

Senator Wayne A. Harper proposes the following substitute bill:

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 state and local governments to provide bereavement leave for employees who experience a miscarriage or stillbirth.

Highlighted Provisions:

This bill:

- defines terms;
- requires 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



26 20A-1-508, as last amended by Laws of Utah 2019, Chapters 212, 255 and last
27 amended by Coordination Clause, Laws of Utah 2019, Chapter 212

28 63A-17-106, as renumbered and amended by Laws of Utah 2021, Chapter 344



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

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

32 **10-3-1103. Sickness, disability, and death benefits -- Bereavement leave.**

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

35 ~~[(1)]~~ (2) The governing body of each municipality may maintain as to all elective or
36 appointive officers and employees, including heads of departments, a system for the payment
37 of health, dental, hospital, medical, disability and death benefits to be financed and
38 administered in a manner and payable upon the terms and conditions as the governing body of
39 the municipality may by ordinance or resolution prescribe.

40 ~~[(2)]~~ (3) The governing bodies of the municipalities may create and administer
41 personnel benefit programs separately or jointly with other municipalities or other political
42 subdivisions of the State of Utah or associations thereof.

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

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

46 or

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

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

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

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

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

54 **17-33-5. Office of personnel management -- Director -- Appointment and**
55 **responsibilities -- Personnel rules.**

56 (1) As used in this section, "miscarriage" means the spontaneous or accidental loss of a

57 fetus, regardless of gestational age or the duration of the pregnancy.

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

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

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

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

65 (A) a merit position; and

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

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

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

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

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

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

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

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

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

83 [~~(2)~~] (3) The director of personnel management shall:

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

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

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

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

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

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

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

98 [~~3~~] (4) (a) (i) The director shall recommend personnel rules for the county.

99 (ii) The county legislative body may:

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

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

102 (b) The rules shall provide for:

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

109 (ii) the establishment of job related minimum requirements wherever practical, that all
110 successful candidates shall be required to meet in order to be eligible for consideration for
111 appointment or promotion;

112 (iii) selection procedures that include consideration of the relative merit of each
113 applicant for employment, a job related method of determining the eligibility or ineligibility of
114 each applicant, and a valid, reliable, and objective system of ranking eligible applicants
115 according to their qualifications and merit;

116 (iv) certification procedures that insure equitable consideration of an appropriate
117 number of the most qualified eligible applicants based on the ranking system;

118 (v) appointments to positions in the career service by selection from the most qualified

119 eligible applicants certified on eligible lists established in accordance with Subsections [(3)]
120 (4)(b)(iii) and (iv);

121 (vi) noncompetitive appointments in the occasional instance where there is evidence
122 that open or limited competition is not practical, such as for unskilled positions that have no
123 minimum job requirements;

124 (vii) limitation of competitions at the discretion of the director for appropriate positions
125 to facilitate employment of qualified applicants with a substantial physical or mental
126 impairment, or other groups protected by Title VII of the Civil Rights Act;

127 (viii) permanent appointment for entry to the career service that shall be contingent
128 upon satisfactory performance by the employee during a period of six months, with the
129 probationary period extendable for a period not to exceed six months for good cause, but with
130 the condition that the probationary employee may appeal directly to the council any undue
131 prolongation of the period designed to thwart merit principles;

132 (ix) temporary, provisional, or other noncareer service appointments, which may not be
133 used as a way of defeating the purpose of the career service and may not exceed 270 days;

134 (x) lists of eligible applicants normally to be used, if available, for filling temporary
135 positions, and short term emergency appointments to be made without regard to the other
136 provisions of law to provide for maintenance of essential services in an emergency situation
137 where normal procedures are not practical, these emergency appointments not to exceed 270
138 days;

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

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

145 (xiii) preparation, maintenance, and revision of a position classification plan for all
146 positions in the career service, based upon similarity of duties performed and responsibilities
147 assumed, so that the same qualifications may reasonably be required for, and the same schedule
148 of pay may be equitably applied to, all positions in the same class, the compensation plan, in
149 order to maintain a high quality public work force, to take into account the responsibility and

150 difficulty of the work, the comparative pay and benefits needed to compete in the labor market
151 and to stay in proper alignment with other similar governmental units, and other factors;

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

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

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

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

165 (xviii) establishment of a procedure for employee development and improvement of
166 poor performance;

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

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

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

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

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

176 or

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

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

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

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

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

184 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**
185 **Interim replacement.**

186 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

210 (B) if two or more management-level employees serving under the county office have
211 the same and highest-seniority management level, the highest-seniority management-level

212 employee with the most cumulative time served in the employee's current position; or
213 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
214 officer vacates the office, the county officer files with the county clerk a written statement
215 designating one of the county officer's employees to discharge the county officer's duties in the
216 event the county officer vacates the office, the designated employee.

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

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

223 (i) may not take an oath of office for the county office as a temporary manager;

224 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
225 Counties, and the county's budget ordinances and policies;

226 (iii) unless approved by the county legislative body, may not change the compensation
227 of an employee;

228 (iv) unless approved by the county legislative body, may not promote or demote an
229 employee or change an employee's job title;

230 (v) may terminate an employee only if the termination is conducted in accordance with:

231 (A) personnel rules described in Subsection 17-33-5[~~(3)~~](4) that are approved by the
232 county legislative body; and

233 (B) applicable law;

234 (vi) unless approved by the county legislative body, may not exceed by more than 5%
235 an expenditure that was planned before the county office for which the temporary manager
236 discharges duties was vacated;

237 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
238 compensation; and

239 (viii) if approved by the county legislative body, may receive a performance award
240 after:

241 (A) the county legislative body appoints an interim replacement under Subsection (3);

242 and

243 (B) the interim replacement is sworn into office.

