

CAREER SERVICE REVIEW OFFICE

FY 2022
ANNUAL REPORT

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ADMINISTRATION

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Akiko Kawamura was appointed in 2012 to lead the CSRO. She is a graduate of Lewis & Clark College and the University of Utah S.J. Quinney College of Law, with a background in employment law and human resource policy.

Annette Morgan has served at the CSRO since 2010. She is a graduate of Utah Valley State College (AAS, Legal Assisting), with a background in civil litigation.

MISSION STATEMENT

The Career Service Review Office administers the Utah State Employees' Grievance and Appeals Procedures for executive branch employees set forth at *Utah Code* §§ 67-19a-101 through 501.

OVERVIEW

The Career Service Review Office (CSRO) is an administrative court for State employees, providing due process to executive branch employees for some agency employment actions. The office is an independent state entity.

By statute, the CSRO may review a grievance from a career service employee regarding: a dismissal; demotion; suspension; reduction in force; abandonment of position dispute; a wage grievance (if an employee is not placed within the salary range of the employee's current position); a violation of a rule adopted by the Department of Human Resource Management; and the equitable administration of certain benefits. The CSRO can review these disciplinary actions and, following a full evidentiary hearing, uphold or overturn the State action.

Under *Cleveland v. Loudermill*, a 1985 United States Supreme Court case, governmental employees who have a property interest in their job are entitled to due process when that property interest is challenged. The CSRO provides that due process.

The CSRO's governing statute also allows all executive branch employees to file grievances under the *Utah Protection of Public Employees Act* and to request a review of the findings of an abusive conduct investigation conducted under *Utah Code* § 67-19-44.

The CSRO has 2 full time employees who manage its caseload and steer grievances to an appropriate resolution. When grievances result in an evidentiary hearing (at Level 4 of the State's grievance procedures), they are conducted by either the Administrator or one of the CSRO's contract hearing officers.*

*Hearing officer contracts are awarded to attorneys through the bid process governed by the Division of Purchasing.

INDEPENDENCE

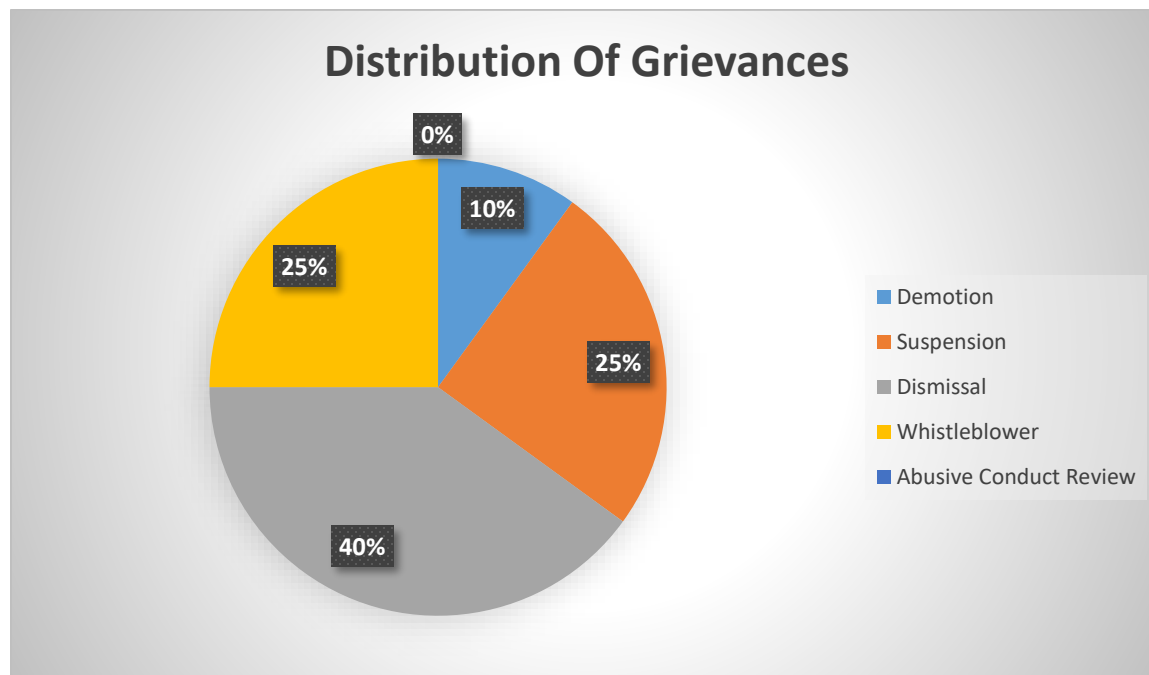
The CSRO is an independent administrative entity and its independence is important to both employees and agency employers. By law, post deprivation due process must be provided by an impartial tribunal and the CSRO strives to maintain independence. The office is necessarily siloed from other executive branch agencies to ensure it is not subject to external influences.

