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STATE EMPLOYMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the Utah State Personnel Management Act.

Highlighted Provisions:

This bill:

- ▶ provides that a state employee hired in a supervisor position on or after May 5, 2021, is exempt from the career service system;
- ▶ allows a state employee in a supervisor position who holds career service status on May 5, 2021, to retain the employee's career service status under certain circumstances; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 67-19-15**, as last amended by Laws of Utah 2020, Chapter 360
- 67-19-15.6**, as last amended by Laws of Utah 2020, Chapter 109
- 67-19-15.7**, as last amended by Laws of Utah 2017, Chapter 463



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

29 Section 1. Section **67-19-15** is amended to read:

30 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**
31 **positions -- Coverage of career service provisions.**

32 (1) Except as otherwise provided by law or by rules and regulations established for
33 federally aided programs, the following positions are exempt from the career service provisions
34 of this chapter and are designated under the following schedules:

35 (a) schedule AA includes the governor, members of the Legislature, and all other
36 elected state officers;

37 (b) schedule AB includes appointed executives and board or commission executives
38 enumerated in Section [67-22-2](#);

39 (c) schedule AC includes all employees and officers in:

40 (i) the office and at the residence of the governor;

41 (ii) the Public Lands Policy Coordinating Council;

42 (iii) the Office of the State Auditor; and

43 (iv) the Office of the State Treasurer;

44 (d) schedule AD includes employees who:

45 (i) are in a confidential relationship to an agency head or commissioner; and

46 (ii) report directly to, and are supervised by, a department head, commissioner, or
47 deputy director of an agency or its equivalent;

48 (e) schedule AE includes each employee of the State Board of Education that the State
49 Board of Education designates as exempt from the career service provisions of this chapter;

50 (f) schedule AG includes employees in the Office of the Attorney General who are
51 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);

52 (g) schedule AH includes:

53 (i) teaching staff of all state institutions; and

54 (ii) employees of the Utah Schools for the Deaf and the Blind who are:

55 (A) educational interpreters as classified by the department; or

56 (B) educators as defined by Section [53E-8-102](#);

57 (h) schedule AN includes employees of the Legislature;

58 (i) schedule AO includes employees of the judiciary;

- 59 (j) schedule AP includes all judges in the judiciary;
- 60 (k) schedule AQ includes:
 - 61 (i) members of state and local boards and councils appointed by the governor and
 - 62 governing bodies of agencies;
 - 63 (ii) a water commissioner appointed under Section 73-5-1;
 - 64 (iii) other local officials serving in an ex officio capacity; and
 - 65 (iv) officers, faculty, and other employees of state universities and other state
 - 66 institutions of higher education;
- 67 (l) schedule AR includes employees in positions that involve responsibility:
 - 68 (i) for determining policy;
 - 69 (ii) for determining the way in which a policy is carried out; or
 - 70 (iii) of a type not appropriate for career service, as determined by the agency head with
 - 71 the concurrence of the executive director;
- 72 (m) schedule AS includes any other employee:
 - 73 (i) whose appointment is required by statute to be career service exempt;
 - 74 (ii) whose agency is not subject to this chapter; or
 - 75 (iii) whose agency has authority to make rules regarding the performance,
 - 76 compensation, and bonuses for its employees;
- 77 (n) schedule AT includes employees of the Department of Technology Services,
- 78 designated as executive/professional positions by the executive director of the Department of
- 79 Technology Services with the concurrence of the executive director;
- 80 (o) schedule AU includes patients and inmates employed in state institutions;
- 81 (p) employees of the Department of Workforce Services, designated as schedule AW:
 - 82 (i) who are temporary employees that are federally funded and are required to work
 - 83 under federally qualified merit principles as certified by the director; or
 - 84 (ii) for whom substantially all of their work is repetitive, measurable, or transaction
 - 85 based, and who voluntarily apply for and are accepted by the Department of Workforce
 - 86 Services to work in a pay for performance program designed by the Department of Workforce
 - 87 Services with the concurrence of the executive director; [~~and~~]
 - 88 (q) schedule AX includes employees in positions that require the supervision of one or
 - 89 more other employees; and

90 ~~[(q)]~~ (r) for employees in positions that are temporary, seasonal, time limited, funding
91 limited, or variable hour in nature, under schedule codes and parameters established by the
92 department by administrative rule.