244 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
245 body member.

246 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
247 county legislative body shall appoint an interim replacement to fill the vacant office by
248 following the procedures and requirements of this Subsection (3).

249 (b) (i) To appoint an interim replacement, the county legislative body shall, within 10
250 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison
251 of the same political party of the prior office holder and invite that party liaison to submit the
252 name of an individual to fill the vacancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

299 (i) that the vacancy exists; and

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

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

305 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
306 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
307 applicable.

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

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

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

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

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

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

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

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

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

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

334 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall,
335 as soon as practicable, notify the public and each registered political party:

336 (i) that the vacancy exists; and
337 (ii) of the deadlines established under Subsection (6)(d).
338 (c) (i) Before the deadline that the county clerk establishes under Subsection
339 (6)(d)(i)(A), the county central committee of each registered political party that wishes to
340 submit a candidate for the office shall certify the name of one candidate to the county clerk for
341 placement on the regular general election ballot.

342 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
343 a candidate who does not wish to affiliate with a registered political party shall file a verified
344 certificate of nomination described in Section 20A-9-502 with the county clerk in accordance
345 with Chapter 9, Part 5, Candidates not Affiliated with a Party.

346 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C),
347 a write-in candidate shall submit to the county clerk a declaration of candidacy described in
348 Section 20A-9-601.

349 (d) (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
350 that are before 5 p.m. no later than 65 days before the day of the next regular general election
351 by which:

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

353 (B) an individual who does not wish to affiliate with a registered political party is
354 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

355 (C) a write-in candidate is required to submit a declaration of candidacy under
356 Subsection (6)(c)(iii).

357 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
358 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the
359 regular general election ballot.

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

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

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

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

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

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

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

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

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

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

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

390 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold
391 office until a successor is elected and has qualified.

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

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

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

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

403 Section 4. Section 63A-17-106 is amended to read:

404 **63A-17-106. Responsibilities of the director.**

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

407 [~~1~~] (2) The director shall have full responsibility and accountability for the
408 administration of the statewide human resource management system.

409 [~~2~~] (3) Except as provided in Section 63A-17-201, an agency may not perform human
410 resource functions without the consent of the director.

411 [~~3~~] (4) Statewide human resource management rules adopted by the division in
412 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take
413 precedence if there is a conflict with agency rules, policies, or practices.

414 [~~4~~] (5) The division may operate as an internal service fund agency in accordance
415 with Section 63J-1-410 for the human resource functions the division provides.

416 [~~5~~] (6) The director shall:

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

- 419 (i) aid in the efficient execution of public policy;
- 420 (ii) foster careers in public service for qualified employees; and
- 421 (iii) render assistance to state agencies in performing their missions;

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

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

425 (d) design and administer the state recruitment and selection system;

426 (e) administer agency human resource practices and ensure compliance with federal
427 law, state law, and state human resource rules, including equal employment opportunity;

428 (f) consult with agencies on decisions concerning employee corrective action and

429 discipline;

430 (g) maintain central personnel records;

431 (h) perform those functions necessary to implement this chapter unless otherwise

432 assigned or prohibited;

433 (i) perform duties assigned by the governor, executive director, or statute;

434 (j) [~~adopt~~] make rules for human resource management [~~according to the procedures~~

435 ~~of~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

436 (k) establish and maintain a management information system that will furnish the

437 governor, the Legislature, and agencies with current information on authorized positions,

438 payroll, and related matters concerning state human resources;

439 (l) conduct research and planning activities to:

440 (i) determine and prepare for future state human resource needs;

441 (ii) develop methods for improving public human resource management; and

442 (iii) propose needed policy changes to the governor;

443 (m) study the character, causes, and extent of discrimination in state employment and

444 develop plans for its elimination through programs consistent with federal and state laws

445 governing equal employment opportunity in employment;

446 (n) when requested by charter schools or counties, municipalities, and other political

447 subdivisions of the state, provide technical service, training recommendations, or advice on

448 human resource management at a charge determined by the director;

449 (o) establish compensation policies and procedures for early voluntary retirement;

450 (p) confer with the heads of other agencies about human resource policies and

451 procedures;

452 (q) submit an annual report to the executive director, the governor, and the Legislature;

453 and

454 (r) assist with the development of a vacant position report required under Subsection

455 [63J-1-201\(2\)\(b\)\(vi\)](#).

456 [~~(6)~~] (7) (a) After consultation with the executive director, the governor, and the heads

457 of other agencies, the director shall establish and coordinate statewide training programs,

458 including and subject to available funding, the development of manager and supervisor

459 training.

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

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

464 (d) The division shall ensure that any training program described in this Subsection
465 [~~(6)~~] (7) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

466 [~~(7)~~] (8) (a) (i) The division may collect fees for training as authorized by this
467 Subsection [~~(7)~~] (8).

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

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

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

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

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

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

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

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

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

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

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

489