

BEREAVEMENT LEAVE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Cheryl K. Acton

LONG TITLE

General Description:

This bill requires certain entities to provide bereavement leave for employees who experience a miscarriage or stillbirth.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Utah Board of Higher Education and the human resources bodies of state, county, and municipal governments to implement rules that will provide bereavement leave for employees who suffer the loss of a child as a result of a miscarriage or stillbirth; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-3-1103**, as enacted by Laws of Utah 1977, Chapter 48
- 17-33-5**, as last amended by Laws of Utah 2009, Chapter 128
- 20A-1-508**, as last amended by Laws of Utah 2019, Chapters 212, 255 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 212
- 53B-1-401**, as enacted by Laws of Utah 2020, Chapter 365

30 **53B-1-402**, as last amended by Laws of Utah 2021, Chapter 187

31 **63A-17-106**, as renumbered and amended by Laws of Utah 2021, Chapter 344

32

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

34 Section 1. Section **10-3-1103** is amended to read:

35 **10-3-1103. Sickness, disability, and death benefits -- Bereavement leave.**

36 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
37 fetus, regardless of gestational age or the duration of the pregnancy.

38 ~~[(1)]~~ (2) The governing body of each municipality may maintain as to all elective or
39 appointive officers and employees, including heads of departments, a system for the payment
40 of health, dental, hospital, medical, disability and death benefits to be financed and
41 administered in a manner and payable upon the terms and conditions as the governing body of
42 the municipality may by ordinance or resolution prescribe.

43 ~~[(2)]~~ (3) The governing bodies of the municipalities may create and administer
44 personnel benefit programs separately or jointly with other municipalities or other political
45 subdivisions of the State of Utah or associations thereof.

46 (4) The governing body of each municipality shall, by ordinance or resolution, provide
47 for at least three work days of paid bereavement leave for an employee:

48 (a) following the end of the employee's pregnancy by way of a miscarriage or stillbirth;

49 or

50 (b) following the end of another individual's pregnancy by way of a miscarriage or
51 stillbirth, if:

52 (i) the employee is the individual's spouse or partner; or

53 (ii) (A) the employee is the individual's former spouse or partner; and

54 (B) the employee would have been a biological parent of a child born as a result of the
55 pregnancy.

56 Section 2. Section **17-33-5** is amended to read:

57 **17-33-5. Office of personnel management -- Director -- Appointment and**

58 **responsibilities -- Personnel rules.**

59 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
60 fetus, regardless of gestational age or the duration of the pregnancy.

61 ~~[(+)]~~ (2) (a) (i) Each county executive shall:

62 (A) create an office of personnel management, administered by a director of personnel
63 management; and

64 (B) ensure that the director is a person with proven experience in personnel
65 management.

66 (ii) Except as provided in Subsection ~~[(+)]~~ (2)(b), the position of director of personnel
67 management shall be:

68 (A) a merit position; and

69 (B) filled as provided in Subsection ~~[(+)]~~ (2)(a)(iii).

70 (iii) Except as provided in Subsection ~~[(+)]~~ (2)(b), the career service council shall:

71 (A) advertise and recruit for the director position in the same manner as for merit
72 positions;

73 (B) select three names from a register; and

74 (C) submit those names as recommendations to the county legislative body.

75 (iv) Except as provided in Subsection ~~[(+)]~~ (2)(b), the county legislative body shall
76 select a person to serve as director of the office of personnel management from the names
77 submitted to it by the career service council.

78 (b) (i) Effective for appointments made after May 1, 2006, and as an alternative to the
79 procedure under Subsections ~~[(+)]~~ (2)(a)(ii), (iii), and (iv) and at the county executive's
80 discretion, the county executive may appoint a director of personnel management with the
81 advice and consent of the county legislative body.

82 (ii) The position of each director of personnel management appointed under this
83 Subsection ~~[(+)]~~ (2)(b) shall be a merit exempt position.

84 (iii) A director of personnel management appointed under this Subsection ~~[(+)]~~ (2)(b)
85 may be terminated by the county executive with the consent of the county legislative body.

