

RESOLUTION 2006-12

**AMENDING PERSONNEL POLICIES AND PROCEDURES SUBSECTION 15.I.4, CLARIFYING THE PLACEMENT OF APPOINTED EMPLOYEES WHO ARE FORMER CAREER SERVICE EMPLOYEES ON A LEAVE OF ABSENCE AND WHO ARE NOT RETAINED BY AN ELECTED OFFICIAL, AND AMENDING SUBSECTION 6.D.6 TO MAKE A TECHNICAL AMENDMENT**

**WHEREAS**, the county commission finds it necessary to clarify in Subsection 15.I.4 what happens to an appointed official who is a former career service employee on a leave of absence when an elected official desires to appoint someone else; and

**WHEREAS**, the Utah Code cited in Subsection 6.D.6 has been renumbered and thus the citation in this section needs to be updated;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION** that Personnel Policies and Procedures Subsection 15.I.4, Leave of Absence, and Subsection 6.D.6, Appointed Employees' Status, are hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

**EFFECTIVE DATE:** This resolution shall take effect immediately upon passage.

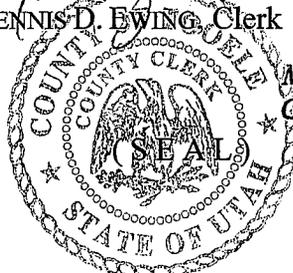
**DATED** this 15<sup>th</sup> day of August 2006.

**ATTEST:**

**TOOELE COUNTY LEGISLATIVE BODY**

  
DENNIS D. EWING, Clerk

  
DENNIS L. ROCKWELL, Chairman



Marilyn K. Gillette  
Chief Deputy Clerk

Commissioner Rockwell voted *aye*  
Commissioner Lawrence voted *absent*  
Commissioner Johnson voted *aye*

**APPROVED AS TO FORM:**

  
DOUGLAS J. AHLSTROM  
Tooele County Attorney

**SECTION 15**  
**LEAVE**

**I. LEAVE OF ABSENCE:**

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.
- b. A career service employee who accepted an appointment to an exempt position prior to August 15, 2006, who is not retained by the appointing officer and has not been terminated for a serious behavior problem such as those identified in Section 24.E, shall be returned to their former career service position upon termination of the leave of absence.
- c. A career service employee accepting an appointment to an exempt position after August 15, 2006, who is not retained by the appointing officer and has not been terminated for a serious behavior problem such as those 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 in a pay grade comparable to the employee's last career service position.
- d. Appointed lieutenants in the Sheriff's department are governed by Section 6 of these Policies and Procedures and shall have bumping rights back to their former position regardless of when they were appointed unless discharged for a serious behavior problem such as those identified in Section 24.E. The rate of pay will be determined by Section 11.M.
- e. The Human Resource Department director shall maintain a reappointing register to facilitate the operation of this section, which shall have precedence over other registers.
- f. 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. An employee may elect to freeze up to 40 hours of accrued annual leave and up to 40 hours of converted sick leave to be reinstated upon termination of the leave of absence. An employee electing to freeze leave and who does not return to a career service position will have the leave converted to wages at the rate in which the hours were frozen and paid to them upon termination of employment. Accrued sick leave, however, shall be frozen but may be reinstated upon the termination of the leave of absence if the employee returns to a career service position.

- g. A career service employee who accepted an appointment to an exempt position, who is not retained by the appointing authority and who returns to a career service position, shall have their grade and step determined according to increases the employee would have attained during the leave of absence. The exact step will be determined by the Human Resource Director but shall not exceed the maximum step for the grade unless approved by the appointing authority and the county commission.

---

**SECTION 6**  
**EMPLOYEE STATUS**

**D. APPOINTED EMPLOYEES:**

6. Lieutenants in the sheriff's department are key policy-determining positions and are appointed pursuant to Utah Code 17-33-8(8). They are exempt from career service. Notwithstanding any provision to the contrary, such lieutenants are eligible to participate in and receive all benefits of county employment, shall accrue leave, and are subject to those provisions of the county's personnel policies that have no relationship to appointed employee status. The salaries will be pursuant to the established county compensation plan.

**SECTION 15**  
**LEAVE**

**I. LEAVE OF ABSENCE:**

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:~~
- b. A career service employee who accepted an appointment to an exempt position prior to August 15, 2006, who is not retained by the appointing officer and has not been terminated for a serious behavior problem such as those identified in Section 24.E, shall be returned to their former career service position upon termination of the leave of absence.
- c. A career service employee accepting an appointment to an exempt position after August 15, 2006, who is not retained by the appointing officer and has not been terminated for a serious behavior problem such as those 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~~ in a pay grade comparable to the employee's last career service position.
- d. Appointed lieutenants in the Sheriff's department are governed by Section 6 of these Policies and Procedures and shall have bumping rights back to their former position regardless of when they were appointed unless discharged for a serious behavior problem such as those identified in Section 24.E. The rate of pay will be determined by Section 11.M.
- b e. 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 f. 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. An employee may elect to freeze up to 40 hours of accrued annual leave and up to 40 hours of converted sick leave to be reinstated upon termination of the leave of absence. An employee electing to freeze leave and who does not return to a career service position will have the leave converted to wages at the rate in which the hours were frozen and paid to them upon termination of employment. 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):~~ returns to a career service position.

- g. A career service employee who accepted an appointment to an exempt position, who is not retained by the appointing authority and who returns to a career service position, shall have their grade and step determined according to increases the employee would have attained during the leave of absence. The exact step will be determined by the Human Resource Director but shall not exceed the maximum step for the grade unless approved by the appointing authority and the county commission.

---

## SECTION 6 EMPLOYEE STATUS

### D. APPOINTED EMPLOYEES:

6. Lieutenants in the sheriff's department are key policy-determining positions and are appointed pursuant to Utah Code 17-33-8(78). They are exempt from career service. Notwithstanding any provision to the contrary, such lieutenants are eligible to participate in and receive all benefits of county employment, shall accrue leave, and are subject to those provisions of the county's personnel policies that have no relationship to appointed employee status. The salaries will be pursuant to the established county compensation plan.