

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 332
SENATE BILL 1167

AN ACT

AMENDING SECTION 38-1003, ARIZONA REVISED STATUTES; RELATING TO MERIT
SYSTEM COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-1003, Arizona Revised Statutes, is amended to
3 read:

4 38-1003. Powers and duties of council

5 The council, pursuant to recognized merit system principles of
6 public employment, shall from time to time:

7 1. ON A RECOMMENDATION FROM THE DEPARTMENT HEAD, classify or
8 reclassify ~~at~~ THE SPECIFIED positions occupied by law enforcement
9 officers within the branch of government employing the officer and
10 recommend schedules of salary and other compensation payable for the
11 officer classification.

12 2. ~~Fix and refix~~ REVIEW standards and qualifications of all
13 positions ~~so~~ THAT ARE classified AND RECOMMEND ANY CHANGES TO THE HUMAN
14 RESOURCES DIRECTOR.

15 3. IN CONSULTATION WITH THE DEPARTMENT HEAD, provide a plan for
16 fair and impartial selection, appointment, retention and separation or
17 removal from service by resignation or dismissal of all classified law
18 enforcement officers. ~~The provisions of~~ Paragraph 4 ~~shall apply~~ OF THIS
19 SECTION APPLIES to appointments.

20 4. Provide a plan WITH RECOMMENDATIONS for THE promotion of law
21 enforcement officers ~~which~~ THAT shall give appropriate consideration to
22 qualifications, record of performance, seniority and conduct within the
23 field of law enforcement. Vacancies within a department shall be filled
24 whenever possible by promotion within a department and shall be on the
25 basis of competitive examination. If a vacancy occurs within a
26 department, the council, ~~upon~~ ON request, shall certify to the head of the
27 department the names of ~~five~~ officers in the order of ~~their~~ THE OFFICER'S
28 relative excellence in the competitive examination from which certified
29 list the appointment or promotion may be made.

30 5. Adopt rules necessary for the orderly administration of ~~the~~
31 ~~provisions of~~ this article.

32 6. Hear and review appeals from any order of the department head in
33 connection with suspension, demotion or dismissal of a classified law
34 enforcement officer. If the order of the department head was for a
35 suspension greater than sixteen hours, demotion or dismissal and the
36 council exonerates the officer, the council may award, in whole or in
37 part, the reasonable costs and attorney fees that the law enforcement
38 officer incurred or were incurred on behalf of the law enforcement officer
39 in connection with the appeal. The award of attorney fees by the council
40 shall not exceed ten thousand dollars. An award of attorney fees does not
41 apply if either of the following applies:

42 (a) The order of the department head was not for disciplinary
43 purposes but was for administrative purposes such as a reduction in force.

1 (b) The disciplinary action related to off-duty activities
2 unrelated to the required duties of the law enforcement officer. The
3 council's determination shall be final except on appeal as provided in
4 section 38-1004. If the department head appeals the decision of the
5 council, the council's award of any costs or attorney fees to an officer
6 shall be stayed pending the conclusion of the appeal. If the department
7 head's decision is upheld on appeal, the award of costs or attorney fees
8 in favor of the officer shall be reversed.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.