86 ~~[(2)]~~ (3) The director of personnel management shall:

87 (a) encourage and exercise leadership in the development of expertise in personnel
88 administration within the several departments, offices, and agencies in the county service and
89 make available the facilities of the office of personnel management to this end;

90 (b) advise the county legislative and executive bodies on the use of human resources;

91 (c) develop and implement programs for the improvement of employee effectiveness,
92 such as training, safety, health, counseling, and welfare;

93 (d) investigate periodically the operation and effect of this law and of the policies made
94 under it and report findings and recommendations to the county legislative body;

95 (e) establish and maintain records of all employees in the county service, setting forth
96 as to each employee class, title, pay or status, and other relevant data;

97 (f) make an annual report to the county legislative body and county executive regarding
98 the work of the department; and

99 (g) apply and carry out this law and the policies under it and perform any other lawful
100 acts that are necessary to carry out the provisions of this law.

101 ~~[(3)]~~ (4) (a) (i) The director shall recommend personnel rules for the county.

102 (ii) The county legislative body may:

103 (A) recommend personnel rules for the county; and

104 (B) approve, amend, or reject personnel rules before they are adopted.

105 (b) The rules shall provide for:

106 (i) recruiting efforts to be planned and carried out in a manner that assures open
107 competition, with special emphasis to be placed on recruiting efforts to attract minorities,
108 women, persons with a disability as defined by and covered under the Americans with
109 Disabilities Act of 1990, 42 U.S.C. 12102, or other groups that are substantially
110 underrepresented in the county work force to help assure they will be among the candidates
111 from whom appointments are made;

112 (ii) the establishment of job related minimum requirements wherever practical, that all
113 successful candidates shall be required to meet in order to be eligible for consideration for

- 114 appointment or promotion;
- 115 (iii) selection procedures that include consideration of the relative merit of each
116 applicant for employment, a job related method of determining the eligibility or ineligibility of
117 each applicant, and a valid, reliable, and objective system of ranking eligible applicants
118 according to their qualifications and merit;
- 119 (iv) certification procedures that insure equitable consideration of an appropriate
120 number of the most qualified eligible applicants based on the ranking system;
- 121 (v) appointments to positions in the career service by selection from the most qualified
122 eligible applicants certified on eligible lists established in accordance with Subsections [~~(3)~~]
123 (4)(b)(iii) and (iv);
- 124 (vi) noncompetitive appointments in the occasional instance where there is evidence
125 that open or limited competition is not practical, such as for unskilled positions that have no
126 minimum job requirements;
- 127 (vii) limitation of competitions at the discretion of the director for appropriate positions
128 to facilitate employment of qualified applicants with a substantial physical or mental
129 impairment, or other groups protected by Title VII of the Civil Rights Act;
- 130 (viii) permanent appointment for entry to the career service that shall be contingent
131 upon satisfactory performance by the employee during a period of six months, with the
132 probationary period extendable for a period not to exceed six months for good cause, but with
133 the condition that the probationary employee may appeal directly to the council any undue
134 prolongation of the period designed to thwart merit principles;
- 135 (ix) temporary, provisional, or other noncareer service appointments, which may not be
136 used as a way of defeating the purpose of the career service and may not exceed 270 days;
- 137 (x) lists of eligible applicants normally to be used, if available, for filling temporary
138 positions, and short term emergency appointments to be made without regard to the other
139 provisions of law to provide for maintenance of essential services in an emergency situation
140 where normal procedures are not practical, these emergency appointments not to exceed 270
141 days;

142 (xi) promotion and career ladder advancement of employees to higher level positions
143 and assurance that all persons promoted are qualified for the position;

144 (xii) recognition of the equivalency of other merit processes by waiving, at the
145 discretion of the director, the open competitive examination for placement in the career service
146 positions of those who were originally selected through a competitive examination process in
147 another governmental entity, the individual in those cases, to serve a probationary period;

148 (xiii) preparation, maintenance, and revision of a position classification plan for all
149 positions in the career service, based upon similarity of duties performed and responsibilities
150 assumed, so that the same qualifications may reasonably be required for, and the same schedule
151 of pay may be equitably applied to, all positions in the same class, the compensation plan, in
152 order to maintain a high quality public work force, to take into account the responsibility and
153 difficulty of the work, the comparative pay and benefits needed to compete in the labor market
154 and to stay in proper alignment with other similar governmental units, and other factors;

155 (xiv) keeping records of performance on all employees in the career service and
156 requiring consideration of performance records in determining salary increases, any benefits for
157 meritorious service, promotions, the order of layoffs and reinstatements, demotions, discharges,
158 and transfers;

