

**CHAPTER 1
ORGANIZATION FOR MERIT SYSTEM**

1.0 APPOINTMENT OF CAREER SERVICE COUNCIL – As required by Utah Code 17-33-4 – County Personnel Management Act, a Career Service Council (CSC) shall be appointed for Davis County by the County Commissioners, as the County executive, with the following provisions:

- A. CSC members shall be appointed for three (3) year terms. The terms shall be overlapping such that three years after their initial appointment, the member's term will expire.
- B. Members of the CSC may serve a maximum of three three-year terms. Each member of the Council shall hold office until their successor is appointed and confirmed.
- C. If CSC members cannot, for any reason, complete their term, an appointment to fill the vacancy shall be only for the unexpired term.
- D. Members of the CSC shall be individuals qualified to understand the importance of merit principles in public employment.
- E. Members of the CSC may not hold elected office or be employed by the County.
- F. CSC members shall receive a stipend for each day or part of a day in which they are in session at a rate consistent with state law. The compensation rate may be adjusted periodically for inflation.
- G. Members of the CSC shall be United States citizens. They must also be actual and bona fide residents of Davis County for a period of not less than one (1) year prior to appointment.

2.0 APPOINTMENT OF ALTERNATE MEMBERS OF THE CAREER SERVICE BOARD – The Board of County Commissioners, as the County executive, may appoint alternate members of the CSC, with the following provisions:

- A. Alternate members shall hear appeals that one or more of the regular CSC members are unable to hear.
- B. Alternate CSC members shall serve a term not to exceed one year. An alternate CSC member may serve with no term limitations.
- C. If alternate CSC members cannot, for any reason, complete their term, an appointment to fill the vacancy shall be only for the unexpired term.
- D. Alternate members of the CSC shall be individuals qualified to understand the importance of merit principles in public employment.
- E. Alternate members of the CSC may not hold elected office or be employed by the County.

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- F. Alternate CSC members shall receive a stipend for each day or part of a day in which they are in session at a rate consistent with state law. The compensation rate may be adjusted periodically for inflation.
- G. Alternate members of the CSC shall be United States citizens. They must also be actual and bona fide residents of Davis County for a period of not less than one (1) year prior to appointment.

3.0 ORGANIZATION OF THE CAREER SERVICE COUNCIL – The CSC shall elect one (1) of its members as Chairperson. Two (2) or more members of the CSC shall constitute a quorum necessary for addressing the business and activities of the CSC. If the Chairperson is unable to attend a meeting, a Chairperson pro-tem shall be designated.

4.0 DUTIES OF THE CAREER SERVICE COUNCIL - The duties of the CSC are enumerated as:

- A. The CSC shall hear appeals which have not been resolved at a management level in cases when a career service employee has been suspended without pay, transferred for disciplinary purposes, demoted for cause or dismissed, as defined in Davis County Policy Definitions #100.
- B. The CSC shall review a written appeal in a case of an applicant rejected for an interview. The CSC shall report the findings of its review as a final, binding decision, in writing, to the County Commissioners.
- C. The CSC shall review a written appeal of a dispute regarding the findings of a discrimination, harassment or retaliation investigation. The CSC shall report the findings of its review as a final, binding decision, in writing, to the County Commissioners.
- D. The CSC may not hear any other personnel matter. Appeals shall not include disputes over corrective actions, probationary actions, performance evaluations, probationary actions, performance evaluations, assignments or work schedules.

5.0 POWERS OF THE CAREER SERVICE COUNCIL – The powers of the CSC are enumerated as:

- A. The CSC may make an initial determination in each appeal whether the appeal is the type of matter over which it has jurisdiction.
- B. The CSC has subpoena power to compel the attendance of witnesses and to authorize witness fees where it deems appropriate, to be paid at the same rate as the justice courts.
- C. The CSC may affirm, modify, vacate or set aside a disciplinary decision.

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- D. As outlined in state statute, adequate annual appropriations shall be made available to the CSC to enable it to carry out its duties effectively.

6.0 REFERRALS TO AN ADMINISTRATIVE LAW JUDGE – As outlined in Utah Code 17-33-4.5 County Personnel Management Act the County Commissioners may appoint one or more administrative law judges who have been trained and experienced in personnel matters to hear appeals referred by the CSC. An appeal may be referred to an administrative law judge (ALJ) under the following provisions:

- A. The CSC shall refer an appeal to an ALJ if the Human Resources Director requests the appeal be referred.
- B. The CSC may refer an appeal to an ALJ if the CSC determines the referral is in the parties' best interest.
- C. After holding a hearing on an appeal, the ALJ shall make findings of fact and a written recommendation to the CSC. After receiving the ALJ's recommendation, the CSC may request the ALJ hold a further factual hearing before the CSC issues a decision.
- D. The CSC may adopt or reject the ALJ's recommendation, whether before or after the further hearing.
- E. In an appeal conducted by the ALJ, as described in 6.0 A, it is the ALJ and not the CSC, who issues the final decision.
- F. An ALJ shall be compensated for his services.

7.0 REMOVAL OF A MEMBER - A CSC member may be removed by the County Commissioners, as the County executive, for cause after the member receives appropriate due process – notice and a public hearing.