

REFERENCE TITLE: DCS employees; covered service

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1637

Introduced by
Senators Gonzales: Diaz

AN ACT

AMENDING SECTION 41-745, ARIZONA REVISED STATUTES; RELATING TO THE STATE
PERSONNEL SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-745, Arizona Revised Statutes, is amended to
3 read:

4 41-745. Covered and uncovered service

5 A. Except as provided in ~~subsection~~ SUBSECTIONS C AND D of this
6 section or section 41-742, subsection A, an employee under covered service
7 is entitled to continue to be a covered employee as long as the employee
8 remains in covered status without a break in service or as otherwise
9 provided by law. Probationary status employees are required to complete
10 their probationary period before obtaining rights of appeal. On
11 successfully completing a probationary period, an employee in covered
12 service is entitled to have appeal rights as provided in article 6 of this
13 chapter or section 41-1830.16, as applicable.

14 B. Except as provided in subsection C of this section, uncovered
15 service consists of all employees in the state agencies not included in
16 the covered service. Employees in uncovered service are employees at will
17 and are not entitled to appeal rights.

18 C. A position that requires certification as a full authority peace
19 officer by the Arizona peace officer standards and training board or a
20 position designated as a correctional officer I, correctional officer II,
21 correctional officer III or community corrections officer shall be in the
22 covered and uncovered service as follows:

23 1. If, on September 29, 2012, the position is filled with an
24 uncovered employee, the position shall remain in the uncovered service for
25 all future appointments to that position.

26 2. If, on September 29, 2012, the position is filled with a covered
27 employee who was in the state service and the employee does not
28 voluntarily elect to become an at will uncovered employee, the position
29 shall remain in the covered service for the current incumbent and for all
30 future appointments to that position.

31 3. If, on or after September 29, 2012, an employee in the covered
32 service voluntarily elects to become an at will uncovered employee, the
33 position shall remain in the uncovered service for all future appointments
34 to that position.

35 D. NOTWITHSTANDING SECTION 41-742, ANY EMPLOYEE OF THE DEPARTMENT
36 OF CHILD SAFETY WHO IS AT A PAY GRADE OF NINETEEN OR ABOVE, OR WHO IS IN
37 AN EQUIVALENT PAY RANGE AS DETERMINED BY THE DIRECTOR IF A SUCCESSOR
38 COMPENSATION SYSTEM IS ESTABLISHED, SHALL BE IN THE COVERED SERVICE AS
39 FOLLOWS:

40 1. IF, ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE
41 POSITION IS FILLED WITH AN UNCOVERED EMPLOYEE, THE POSITION SHALL BE
42 CHANGED TO COVERED SERVICE FOR ALL FUTURE APPOINTMENTS TO THAT POSITION.

1 2. IF, ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE
2 POSITION IS FILLED WITH A COVERED EMPLOYEE WHO WAS IN THE STATE SERVICE
3 AND THE EMPLOYEE DOES NOT VOLUNTARILY ELECT TO BECOME AN AT WILL UNCOVERED
4 EMPLOYEE, THE POSITION SHALL REMAIN IN THE COVERED SERVICE FOR THE CURRENT
5 INCUMBENT AND FOR ALL FUTURE APPOINTMENTS TO THAT POSITION.