159 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,
160 abolition of positions, or material changes in duties or organization, and governing
161 reemployment of persons so laid off, taking into account with regard to layoffs and
162 reemployment the relative ability, seniority, and merit of each employee;

163 (xvi) establishment of a plan for resolving employee grievances and complaints with
164 final and binding decisions;

165 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
166 grade, or discharge, measures to provide for presentation of charges, hearing rights, and appeals
167 for all permanent employees in the career service to the career service council;

168 (xviii) establishment of a procedure for employee development and improvement of
169 poor performance;

170 (xix) establishment of hours of work, holidays, and attendance requirements in various
171 classes of positions in the career service;

172 (xx) establishment and publicizing of fringe benefits such as insurance, retirement, and
173 leave programs; and

174 (xxi) any other requirements not inconsistent with this law that are proper for its
175 enforcement.

176 (5) Rules adopted pursuant to Subsection (4)(b)(xx) shall provide for at least three
177 work days of paid bereavement leave for an employee:

178 (a) following the end of the employee's pregnancy by way of a miscarriage or stillbirth;
179 or

180 (b) following the end of another individual's pregnancy by way of a miscarriage or
181 stillbirth, if:

182 (i) the employee is the individual's spouse or partner; or

183 (ii) (A) the employee is the individual's former spouse or partner; and

184 (B) the employee would have been a biological parent of a child born as a result of the
185 pregnancy.

186 Section 3. Section **20A-1-508** is amended to read:

187 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**
188 **Interim replacement.**

189 (1) As used in this section:

190 (a) (i) "County offices" includes the county executive, members of the county
191 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
192 the county recorder, the county surveyor, and the county assessor.

193 (ii) "County offices" does not include the office of county attorney, district attorney, or
194 judge.

195 (b) "Party liaison" means the political party officer designated to serve as a liaison with
196 each county legislative body on all matters relating to the political party's relationship with a
197 county as required by Section [20A-8-401](#).

198 (2) (a) Except as provided in Subsection (2)(d), until a county legislative body appoints
199 an interim replacement to fill a vacant county office under Subsection (3), the following shall
200 temporarily discharge the duties of the county office as a temporary manager:

201 (i) for a county office with one chief deputy, the chief deputy;

202 (ii) for a county office with more than one chief deputy:

203 (A) the chief deputy with the most cumulative time served as a chief deputy for the
204 county office; or

205 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
206 vacates the office, the county officer files with the county clerk a written statement designating
207 one of the county officer's chief deputies to discharge the duties of the county office in the
208 event the county officer vacates the office, the designated chief deputy; or

209 (iii) for a county office without a chief deputy:

210 (A) if one management-level employee serving under the county office has a
211 higher-seniority management level than any other employee serving under the county office,
212 that management-level employee;

213 (B) if two or more management-level employees serving under the county office have
214 the same and highest-seniority management level, the highest-seniority management-level
215 employee with the most cumulative time served in the employee's current position; or

216 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
217 officer vacates the office, the county officer files with the county clerk a written statement
218 designating one of the county officer's employees to discharge the county officer's duties in the
219 event the county officer vacates the office, the designated employee.

220 (b) Except as provided in Subsection (2)(c), a temporary manager described in
221 Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers
222 and duties of the county office until the county legislative body appoints an interim
223 replacement under Subsection (3).

224 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
225 the duties of a county office:

- 226 (i) may not take an oath of office for the county office as a temporary manager;
- 227 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
- 228 Counties, and the county's budget ordinances and policies;
- 229 (iii) unless approved by the county legislative body, may not change the compensation
- 230 of an employee;
- 231 (iv) unless approved by the county legislative body, may not promote or demote an
- 232 employee or change an employee's job title;
- 233 (v) may terminate an employee only if the termination is conducted in accordance with:
- 234 (A) personnel rules described in Subsection 17-33-5~~(3)~~(4) that are approved by the
- 235 county legislative body; and
- 236 (B) applicable law;
- 237 (vi) unless approved by the county legislative body, may not exceed by more than 5%
- 238 an expenditure that was planned before the county office for which the temporary manager
- 239 discharges duties was vacated;
- 240 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
- 241 compensation; and
- 242 (viii) if approved by the county legislative body, may receive a performance award
- 243 after:
- 244 (A) the county legislative body appoints an interim replacement under Subsection (3);
- 245 and
- 246 (B) the interim replacement is sworn into office.
- 247 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
- 248 body member.
- 249 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
- 250 county legislative body shall appoint an interim replacement to fill the vacant office by
- 251 following the procedures and requirements of this Subsection (3).
- 252 (b) (i) To appoint an interim replacement, the county legislative body shall, within 10
- 253 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison

254 of the same political party of the prior office holder and invite that party liaison to submit the
255 name of an individual to fill the vacancy.

