

**Representative Norman K. Thurston** proposes the following substitute bill:

**COMPETENCY-BASED HIRING AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

Senate Sponsor: Daniel W. Thatcher

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to hiring principles for certain state government employees.

**Highlighted Provisions:**

This bill:

- ▶ precludes the Department of Human Resource Management from requiring a minimum educational requirement for employment, except where educational qualifications are legally required to perform the duties of the position;
- ▶ requires the Department of Human Resource Management to:
  - consider comparable experience or ability as equal to education when determining a candidate's satisfaction of minimum qualifications, with specific exceptions;
  - ensure that job descriptions and job postings are based on the skills and competencies required to perform each job; and
  - create supporting materials that may be used by a political subdivision that chooses to implement competency-based hiring principles; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **67-19-3.1**, as last amended by Laws of Utah 2010, Chapter 249



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

34 Section 1. Section **67-19-3.1** is amended to read:

35 **67-19-3.1. Principles guiding interpretation of chapter and adoption of rules --**

36 **Merit principles.**

37 (1) The department shall establish a career service system designed in a manner that  
38 will provide for the effective implementation of the following merit principles:

39 (a) recruiting, selecting, and advancing employees on the basis of their relative ability,  
40 knowledge, and skills, including open consideration of qualified applicants for initial  
41 appointment;

42 (b) providing for equitable and competitive compensation;

43 (c) training employees as needed to assure high-quality performance;

44 (d) retaining employees on the basis of the adequacy of their performance and  
45 separating employees whose inadequate performance cannot be corrected;

46 (e) fair treatment of applicants and employees in all aspects of human resource  
47 administration without regard to race, color, religion, sex, national origin, political affiliation,  
48 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

49 (f) providing information to employees regarding their political rights and the  
50 prohibited practices under the Hatch Act; and

51 (g) providing a formal procedure for advancing grievances of employees:

52 (i) without discrimination, coercion, restraint, or reprisal; and

53 (ii) in a manner that is fair, expeditious, and inexpensive for the employee and the  
54 agency.

55 (2) The career service system described in Subsection (1) may not prescribe a  
56 minimum educational requirement for employment, except when a minimum educational

57 qualification is legally required to perform the duties of the position.

58 (3) As part of the career service system described in Subsection (1), the department  
59 shall:

60 (a) consider comparable experience or ability as equal to education in determining a  
61 candidate's satisfaction of minimum qualifications, except when a minimum educational  
62 qualification is legally required to perform the duties of the position; and

63 (b) ensure that position descriptions and job postings published by agencies for career  
64 service positions are based on the specific skills and competencies required to perform those  
65 jobs.

66 (4) Within existing resources, the department shall create supporting materials that may  
67 be used by a political subdivision that chooses to implement competency-based hiring  
68 principles that are the same as or similar to those principles described in Subsections (2) and

69 (3).

70 ~~[(2)]~~ (5) The principles in [Subsection] Subsections (1) through (3) shall govern  
71 interpretation and implementation of this chapter.