CSRO DUTIES

The CSRO’s duties are: solicit and maintain hearing officer contracts under the rules adopted by the Division of Purchasing; train and oversee hearing officers as directed by the Department of Human Resource Management; assign hearing officers to conduct hearings on a rotating basis; intake and review grievances; issue dismissals for lack of jurisdiction; conduct pre-hearing conferences; schedule and conduct mediations; issue and enforce subpoenas; guide parties through procedural rules; oversee and conduct hearings on motions and discovery disputes; schedule, record, oversee and conduct Level 4 evidentiary hearings; issue Level 4 decisions which may be appealed to the Utah Court of Appeals; prepare records on appeal; enforce, update, review and maintain CSRO rules; participate in the legislative process; respond to GRAMA requests.

DISTRIBUTION OF GRIEVANCES

Under the CSRO rules, there are only three “disciplinary” actions designated by statute: demotion, dismissal, and suspension. No other issues qualify as “disciplinary.” The distribution of closed grievances (by percentage) for FY2022 was:



* "Other" includes, but is not limited to: written reprimand, harassment, written warning, working conditions, work schedule, performance, interview process, career mobility and involuntary transfer.

JUDICIAL REVIEW FY 2022

In FY22, 1 (one) CSRO decision was appealed to the Utah Court of Appeals E.G. *v. Dep't of Corrections*. The appeal was voluntarily dismissed.

RESOLUTION OF GRIEVANCES

In FY22, for those employee grievances actually reported to the CSRO: 67% of grievances were dismissed for lack of jurisdiction; 4% of grievances resulted in a Level 4 evidentiary hearing; 11% of grievances were scheduled for a hearing; and 7% of cases were resolved prior to the hearing.

The CSRO has increased its efforts to help parties resolve grievances by encouraging participation in mediation/settlement conferences.

PERFORMANCE MEASURES

The CSRO tracks performance by converting statutory time limits to output and efficiency measures. By consistently meeting these performance goals, the CSRO discharges its duties efficiently and cost effectively. The CSRO met its performance goals in FY22 as follows:

By statute, the CSRO shall issue a written decision within 20 working days after an evidentiary hearing is adjourned. *Utah Code* § 67-19a-406(3)(a). In FY22, the average number of days between the end of an evidentiary hearing and the issuance of a written decision was 20 days.

The CSRO shall issue a jurisdictional decision within 15 days of the date a new grievance is filed. *Utah Code* § 67-19a-403(3)(b). In FY22, the average number of days between the date a grievance was filed and the issuance of a written jurisdictional was 13 days.

In the absence of extraordinary circumstances, the CSRO shall conduct an evidentiary hearing within 150 days of the date jurisdiction is established. *Utah Code* § 67-19a-404(1)(b)(ii)(B). In FY22, the average number of days between the date establishing jurisdiction and the beginning of a scheduled evidentiary hearing was 132 days.

The CSRO shall hire and retain hearing officers who meet the performance standards for Administrative Law Judges set by the Utah Department of Human Resource Management. In FY22, 100% of the CSRO's hearing officers met established performance standards established by the Department of Human Resource Management.