

RESOLUTION 2008-12

A RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 6, EMPLOYEE STATUS

WHEREAS, the Tooele County Commission finds it necessary to revise Personnel Polices and Procedures Section 6, Employee Status, to incorporate best practices as recommended by UCIP and to ensure consistency and compliance with state law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE COUNTY COMMISSION that Personnel Policies and Procedures Section 6, Employee Status, is 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.

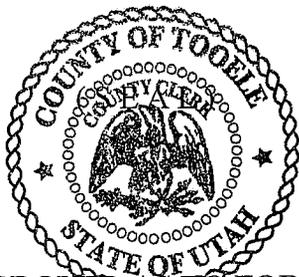
DATED this 5th day of August 2008.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

SECTION 6 EMPLOYEE STATUS

- A. **DEFINITION:** As used in these personnel policies and procedures, "employee" means each full-time, part-time, or appointed worker, elected official, and any temporary, seasonal or on-call worker in the service of the county, under any contract of hire, express or implied, written or oral. "Employee" does not include any independent contractor, volunteer, or court-appointed ward.
- B. **FULL-TIME EMPLOYEES:** Non-elected, compensated employees not in appointed positions and who regularly work 40 hours per week, or 84 hours in a 14-consecutive-day period if a sworn law enforcement officer, are full-time employees.
- C. **PART-TIME EMPLOYEES:**
1. Non-career service part-time employees: Employees who are hired to work less than 20 hours per week receive no fringe benefits. They are not hired pursuant to the regular hiring procedure. They are exempt from career service. They may not be transferred or promoted to a status which provides for fringe benefits without going through the regular hiring procedure. They may be terminated without cause. Part-time employees may be authorized to work more than 20 hours per week during peak seasonal periods. Time spent in a non-career service part-time position will not count towards seniority benefits.
 2. Career service half-time employees: Employees hired to work more than 20 hours per week but less than 30 hours per week receive fringe benefits, except medical, dental, and life insurance. They accrue vacation, sick leave, and other leave on a prorated basis according to their half-time status. A career service half-time employee may be authorized to work more than 30 hours per week during peak seasonal periods. They are hired pursuant to the regular hiring procedure and serve an extendable six-month probation. They may be transferred or promoted to a status which provides for additional fringe benefits without going through the regular hiring procedure. Time spent in a career service part-time position counts towards seniority benefits.
 3. Career service three-quarter-time employees: Employees hired to work more than 30 hours per week but less than 40 hours per week receive fringe benefits including medical, dental, and life insurance. They accrue vacation, sick leave, and other leave on a prorated basis according to their three-quarter-time status. They are hired pursuant to the regular hiring procedure and serve an extendable six-month probation. They may be transferred or promoted to a full-time position without going through the regular hiring procedure. Time spent in a career service part-time position counts towards seniority benefits.

D. APPOINTED EMPLOYEES:

1. The following employees are designated as appointed employees:
 - a. chief deputies and members of elected officials' personal staff;
 - b. members of policy, advisory, review, and appeal boards or similar bodies who do not perform administrative duties as individuals;
 - c. time-limited or contract positions established for the purpose of conducting special projects and programs;
 - d. department directors of aging, airport, building maintenance, emergency management, engineering, health, human resource management, information technology, parks and recreation, solid waste management, roads and shops, and the airport manager;
 - e. the lieutenants in the sheriff's department; and
 - f. temporary, seasonal, on-call, and emergency employees.
2. Unless state law defines otherwise, employees serving in appointed positions pursuant to Utah Code 17-33-8, serve at the discretion of the Commission or appointing authority. Appointed positions are exempt from career service. Appointed employees shall have no expectation of continued employment. They may be dismissed without cause for any reason other than age, race, sex, religion, national origin, or disability, except where there are bona fide occupational qualifications. They have no appeal rights after a dismissal. Appointed positions are not subject to the regular hiring procedure unless specifically stated otherwise. The hiring process for these positions shall be determined solely by the appointing authority.
3. Except where specifically stated otherwise, appointed department heads are eligible to participate in and receive all other benefits of county employment, as well as those negotiated as a condition of hire, and are subject to the other provisions of the county's personnel policies that have no relationship to appointed employee status.
4. Notwithstanding any provision to the contrary, the director of the health department is appointed by the county board of health, which also determines the director's compensation, subject to ratification by the county commission. The director is subject to removal for cause by the board of health or by the county commission if it rescinds, or withdraws, in writing the ratification of the director, in accordance with Title 26A of the Utah Code.
5. The director of human resource management is appointed pursuant to Utah Code 17-33-1.
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.

- E. **ELECTED OFFICIALS:** Elected officials are not covered by the personnel policies and procedures except they shall receive an elected official's benefit package. They shall administer their departments according to these personnel policies and procedures. In the event that any elected official is found to have a serious behavior or performance violation which would result in suspension, demotion, or termination for a merit employee, the elected official shall be publicly censured by the Commission.