93 (2) The civil service shall consist of two schedules as follows:

94 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

95 (ii) Removal from any appointive position under schedule A, unless otherwise
96 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

97 (b) Schedule B is the competitive career service schedule, consisting of:

98 (i) all positions filled through competitive selection procedures as defined by the
99 executive director; or

100 (ii) positions filled through a department approved on-the-job examination intended to
101 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter
102 10, Veterans Preference.

103 (3) (a) The executive director, after consultation with the heads of concerned executive
104 branch departments and agencies and with the approval of the governor, shall allocate positions
105 to the appropriate schedules under this section.

106 (b) Agency heads shall make requests and obtain approval from the executive director
107 before changing the schedule assignment and tenure rights of any position.

108 (c) Unless the executive director's decision is reversed by the governor, when the
109 executive director denies an agency's request, the executive director's decision is final.

110 (4) (a) Compensation for employees of the Legislature shall be established by the
111 directors of the legislative offices in accordance with Section [36-12-7](#).

112 (b) Compensation for employees of the judiciary shall be established by the state court
113 administrator in accordance with Section [78A-2-107](#).

114 (c) Compensation for officers, faculty, and other employees of state universities and
115 institutions of higher education shall be established as provided in Title 53B, Chapter 1,
116 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of
117 Higher Education.

118 (d) Unless otherwise provided by law, compensation for all other schedule A
119 employees shall be established by their appointing authorities, within ranges approved by, and
120 after consultation with the executive director of the Department of Human Resource

121 Management.

122 (5) An employee who is in a position designated schedule AC and who holds career
123 service status on June 30, 2010, shall retain the career service status if the employee:

124 (a) remains in the position that the employee is in on June 30, 2010; and

125 (b) does not elect to convert to career service exempt status in accordance with a rule
126 made by the department.

127 (6) An employee who is in a position designated schedule AX and who holds career
128 service status on May 5, 2021, shall retain the career service status if the employee:

129 (a) remains in the position that the employee is in on May 5, 2021; and

130 (b) does not elect to convert to career service exempt status in accordance with a rule
131 made by the department.

132 Section 2. Section **67-19-15.6** is amended to read:

133 **67-19-15.6. Longevity salary increases.**

134 (1) Except for those employees in schedules AB and AN, as provided under Section
135 **67-19-15**, and employees described in Subsection **67-19-15(1)(~~r~~)(r)**, an employee shall
136 receive an increase in salary of 2.75% if that employee:

137 (a) holds a position under schedule A or B as provided under Section **67-19-15**;

138 (b) has reached the maximum of the salary range in the position classification;

139 (c) has been employed with the state for eight years; and

140 (d) is rated eligible in job performance under guidelines established by the executive
141 director.

142 (2) Any employee who meets the criteria under Subsection (1) is entitled to the same
143 increase in salary for each additional three years of employment if the employee maintains the
144 eligibility standards established by the department.

145 Section 3. Section **67-19-15.7** is amended to read:

146 **67-19-15.7. Promotion -- Reclassification -- Market adjustment.**

147 (1) (a) If an employee is promoted or the employee's position is reclassified to a higher
148 salary range maximum, the agency shall place the employee within the new range of the
149 position.

150 (b) An agency may not set an employee's salary:

151 (i) higher than the maximum in the new salary range; and

152 (ii) lower than the minimum in the new salary range of the position.

153 (c) Except for an employee described in Subsection 67-19-15(1)(~~(r)~~)(r), the agency
154 shall grant a salary increase of at least 5% to an employee who is promoted.

155 (2) An agency shall adjust the salary range for an employee whose salary range is
156 approved by the Legislature for a market comparability adjustment consistent with Subsection
157 67-19-12(5)(b)(i):

158 (a) at the beginning of the next fiscal year; and

159 (b) consistent with appropriations made by the Legislature.

160 (3) Department-initiated revisions in the state classification system that result in
161 consolidation or reduction of class titles or broadening of pay ranges:

162 (a) may not be regarded as a reclassification of the position or promotion of the
163 employee; and

164 (b) are exempt from the provisions of Subsection (1).