256 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
257 liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not
258 receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs,
259 submit to the county legislative body the name of an individual the party selects in accordance
260 with the party's constitution or bylaws to serve as the interim replacement.

261 (iii) The county legislative body shall, no later than five days after the day on which a
262 party liaison submits the name of the individual to serve as the interim replacement, appoint the
263 individual to serve out the unexpired term.

264 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
265 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days
266 after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter
267 that:

268 (A) informs the governor that the county legislative body has failed to appoint a
269 replacement within the statutory time period; and

270 (B) contains the name of the individual submitted by the party liaison to fill the
271 vacancy.

272 (ii) The governor shall, within 10 days after the day on which the governor receives the
273 letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an
274 interim replacement to fill the vacancy.

275 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
276 office until a successor is elected and has qualified.

277 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
278 vacant if:

279 (i) the vacant office has an unexpired term of two years or more; and

280 (ii) the vacancy occurs after the election at which the officeholder was elected but
281 before the second Friday in March of the next even-numbered year.

282 (b) (i) When the conditions described in Subsection (4)(a) are met, the county clerk
283 shall as soon as practicable, but no later than 180 days before the next regular general election,
284 notify the public and each registered political party that the vacancy exists.

285 (ii) An individual intending to become a party candidate for the vacant office shall file
286 a declaration of candidacy in accordance with:

287 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

288 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
289 applicable.

290 (iii) An individual who is nominated as a party candidate, who qualifies as an
291 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated
292 with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part
293 6, Write-in Candidates, shall run in the regular general election.

294 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
295 vacant if:

296 (i) the vacant office has an unexpired term of two years or more; and

297 (ii) the vacancy occurs on or after the second Friday in March of the next
298 even-numbered year but more than 75 days before the regular primary election.

299 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall
300 as soon as practicable, but no later than 70 days before the next regular primary election, notify
301 the public and each registered political party:

302 (i) that the vacancy exists; and

303 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
304 under Subsection (5)(d)(ii).

305 (c) (i) An individual intending to become a party candidate for a vacant office shall,
306 within five days after the day on which the notice is given, ending at the close of normal office
307 hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:

308 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

309 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if

310 applicable.

311 (ii) The county central committee of each party shall:

312 (A) select a candidate or candidates from among those qualified candidates who have
313 filed declarations of candidacy; and

314 (B) certify the name of the candidate or candidates to the county clerk as soon as
315 practicable, but before 5 p.m. no later than 60 days before the day of the regular primary
316 election.

317 (d) (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
318 candidate for a vacant office who does not wish to affiliate with a registered political party
319 shall file a verified certificate of nomination described in Section 20A-9-502 with the county
320 clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

321 (ii) (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline
322 that is before 5 p.m. no later than 65 days before the day of the next regular general election by
323 which an individual who is not affiliated with a registered political party is required to submit a
324 certificate of nomination under Subsection (5)(d)(i).

325 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A)
326 in a manner that gives an unaffiliated candidate an equal opportunity to access the regular
327 general election ballot.

328 (e) An individual who is nominated as a party candidate for the vacant office, who
329 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates
330 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under
331 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

332 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
333 vacant:

334 (i) if the vacant office has an unexpired term of two years or more; and

335 (ii) when 75 days or less remain before the day of the regular primary election but more
336 than 65 days remain before the day of the regular general election.

337 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall,

338 as soon as practicable, notify the public and each registered political party:

339 (i) that the vacancy exists; and

340 (ii) of the deadlines established under Subsection (6)(d).

341 (c) (i) Before the deadline that the county clerk establishes under Subsection

342 (6)(d)(i)(A), the county central committee of each registered political party that wishes to

343 submit a candidate for the office shall certify the name of one candidate to the county clerk for

344 placement on the regular general election ballot.

