

**Representative Craig Hall** proposes the following substitute bill:

**EMPLOYMENT AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill expands nepotism provisions of Title 52, Chapter 3, Prohibiting Employment of Relatives, to include a household member.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ expands nepotism provisions of Title 52, Chapter 3, Prohibiting Employment of Relatives, to include a household member; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**52-3-1**, as last amended by Laws of Utah 2015, Chapter 56

**52-3-2**, Utah Code Annotated 1953

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

27 Section 1. Section **52-3-1** is amended to read:

28 **52-3-1. Employment of relatives and household members prohibited --**

29 **Exceptions.**

30 (1) [~~For purposes of this section~~] As used in this chapter:

31 (a) "Appointee" means an employee whose salary, wages, pay, or compensation is paid  
32 from public funds.

33 (b) "Chief administrative officer" means the person who has ultimate responsibility for  
34 the operation of the department or agency of the state or a political subdivision.

35 (c) "Household member" means a person who resides in the same residence as the  
36 public officer.

37 [~~(c)~~] (d) "Public officer" means a person who holds a position that is compensated by  
38 public funds.

39 [~~(d)~~] (e) "Relative" means a father, mother, husband, wife, son, daughter, sister,  
40 brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first  
41 cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or  
42 daughter-in-law.

43 (2) (a) [~~No~~] A public officer may not employ, appoint, or vote for or recommend the  
44 appointment of [~~a relative in or to any position or employment, when the salary, wages, pay, or~~  
45 ~~compensation of the appointee will be paid from public funds and~~] an appointee when the  
46 appointee will be directly supervised by a relative[~~, except as follows~~] or household member,  
47 unless:

48 (i) the appointee is eligible or qualified to be employed by a department or agency of  
49 the state or a political subdivision of the state as a result of [~~his~~] the appointee's compliance  
50 with civil service [~~laws or regulations,~~] or merit system laws or regulations;

51 (ii) the appointee will be compensated from funds designated for vocational training;

52 (iii) the appointee will be employed for a period of 12 weeks or less;

53 (iv) the appointee is a volunteer as defined by the employing entity; or

54 (v) the chief administrative officer determines that the appointee is the only or best  
55 person available, qualified, or eligible for the position.

56 (b) [~~No~~] A public officer may not directly supervise an appointee who is a relative

57 ~~[when the salary, wages, pay, or compensation of the relative will be paid from public funds,~~  
58 ~~except as follows]~~ or household member of the public officer, unless:

59 (i) the ~~[relative]~~ appointee was appointed or employed before the public officer  
60 assumed ~~[his]~~ the public officer's supervisory position, if the ~~[relative's]~~ appointee's  
61 appointment did not violate the provisions of this chapter in effect at the time of ~~[his]~~ the  
62 appointee's appointment;

63 (ii) the appointee is eligible or qualified to be employed by a department or agency of  
64 the state or a political subdivision of the state as a result of ~~[his]~~ the appointee's compliance  
65 with civil service ~~[laws or regulations,]~~ or merit system laws or regulations;

66 (iii) the appointee will be compensated from funds designated for vocational training;

67 (iv) the appointee will be employed for a period of 12 weeks or less;

68 (v) the appointee is a volunteer as defined by the employing entity;

69 (vi) the appointee is the only person available, qualified, or eligible for the position; or

70 (vii) the chief administrative officer determines that the public officer is the only  
71 ~~[person]~~ individual available or best qualified to perform supervisory functions for the  
72 appointee.

73 (c) When a public officer supervises a relative or household member under Subsection  
74 (2)(b):

75 (i) the public officer shall ~~[make]~~ immediately submit a complete written disclosure of  
76 the ~~[relationship to the chief administrative officer of the agency or institution; and]~~ public  
77 officer's relationship with the relative or household member:

78 (A) for a public officer subject to the requirements of Title 67, Chapter 16, Utah Public  
79 Officers' and Employees' Ethics Act, in the same manner the public officer is required to make  
80 a disclosure under Section [67-16-7](#);

81 (B) for a public officer subject to the requirements of Title 17, Chapter 16a, County  
82 Officers and Employees Disclosure Act, in the same manner the public officer is required to  
83 make a disclosure under Section [17-16a-6](#); and

84 (C) for a public officer subject to the requirements of Title 10, Chapter 3, Part 13,  
85 Municipal Officers' and Employees' Ethics Act, in the same manner the public officer is  
86 required to make a disclosure under Section [10-3-1306](#); and

87 (ii) the public officer ~~[who exercises authority over a relative]~~ may not evaluate the

88 [relative's] job performance of or recommend salary increases for the relative or household  
89 member.

90 (d) A disclosure submitted under this Subsection (2) is public, and the person or entity  
91 with which the public officer files the disclosure shall make the disclosure available for public  
92 inspection.

93 (3) ~~[No]~~ An appointee may not accept or retain employment if ~~[he is paid from public~~  
94 ~~funds, and he is]~~ accepting or retaining employment will place the appointee under the direct  
95 supervision of a relative~~[, except as follows]~~ or household member unless:

96 (a) the relative or household member was appointed or employed before the ~~[public~~  
97 ~~officer assumed his]~~ appointee assumed the appointee's position, if the ~~[relative's]~~ appointment  
98 of the relative or household member did not violate the provisions of this chapter in effect at  
99 the time of ~~[his]~~ the appointment;

100 (b) the appointee was or is eligible or qualified to be employed by a department or  
101 agency of the state or a political subdivision of the state as a result of ~~[his]~~ the appointee's  
102 compliance with civil service ~~[laws or regulations,]~~ or merit system laws or regulations;

103 (c) the appointee is the only person available, qualified, or eligible for the position;

104 (d) the appointee is compensated from funds designated for vocational training;

105 (e) the appointee is employed for a period of 12 weeks or less;

106 (f) the appointee is a volunteer as defined by the employing entity; or

107 (g) the chief administrative officer ~~[has determined]~~ determines that the appointee's  
108 relative or household member is the only ~~[person]~~ individual available or qualified to supervise  
109 the appointee.

110 Section 2. Section **52-3-2** is amended to read:

111 **52-3-2. Each day of violation a separate offense.**

112 Each day ~~[any such person, father, mother, husband, wife, son, daughter, sister, brother,~~  
113 ~~uncle, aunt, nephew, niece, first cousins, mother-in-law, father-in-law, brother-in-law,~~  
114 ~~sister-in-law, son-in-law or daughter-in-law, is retained in office by any of said officials shall~~  
115 ~~be regarded as]~~ a relative or household member remains unlawfully in office in violation of this  
116 chapter is a separate offense.