

HB0462S01 compared with HB0462

~~{deleted text}~~ shows text that was in HB0462 but was deleted in HB0462S01.

inserted text shows text that was not in HB0462 but was inserted into HB0462S01.

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Representative Rosemary T. Lesser proposes the following substitute bill:

EMPLOYEE COMPENSATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~{~~Rosemary T. Lesser

Senate Sponsor: ~~{ _____ }~~Todd D. Weiler

LONG TITLE

General Description:

This bill modifies ~~{principles upon which the Division of Human Resource Management is required to establish a career service system. }~~requirements related to compensation of executive branch employees.

Highlighted Provisions:

This bill:

- ▶ requires that compensation be based on the relative ability, knowledge, and skills of ~~{the}~~an employee and not on compensation paid for previous employment; and
- ▶ prohibits ~~{a state agency}~~an executive branch employer from requesting that an employee or prospective employee disclose compensation paid to the employee or prospective employee for previous employment.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{63A-17-103}~~63A-17-104, as ~~{last amended by Laws of Utah 2021, Chapter 53 and}~~
renumbered and amended by Laws of Utah 2021, Chapter 344

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

Section 1. Section ~~{63A-17-103}~~63A-17-104 is amended to read:

~~{63A-17-103}~~63A-17-104. ~~{Principles guiding interpretation of chapter and adoption of rules -- Merit principles.~~

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

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

~~—— (b) providing;~~Discriminatory or prohibited employment practices.

(1) The state, the state's officers, and employees shall be governed by the provisions of Section 34A-5-106 of the Utah Antidiscrimination Act concerning discriminatory or prohibited employment practices.

(2) (a) As used in this Subsection (2):

(i) "State employer" means a state executive branch agency, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole.

(ii) "State employer" does not include:

(A) an institute of higher education;

(B) the Utah Board of Higher Education;

(C) the State Board of Education;

(D) an independent entity, as defined in Section 63E-1-102;

(E) the Office of the Attorney General;

(F) the Office of the State Auditor; or

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(G) the Office of the State Treasurer.

(b) Except as provided in Subsection (2)(c), a state employer:

(i) shall provide for equitable and competitive compensation, based on the relative ability, knowledge, and skills of ~~the~~an employee and not based on compensation paid for previous employment~~;~~

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

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

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

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

~~— (g) providing a formal procedure for advancing grievances of employees;~~

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

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

~~— (2) The career service system described in Subsection (1):~~

~~— (a) may not prescribe a minimum educational requirement for employment, except when a minimum educational qualification is legally required to perform the duties of the position~~;~~~~; and

~~(b)ii) shall prohibit an agency from requesting~~ may not request that an employee or prospective employee disclose compensation paid to the employee or prospective employee for previous employment.

~~(3)c) As part of the career service system~~ Subsection (2)(b) does not apply to an employee described in Subsection ~~(1), the department shall:~~

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

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

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jobs:

~~—— (4) Within existing resources, the department shall create supporting materials that may be used by a political subdivision that chooses to implement competency-based hiring principles that are the same as or similar to those principles described in Subsections (2) and (3).~~

~~—— (5) The principles in Subsections (1) through (3) shall govern interpretation and implementation of this chapter.~~ 63A-17-301(1)(a).

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.