- F. **CHIEF DEPUTIES:** Chief deputies are not covered by the personnel policies and procedures except they receive the fringe benefit package that full-time employees receive. In the event that any chief deputy is found to have a serious behavior or performance violation which would result in suspension, demotion, or termination for a merit employee, the elected official shall discipline the chief deputy in the same manner as a merit employee or be publicly censured by the Commission.

- G. **TEMPORARY AND SEASONAL EMPLOYEES:** Temporary and seasonal employees work on a short-term basis, usually to perform a specific piece of work. Applicants must meet the position's minimum qualifications. Such employment shall not exceed 90 days, with the period extendable for a period not to exceed an additional 90 days for good cause. (*Reference: Utah Code Ann. 17-33-5(3)(b)(ix)*). The hiring authority shall notify the director of personnel management before any offer is made. The hiring of seasonal employees who may be required to work more than six months in a year and who may be recalled from year to year as departmental needs dictate shall follow the regular hiring procedure. Temporary and seasonal employees receive no fringe benefits.

- H. **ON-CALL EMPLOYEES:** On-call employees work as department needs dictate but have no regular working schedule. Such employees are not entitled to fringe benefits. They are not subject to the regular hiring procedure. They may not be transferred or promoted to a status which provides for fringe benefits without going through the regular hiring procedure. They may be terminated without cause.

- I. **INDEPENDENT CONTRACTORS:** Independent contractors are those persons engaged in work for Tooele County who are independent of the county in all that pertains to execution of their work, are not subject to the rule or control of the county, are engaged only in the performance of a definite job or piece of work, and are subordinate to the county only in effecting a result in accordance with the county's design. Independent contractors are not covered by the personnel policies and procedures. Elected officials or department heads must enter into a written agreement with each independent contractor. If the written agreement is other than the pre-approved form for independent contractor agreements, then the agreement must be reviewed by the County Attorney and the Director of Human Resources. The agreement must be approved by the Commission consistent with Tooele County Code 1-8-1 et seq. A copy of the agreement must be provided to the Auditor's Office for payment purposes only.

- J. VOLUNTEERS:** “Volunteer” means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by Tooele County. “Volunteer” does not include any person who has been convicted of a criminal offense; any youth who has been adjudged delinquent; or any person or youth who has been diverted from the criminal or juvenile justice system and performs a public service as a condition of the person or youth’s sentence, diversion, probation, or parole. “Volunteer” includes a juror or potential juror appearing in response to a summons for a trial jury. Services rendered by a volunteer shall not be the same type of service which the person is otherwise employed to perform for the county. A volunteer may not donate any service to Tooele County unless the volunteer’s services are approved by the county commission or the department head, and by the office of personnel. Volunteers shall provide their name, address and contact information on a tracking sheet, which shall be submitted by the department head to the office of personnel management. Volunteers are not covered by other provisions of the county’s personnel policies, except they may be entitled to receive workers’ compensation medical benefits. (*Reference: Utah Code Ann. 67-20-1 et seq.*) Volunteers who drive on county business and who are age 68 and above must provide proof of attendance at an AARP Driving Safety Course or other mature driving program before driving on county business. The county may require volunteers to submit to a background check, which may include the volunteer providing criminal history record information provided by a law enforcement agency. The county may refuse the services of the volunteer for any reason, including the results of the background check.
- K. COURT-APPOINTED WARDS:** Prisoners or probationers required to work by or for Tooele County are not covered by the provisions of the county personnel policies and procedures, except for workers’ compensation.
- L. PROBATIONARY EMPLOYEES:** Newly-hired employees serve an extendable six-month probation, except for peace officers whose probationary term is for an extendable twelve-month period (see UCA 17-30-11). Probationary employees are at-will employees. They have no expectation of continued employment with Tooele County. They may be discharged with cause, without cause, for rule violation, or for any reason other than a reason prohibited by law. Probationary employees may not invoke the grievance process except as described in this subsection. Employees who move to a new position, whether involuntarily or voluntarily, are subject to this subsection, and shall also have no expectation of continued employment in the new position until successfully completing the probationary period.
- M. STUDENTS:** Departments are encouraged to arrange their employment to accommodate students during summer months and summer vacations. However, no person under age 16 may be employed by the county unless authorized by the director of human resource management and the county commission.
- N. CAREER STATUS:** An employee who has successfully completed a probationary period in a career service position, as evidenced by a satisfactory employee performance appraisal, shall have earned career service time.