345 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),

346 a candidate who does not wish to affiliate with a registered political party shall file a verified

347 certificate of nomination described in Section 20A-9-502 with the county clerk in accordance

348 with Chapter 9, Part 5, Candidates not Affiliated with a Party.

349 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C),

350 a write-in candidate shall submit to the county clerk a declaration of candidacy described in

351 Section 20A-9-601.

352 (d) (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines

353 that are before 5 p.m. no later than 65 days before the day of the next regular general election

354 by which:

355 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);

356 (B) an individual who does not wish to affiliate with a registered political party is

357 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

358 (C) a write-in candidate is required to submit a declaration of candidacy under

359 Subsection (6)(c)(iii).

360 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner

361 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the

362 regular general election ballot.

363 (e) An individual who is certified as a party candidate for the vacant office, who

364 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates

365 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under

366 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

367 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
368 vacant:

369 (i) if the vacant office has an unexpired term of less than two years; or

370 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
371 remain before the day of the next regular general election.

372 (b) (i) When the conditions described in Subsection (7)(a) are met, the county
373 legislative body shall as soon as practicable, but no later than 10 days after the day on which
374 the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as
375 the prior office holder and invite that party liaison to submit the name of an individual to fill
376 the vacancy.

377 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
378 party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does
379 not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy
380 occurs, submit to the county legislative body the name of an individual to fill the vacancy.

381 (iii) The county legislative body shall, no later than five days after the day on which a
382 party liaison submits the name of the individual to fill the vacancy, appoint the individual to
383 serve out the unexpired term.

384 (c) (i) If the county legislative body fails to appoint an individual to fill the vacancy in
385 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

386 (A) informs the governor that the county legislative body has failed to appoint an
387 individual to fill the vacancy within the statutory time period; and

388 (B) contains the name of the individual submitted by the party liaison to fill the
389 vacancy.

390 (ii) The governor shall, within 10 days after the day on which the governor receives the
391 letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill
392 the vacancy.

393 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold

394 office until a successor is elected and has qualified.

395 (8) Except as otherwise provided by law, the county legislative body may appoint
396 replacements to fill all vacancies that occur in those offices filled by appointment of the county
397 legislative body.

398 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
399 political party from filing a certificate of nomination for a vacant office within the same time
400 limits as a candidate that is affiliated with a political party.

401 (10) (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
402 county office shall serve for the remainder of the unexpired term of the individual who created
403 the vacancy and until a successor is elected and qualified.

404 (b) Nothing in this section may be construed to contradict or alter the provisions of
405 Section 17-16-6.

406 Section 4. Section 53B-1-401 is amended to read:

407 **53B-1-401. Definitions.**

408 As used in this part:

409 (1) "Board" means the Utah Board of Higher Education described in Section
410 53B-1-402.

411 (2) "Institution of higher education" or "institution" means an institution of higher
412 education described in Section 53B-1-102.

413 (3) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of
414 gestational age or the duration of the pregnancy.

415 [~~3~~] (4) "Nominating committee" means the committee described in Section
416 53B-1-406.

417 Section 5. Section 53B-1-402 is amended to read:

418 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

419 (1) There is established a State Board of Regents, which:

420 (a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;

421 (b) is the governing board for the institutions of higher education;

- 422 (c) controls, manages, and supervises the Utah system of higher education; and
- 423 (d) is a body politic and corporate with perpetual succession and with all rights,
- 424 immunities, and franchises necessary to function as a body politic and corporate.
- 425 (2) The board shall:
- 426 (a) establish and promote a state-level vision and goals for higher education that
- 427 emphasize system priorities, including:
- 428 (i) quality;
- 429 (ii) affordability;
- 430 (iii) access and equity;
- 431 (iv) completion;
- 432 (v) workforce alignment and preparation for high-quality jobs; and
- 433 (vi) economic growth;
- 434 (b) establish policies and practices that advance the vision and goals;
- 435 (c) establish metrics to demonstrate and monitor:
- 436 (i) performance related to the goals; and
- 437 (ii) performance on measures of operational efficiency;
- 438 (d) collect and analyze data including economic data, demographic data, and data
- 439 related to the metrics;
- 440 (e) coordinate data collection across institutions;
- 441 (f) establish, approve, and oversee each institution's mission and role in accordance
- 442 with Section 53B-16-101;
- 443 (g) assess an institution's performance in accomplishing the institution's mission and
- 444 role;
- 445 (h) participate in the establishment and review of programs of instruction in accordance
- 446 with Section 53B-16-102;
- 447 (i) perform duties related to an institution of higher education president, including:
- 448 (i) appointing an institution of higher education president in accordance with Section
- 449 53B-2-102;

