

1 **STATE EMPLOYEE INCENTIVE AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ashlee Matthews**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the use of certain unexpended appropriations.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms; and
- 13 ▶ allows an executive branch agency to use appropriated funds for one-time employee

14 incentive expenses, if:

- 15 • the Legislature appropriated the funds for a full-time employee position; and
- 16 • the executive branch agency was unable to fill the full-time employee position

17 before the end of the fiscal year, despite best efforts.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **63J-1-604**, Utah Code Annotated 1953

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

27 Section 1. Section **63J-1-604** is enacted to read:



28 **63J-1-604. Use of unexpended appropriations for employee incentives.**

29 (1) As used in this section:

30 (a) "Appropriation balance" means the unexpended or unencumbered balance of a line
31 item appropriation made by the Legislature to an agency that exists at the end of a fiscal year.

32 (b) (i) "Employee incentive expense" means a one-time expense paid or incurred for
33 the purpose of:

34 (A) recognizing or rewarding individuals in a full-time employee position; and

35 (B) incentivizing the recipient to remain in a full-time employee position.

36 (ii) "Employee incentive expense" includes an expense for:

37 (A) a monetary performance award;

38 (B) additional paid leave;

39 (C) a career development opportunity;

40 (D) educational assistance;

41 (E) wellness support; or

42 (F) an equipment allowance.

43 (c) (i) "Executive branch agency" means a department, division, office, bureau, or other
44 organization within the state executive branch.

45 (ii) "Executive branch agency" includes an agency under the authority of the governor,
46 lieutenant governor, state treasurer, state auditor, or attorney general.

47 (iii) "Executive branch agency" does not include the Utah System of Higher Education
48 or an independent entity, as defined in Section [63E-1-102](#).

49 (d) "Full-time employee position" means an employment position in an executive
50 branch agency:

51 (i) with a term of employment that contemplates continued employment during a fiscal
52 or calendar year;

53 (ii) that normally requires an average of 20 hours or more per week; and

54 (iii) that includes benefits normally provided by the executive branch agency.

55 (e) "Full-time employee vacancy" means a full-time employee position in an executive
56 branch agency for which the executive branch agency made best efforts to hire but was unable
57 to hire a qualified individual before the end of a fiscal year.

58 (f) "Vacancy balance" means an appropriation balance that is the result of a full-time

59 employee vacancy.

60 (2) An executive branch agency may use a vacancy balance to pay for an employee

61 incentive expense.