O. CAREER SERVICE EXEMPT EMPLOYEES:

1. A career service exempt employee occupies a position which either (i) is funded by grant monies or another alternate funding source, or (ii) the duration of the work to be performed does not exceed three years.
2. Career service exempt employees accrue benefits in the same manner as other career service employees. The employment term of a career service exempt employee is temporary and subject to the availability of funds from the source or the continuing need of the county for the work to be performed.
3. Such employees shall be terminated without rights of appeal when funding is no longer available or the need of the county for the work to be performed no longer exists. They will not have the rights of the reduction in force provisions.
4. Employees accepting career service exempt positions shall be required to sign a letter specifying conditions of employment and the funding source to which the position is tied or specifying that the anticipated duration for the work to be performed does not exceed three years.
5. The Human Resource Department, consulting with the appointing authority, will determine which positions are career service exempt.
6. Employees hired in career service exempt positions prior to the effective date of this policy are considered career service employees.

**SECTION 6
EMPLOYEE STATUS**

- A. **DEFINITION**: As used in these personnel policies and procedures, "employee" means each full-time, part-time, or appointed worker, elected official, and any temporary, seasonal or on-call worker in the service of the county, under any contract of hire, express or implied, written or oral. "Employee" does not include any independent contractor, volunteer, or court-appointed ward.
- B. **FULL-TIME EMPLOYEES**: Non-elected, compensated employees not in appointed positions and who regularly work 40 hours per week, or ~~171~~ 84 hours in a ~~28~~ 14-consecutive-day period if a sworn law enforcement officer, are full-time employees.
- C. **PART-TIME EMPLOYEES**:
- ~~1. Non-elected, compensated employees not in appointed positions and who are hired to work for less than 40 hours per week on an ongoing basis are part-time employees.~~
 1. Non-career service part-time employees: Employees who are hired to work less than 20 hours per week receive no fringe benefits. They are not hired pursuant to the regular hiring procedure. They are exempt from career service. They may not be transferred or promoted to a status which provides for fringe benefits without going through the regular hiring procedure. They may be terminated without cause. Part-time employees may be authorized to work more than 20 hours per week during peak seasonal periods. Time spent in a non-career service part-time position will not count towards seniority benefits.
 - ~~2. Part-time employees hired to work at least 20 hours per week receive fringe benefits, except medical, dental and life insurance, on a prorated basis according to their half-time or three-quarter time status. They are hired pursuant to the regular hiring procedure.~~
 2. Career service half-time employees: Employees hired to work more than 20 hours per week but less than 30 hours per week receive fringe benefits, except medical, dental, and life insurance. They accrue vacation, sick leave, and other leave on a prorated basis according to their half-time status. A career service half-time employee may be authorized to work more than 30 hours per week during peak seasonal periods. They are hired pursuant to the regular hiring procedure and serve an extendable six-month probation. They may be transferred or promoted to a status which provides for additional fringe benefits without going through the regular hiring procedure. Time spent in a career service part-time position counts towards seniority benefits.
 - ~~3. Part-time employees hired to work less than 20 hours per week do not receive fringe benefits. They are not subject to the regular hiring procedure. They shall not be allowed to work more than 20 hours per week unless determined necessary by the department head. Part-time employees may be authorized to work more than 20 hours per week during peak seasonal periods. They may not be transferred or promoted to a status which provides for fringe~~

~~benefits without going through the regular hiring procedure. They may be terminated without cause.~~

3. Career service three-quarter-time employees: Employees hired to work more than 30 hours per week but less than 40 hours per week receive fringe benefits including medical, dental, and life insurance. They accrue vacation, sick leave, and other leave on a prorated basis according to their three-quarter-time status. They are hired pursuant to the regular hiring procedure and serve an extendable six-month probation. They may be transferred or promoted to a full-time position without going through the regular hiring procedure. Time spent in a career service part-time position counts towards seniority benefits.

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 - e. the lieutenants in the sheriff's department; and
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4. Notwithstanding any provision to the contrary, the director of the health department is appointed by the county board of health, which also determines the director's compensation, subject to ratification by the county commission. The director is subject to removal ~~only~~ for cause by the board of health or by the county commission if it rescinds, or withdraws, in writing the ratification of the director, in accordance with Title 26A of the Utah Code ~~and the local board of health rules and bylaws.~~
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- K. **COURT-APPOINTED WARDS:** Prisoners or probationers required to work by or for Tooele County are not covered by the provisions of the county personnel policies and procedures, except for workers' compensation.
- L. **PROBATIONARY EMPLOYEES:** Newly-hired employees serve an extendable six-month probation, except for peace officers whose probationary term is for an extendable twelve-month period (see UCA 17-30-11). Probationary employees are at-will employees. They have no expectation of continued employment with Tooele County. They may be discharged with cause, without cause, for rule violation, or for any reason other than a reason prohibited by law. Probationary employees may not invoke the grievance process except as described in this subsection. Employees who move to a new position, whether involuntarily or voluntarily, are subject to this subsection, and shall also have no expectation of continued employment in the new position until successfully completing the probationary period.

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