- 450 (ii) providing support and guidance to an institution of higher education president;
- 451 (iii) evaluating an institution of higher education president based on institution
- 452 performance and progress toward systemwide priorities; and
- 453 (iv) setting the compensation for an institution of higher education president;
- 454 (j) create and implement a strategic finance plan for higher education, including by:
- 455 (i) establishing comprehensive budget and finance priorities for academic education
- 456 and technical education;
- 457 (ii) allocating statewide resources to institutions;
- 458 (iii) setting tuition for each institution;
- 459 (iv) administering state financial aid programs;
- 460 (v) administering performance funding in accordance with Chapter 7, Part 7,
- 461 Performance Funding; and
- 462 (vi) developing a strategic capital facility plan and prioritization process in accordance
- 463 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);
- 464 (k) create a seamless articulated education system for Utah students that responds to
- 465 changing demographics and workforce, including by:
- 466 (i) providing for statewide prior learning assessment, in accordance with Section
- 467 [53B-16-110](#);
- 468 (ii) establishing and maintaining clear pathways for articulation and transfer, in
- 469 accordance with Section [53B-16-105](#);
- 470 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 471 (iv) aligning general education requirements across degree-granting institutions;
- 472 (v) coordinating and incentivizing collaboration and partnerships between institutions
- 473 in delivering programs;
- 474 (vi) coordinating distance delivery of programs; and
- 475 (vii) coordinating work-based learning;
- 476 (l) coordinate with the public education system:
- 477 (i) regarding public education programs that provide postsecondary credit or

478 certificates; and

479 (ii) to ensure that an institution of higher education providing technical education
480 serves secondary students in the public education system;

481 (m) delegate to an institution board of trustees certain duties related to institution
482 governance including:

483 (i) guidance and support for the institution president;

484 (ii) effective administration;

485 (iii) the institution's responsibility for contributing to progress toward achieving
486 systemwide goals; and

487 (iv) other responsibilities determined by the board;

488 (n) delegate to an institution of higher education president management of the
489 institution of higher education;

490 (o) consult with an institution of higher education board of trustees or institution of
491 higher education president before acting on matters pertaining to the institution of higher
492 education;

493 (p) maximize efficiency throughout the Utah system of higher education by identifying
494 and establishing shared administrative services;

495 (q) develop strategies for providing higher education, including career and technical
496 education, in rural areas;

497 (r) manage and facilitate a process for initiating, prioritizing, and implementing
498 education reform initiatives; and

499 (s) provide ongoing quality review of institutions.

500 (3) The board shall submit an annual report of the board's activities and performance
501 against the board's goals and metrics to:

502 (a) the Education Interim Committee;

503 (b) the Higher Education Appropriations Subcommittee;

504 (c) the governor; and

505 (d) each institution of higher education.

506 (4) The board shall prepare and submit an annual report detailing the board's progress
507 and recommendations on workforce related issues, including career and technical education, to
508 the governor and to the Legislature's Education Interim Committee by October 31 of each year,
509 including information detailing:

510 (a) how the career and technical education needs of secondary students are being met
511 by institutions of higher education;

512 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
513 industry is being provided;

514 (c) performance outcomes, including:

515 (i) entered employment;

516 (ii) job retention; and

517 (iii) earnings;

518 (d) an analysis of workforce needs and efforts to meet workforce needs; and

519 (e) student tuition and fees.

520 (5) The board may modify the name of an institution of higher education to reflect the
521 role and general course of study of the institution.

522 (6) The board may not take action relating to merging a technical college with another
523 institution of higher education without legislative approval.

524 (7) This section does not affect the power and authority vested in the State Board of
525 Education to apply for, accept, and manage federal appropriations for the establishment and
526 maintenance of career and technical education.

527 (8) The board shall ensure that any training or certification that an employee of the
528 higher education system is required to complete under this title or by board rule complies with
529 Title 63G, Chapter 22, State Training and Certification Requirements.

