



Utah
Public
Employees'
Association

ISSUES REVIEW

CAREER SERVICE SYSTEM

BACKGROUND INFORMATION:

A career service system or “merit system” can be defined as a group of principles which guide the hiring, training, rewarding, retention, fair treatment, discipline, and protection from political coercion. These principles apply to a number of state programs which receive federal funding. The Utah Personnel Management Act (67-19-3.1) mirrors much of the same federal principles.



AT-WILL EMPLOYMENT – Generally at-will employment can be described as an employment relationship where the employee can be dismissed for any reason without any prior warning. However this has some exceptions such as a violation of state or federal laws, or an implied contract, among others.

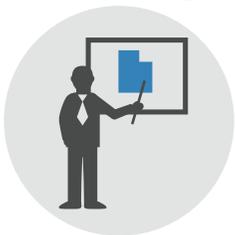
GEORGIA AND THE MERIT SYSTEM – In 1996, the state of Georgia passed legislation (SB 635) which specified that employees hired before July 1, 1996 would be in the “classified” service and those hired after that date would be “unclassified” (at-will). Employees who kept their classified status kept all the protections of the state merit system as long as they remained in that position. If an employee moved to another position by promotion or transfer, that employee would become unclassified (non merit). One study conducted after 2007 found that about 80% of Georgia state employees were non merit.

PROTECT MERIT



THE UTAH EXPERIENCE:

In 2007 UPEA staff became aware that a number of Department of Human Resource staff had visited the state of Georgia to study the methods and outcome of the Georgia legislation. This visit was later confirmed through documents requested via the appropriate channels. UPEA began a series of meetings with Association leadership, staff, legal counsel, key legislators and others to develop a broad based program to protect the merit system. In May 2008 an article by Paul Rolly in the Tribune entitled, “Is Utah’s merit system without merit?”



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THE 2010 LEGISLATIVE AUDITOR REPORT ON THE CAREER SERVICE SYSTEM:

In a limited review the Legislative Auditor General (July 2010) in part made three basic recommendations, one was to improve on management tools to aid employee performance, adopt a procedure to terminate an employee after two disciplinary actions, or adopt other actions such as phasing out career service status for supervisors and higher positions, phase out career service status for employees who change positions within the state, or perhaps require all new employees to be hired “at will”.



UTAH DWS EXPERIMENT:

In 2011 SB 120 (Liljenquist) set an “AW” job classification for certain DWS employees who volunteered to give up their merit status with an attendant bonus program. That experiment was later abandoned. At the current time 85% of DWS employees are merit status. Note that in 2006, state ITS was given authority by legislation to offer financial incentives to staff to give up merit status and accept at-will status.

SALT LAKE COUNTY DISTRICT ATTORNEY:

In 2012 the County Attorney made a proposal to drastically limit the merit status of employees. Sufficient support was not forthcoming and the proposal stalled. UPEA was an early opponent of this proposal.

HB 268: ATTORNEY GENERAL EMPLOYMENT AMENDMENTS

Representative Mike Noel, R-Kanab, sponsored HB 268, which would exempt attorneys working for the Utah Attorney General’s Office from the career service system effective May 16, 2016. UPEA’s Executive Director Todd Losser testified that UPEA opposes the bill noting that the association advocates on behalf of high performing employees. Losser also stressed the importance of adequate and on-going training for supervisors and managers. The House Business and Labor Committee voted to hold the bill in committee and on March 8th it was sent back to the House Rules Committee.

SB 176: OFFICE OF THE STATE BOARD OF EDUCATION EMPLOYMENT AMENDMENTS

Senator Howard Stephenson, R-Draper, sponsored SB 176. The first draft of this bill would have eliminated career service status for all State Office of Education employees. The second draft would have eliminated career service status for State Office of Education finance and technology employees. The third draft would have given the State Office of Education Superintendent added authority to make any employee at the State Office of Education at-will. After Public testimony, the committee send the bill back to the House Rules Committee by a vote of 8-1, instead of sending the bill to the House floor.



UPEA WILL CONTINUE ITS EFFORTS TO ADVOCATE FOR AND MAINTAIN THE MERIT STATUS FOR PUBLIC EMPLOYEES.

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