (3) (a) (i) The department may collect fees for training as authorized by this Subsection
221 (3).

222 (ii) Training funded from General Fund appropriations shall be treated as a separate
223 program within the department budget.

224 (iii) All money received from fees under this section will be accounted for by the
225 department as a separate user driven training program.

226 (iv) The user training program includes the costs of developing, procuring, and
227 presenting training and development programs, and other associated costs for these programs.

228 (b) (i) Funds remaining at the end of the fiscal year in the user training program are
229 nonlapsing.

230 (ii) Each year, as part of the appropriations process, the Legislature shall review the
231 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require
232 the department to lapse a portion of the funds.