530 (9) The board shall adopt a policy requiring institutions to provide at least three work
531 days of paid bereavement leave for an employee:

532 (a) following the end of the employee's pregnancy by way of a miscarriage or stillbirth;

533 or

534 (b) following the end of another individual's pregnancy by way of a miscarriage or
 535 stillbirth, if:

536 (i) the employee is the individual's spouse or partner; or

537 (ii) (A) the employee is the individual's former spouse or partner; and

538 (B) the employee would have been a biological parent of a child born as a result of the
 539 pregnancy.

540 Section 6. Section **63A-17-106** is amended to read:

541 **63A-17-106. Responsibilities of the director.**

542 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a
 543 fetus, regardless of gestational age or the duration of the pregnancy.

544 [~~1~~] (2) The director shall have full responsibility and accountability for the
 545 administration of the statewide human resource management system.

546 [~~2~~] (3) Except as provided in Section **63A-17-201**, an agency may not perform human
 547 resource functions without the consent of the director.

548 [~~3~~] (4) Statewide human resource management rules adopted by the division in
 549 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take
 550 precedence if there is a conflict with agency rules, policies, or practices.

551 [~~4~~] (5) The division may operate as an internal service fund agency in accordance
 552 with Section **63J-1-410** for the human resource functions the division provides.

553 [~~5~~] (6) The director shall:

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

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

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

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

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

560 (c) design and administer the state classification system and procedures for determining
 561 schedule assignments;

- 562 (d) design and administer the state recruitment and selection system;
- 563 (e) administer agency human resource practices and ensure compliance with federal
564 law, state law, and state human resource rules, including equal employment opportunity;
- 565 (f) consult with agencies on decisions concerning employee corrective action and
566 discipline;
- 567 (g) maintain central personnel records;
- 568 (h) perform those functions necessary to implement this chapter unless otherwise
569 assigned or prohibited;
- 570 (i) perform duties assigned by the governor, executive director, or statute;
- 571 (j) [~~adopt~~] make rules for human resource management [~~according to the procedures~~
572 ~~of~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 573 (k) establish and maintain a management information system that will furnish the
574 governor, the Legislature, and agencies with current information on authorized positions,
575 payroll, and related matters concerning state human resources;
- 576 (l) conduct research and planning activities to:
 - 577 (i) determine and prepare for future state human resource needs;
 - 578 (ii) develop methods for improving public human resource management; and
 - 579 (iii) propose needed policy changes to the governor;
- 580 (m) study the character, causes, and extent of discrimination in state employment and
581 develop plans for its elimination through programs consistent with federal and state laws
582 governing equal employment opportunity in employment;
- 583 (n) when requested by charter schools or counties, municipalities, and other political
584 subdivisions of the state, provide technical service, training recommendations, or advice on
585 human resource management at a charge determined by the director;
- 586 (o) establish compensation policies and procedures for early voluntary retirement;
- 587 (p) confer with the heads of other agencies about human resource policies and
588 procedures;
- 589 (q) submit an annual report to the executive director, the governor, and the Legislature;

590 and

591 (r) assist with the development of a vacant position report required under Subsection
592 63J-1-201(2)(b)(vi).

593 ~~[(6)]~~ (7) (a) After consultation with the executive director, the governor, and the heads
594 of other agencies, the director shall establish and coordinate statewide training programs,
595 including and subject to available funding, the development of manager and supervisor
596 training.

597 (b) The programs developed under this Subsection ~~[(6)]~~ (7) shall have application to
598 more than one agency.

599 (c) The division may not establish training programs that train employees to perform
600 highly specialized or technical jobs and tasks.

601 (d) The division shall ensure that any training program described in this Subsection
602 ~~[(6)]~~ (7) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

603 ~~[(7)]~~ (8) (a) (i) The division may collect fees for training as authorized by this
604 Subsection ~~[(7)]~~ (8).

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

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

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

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

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

616 (9) Rules described in Subsection (6)(j) shall provide for at least three work days of
617 paid bereavement leave for an employee:

618 (a) following the end of the employee's pregnancy by way of a miscarriage or stillbirth;
619 or
620 (b) following the end of another individual's pregnancy by way of a miscarriage or
621 stillbirth, if:
622 (i) the employee is the individual's spouse or partner; or
623 (ii) (A) the employee is the individual's former spouse or partner; and
624 (B) the employee would have been a biological parent of a child born as a result of the
625 pregnancy.