

RESOLUTION 2006-02

AMENDING PERSONNEL POLICIES AND PROCEDURES SECTIONS 15.E AND 15.I, AND ENACTING SECTION 15.K, REGARDING LEAVE, ADDING A LONG TERM DISABILITY POLICY, CLARIFYING THE PLACEMENT OF APPOINTED EMPLOYEES WHO ARE NOT RETAINED UNDER A NEW ELECTED OFFICIAL, AND MAKING TECHNICAL CORRECTIONS

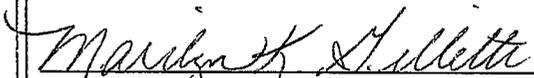
WHEREAS, the county commission finds it necessary to make a technical correction to Section 15.E, to clarify in 15.I what happens to an appointed official when a newly elected official desires to appoint someone else, and to establish a new long term disability leave policy as 15.K;

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Section 15.E, Court Leave, and Section 15.I, Leave of Absence, are hereby amended to read as attached hereto. Section 15.K, Long Term Disability Leave, is hereby enacted to read as attached hereto. This resolution shall take effect immediately.

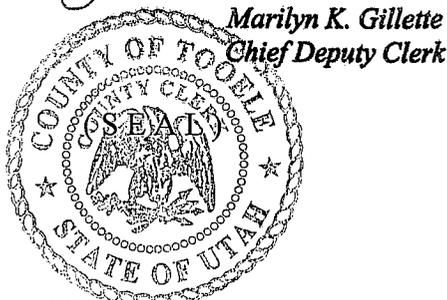
DATED this 21st day of February 2006.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY


DENNIS D. EWING, Clerk


DENNIS L. ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner Lawrence voted aye
Commissioner Johnson voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

SECTION 15
LEAVE

E. COURT LEAVE: An employee who, in obedience to a subpoena or direction by proper authority appears during a regularly scheduled work shift as a juror in any court case or as a witness in his official capacity for the federal government, the State of Utah or a political subdivision thereof, shall be paid that employee's regular compensation for the time taken off work. The employee shall immediately pay over to Tooele County any compensation or fees, except mileage, received from the court. Time absent by reason of a subpoena in private litigation or by some party other than the federal government, state government or a political subdivision thereof, or to testify as an individual and not in an official capacity for the county, shall be taken as annual leave or leave without pay.

I. LEAVE OF ABSENCE:

1. Leave of absence without pay may be granted or directed for periods not to exceed one year to employees because of illness, for education purposes, for disciplinary reasons, or for other appropriate reasons. It shall be granted only when all other leave is used, but may be directed at any time. Such leave shall not be regarded as an acquired right by employees and shall be granted only when the county will not be adversely affected thereby. Leave of absence without pay for illness may be approved by the department head or elected official for periods less than 40 hours per week. Unless designated as Family and Medical Leave by the Human Resource Department, leave without pay beyond the 40 hours must be made in writing, and, if approved by the department head and a county commissioner, shall be filed with the Human Resource Department. Leave granted to employees who accept full-time employment outside the county's service shall be subject to the approval of the county commission and a designated administrator and shall be denied unless the request thereof is accompanied by satisfactory proof that such employment is temporary and that the experience gained thereby will be for the betterment of the county's service. If an employee is placed on leave without pay status three or more times, however, that employee may be subject to immediate dismissal.
2. A leave of absence without pay may be terminated prior to the expiration date. Failure of an employee to report for duty promptly at the expiration of the leave or violation of an agreement or understanding entered into by the employee relative thereto shall be just cause for discharge and the removal of the employee's name from any eligible list on which it may appear.
3. An employee may be placed on leave of absence without pay when suspected of or charged with committing a felony or a crime involving an abuse of the county office or position. If the employee is exonerated, the employee shall be reinstated with back pay.
4. a. A career service employee shall be placed on an automatic leave of absence in the event the employee becomes an elected county officer, a chief deputy, or is appointed to a position exempt from the career service for the period of time the employee fills the

exempt position. Any career service employee accepting an appointment to an exempt position who is not retained by the appointing officer, unless discharged for a serious behavior problem as identified in Section 24.E, shall:

(1) be appointed to any career service position for which the employee qualifies in a pay grade comparable to the employee's last position in the career service provided an opening exists; or

(2) be appointed to any lesser career service position for which the employee qualifies pending the opening of a position described in Subsection (1) of this section.

b. The Human Resource Department director shall maintain a reappointing register to facilitate the operation of this section, which shall have precedence over other registers.

c. Employees taking such a leave of absence shall have their accrued annual leave and converted sick leave accrual converted to wages and paid to them upon commencement of the leave. Accrued sick leave, however, shall be frozen but may be reinstated upon the termination of the leave of absence if the employee is appointed to another position under Subsections a(1) or (2).

K. LONG TERM DISABILITY LEAVE:

1. An employee who is determined eligible for the Long Term Disability Program (LTD) shall be granted up to one year of leave, if warranted by a medical condition.

2. The leave begins on the last day the employee worked. LTD requires a three month waiting period before benefit payments begin. During this period, an employee may be placed on FMLA leave or other types of leave. When these leaves are exhausted, the employee will then be placed in a leave without pay status. The employee shall be paid for remaining balances of leave once disability eligibility is determined.

3. Only insurance coverage that were in effect at least one full year prior to the time of LTD eligibility may be continued. If approval or denial for LTD coverage is delayed beyond the three months waiting period the employee is entitled to continue benefits not to exceed six month. If denied LTD benefits the employee will be entitled to elected COBRA coverage.

4. If the county's insurance carrier provides a waiver program the employee is responsible for the premiums as outlined in the carrier's waiver program. Dental and life insurance are not covered under a waiver program. If no waiver program is offered, the employee is responsible for premiums according to the county service credit policy offered to retirees. However, only the years of service up to LTD eligibility will be counted towards the service credit. Once the employee's service credit is exhausted, and if the employee remains LTD eligible, the employee is responsible to pay the same premiums and be on the same plans offered regular retirees.

5. An employee shall continue to accrue service credit for retirement purposes while receiving LTD benefits. An employee who retires from County government directly from LTD will be entitled to insurance benefits at the same level and pay the same premiums as other qualified retirees.
6. If an employee is able to return to work within one year of the last day worked, the county shall place the employee in the previously held position or a similar position in a comparable salary range, provided the employee is able to perform the essential functions of the job with or without a reasonable accommodation.
7. If an employee is unable to perform the essential functions of the position because of a permanent disability that qualifies as a disability under the ADA, the county shall offer the employee a reassignment to an available vacant position, for which the employee qualifies, and whose essential functions the employee is able to perform without a reasonable accommodation.
8. If an employee is unable to return to work within one year after the last day worked, the employee shall be separated from county employment.
9. An employee determined eligible for LTD shall be separated from Tooele County with reinstatement optional within one year, provided the employee first submits a written request for a one-year leave of absence for medical purposes.