

RESOLUTION 2008-13

A RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES SUBSECTIONS 15.B.10 AND 15.G, MAKING TECHNICAL CORRECTIONS REGARDING LEAVE

WHEREAS, the Tooele County Commission finds it necessary to revise Personnel Polices and Procedures Subsection 15.B.10, regarding donated leave, and Subsection 15.G, Military Leave, to ensure consistency and compliance with federal law and to make technical corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE COUNTY COMMISSION that Personnel Policies and Procedures Subsection 15.B.10, regarding donated leave, and Subsection 15.G, Military Leave, are hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

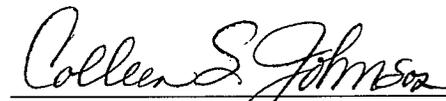
EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

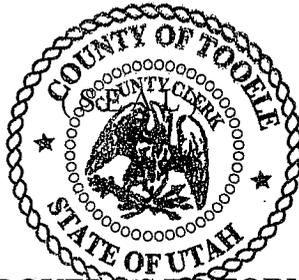
DATED this 5th day of August 2008.

ATTEST:

TOOELE COUNTY COMMISSION:


MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



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

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

SECTION 15
LEAVE

B. SICK LEAVE:

10. Employees who have accrued annual leave, converted sick leave, or compensatory time may donate all or a part of the leave or time to another county employee, which leave may then be used by the donee as sick leave, upon compliance with the following conditions:
 - a. The department heads of both the donor and the donee must approve of the donation of leave.
 - b. The donee must have exhausted all annual leave, sick leave, and compensatory time and need additional sick leave to avoid taking leave without pay.
 - c. The donee must comply with all of the policies and procedures regarding the use of sick leave.
 - d. Donated leave shall be documented on a form supplied by the Human Resource Department and shall contain the signatures of the department heads, the donor, and the donee. Donated leave shall be administered under the direction of the county auditor.
-

G. MILITARY LEAVE:

1. Leave is granted for a period of active military service. Military leave of less than six months is known as short-term leave. Leave of six months or more is known as extended leave.
2. Short-term military leave is authorized pursuant to the following:
 - a. Employees are entitled to eleven working days military leave per year without loss of compensation or other fringe benefits, subject to Subsection b. Any employee requesting military leave must provide the designated administrator with a copy of the military orders placing the employee on active duty status.
 - b. Employees who are members of reserve units of the military shall notify their immediate supervisor at least four weeks in advance unless prevented by military necessity and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the employee's personnel file.

3. Extended military leave is granted to full-time or part-time employees who enlist, are drafted, or are called to active service in the armed forces of the United States in accordance with the Universal Military Training and Service Act.
4. Former employees are entitled to return to county employment pursuant to the following conditions:
 - a. The leave of absence may not exceed five years from the date of entry into the military service, unless the employee is involuntarily retained longer.
 - b. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
 - c. Any employee leaving active military duty is authorized days from the active duty release date in which to request reinstatement to a position of comparable status and compensation. If gone 30 days or less, the employee must request reinstatement the next business day. If gone 31 to 180 days, the employee must request reinstatement within 14 days after military release. If gone 181 or more days, the employee must request reinstatement within 90 days after military release.
 - d. If the employee declines two consecutive offers for position vacancies, reinstatement rights may be canceled.
 - e. If an employee is not qualified to perform all the duties of the employee's former position due to a disability incurred or aggravated while in military service, reasonable efforts will be made to accommodate the disability so the employee can perform the position the employee would have held if the employee had remained continuously employed. If, despite reasonable accommodation efforts, the person is not qualified for the position due to the disability, the employee will be employed in a position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position or could be qualified to perform them with reasonable efforts by the county. If the employee does not become qualified for this second position, the employee will be employed in a position that, consistent with the circumstances of that person's case, most nearly approximates the second position in terms of seniority, status, and pay.
5. Employees using military leave may elect to use annual leave, converted sick leave, compensatory time, or leave without pay.

SECTION 15
LEAVE

B. SICK LEAVE:

10. Employees who have accrued annual leave, converted sick leave, or compensatory time may donate all or a part of the leave or time to another county employee, which leave may then be used by the donee as sick leave, upon compliance with the following conditions:
 - a. The department heads of both the donor and the donee must approve of the donation of leave.
 - b. The donee must have exhausted all annual leave, sick leave, and compensatory time and need additional sick leave to avoid taking leave without pay.
 - c. The donee must comply with all of the policies and procedures regarding the use of sick leave.
 - d. Donated leave shall be documented on a form supplied by the Human Resource Department and shall contain the signatures of the department heads, the donor, and the donee. Donated leave shall be administered under the direction of the county auditor.
-

G. MILITARY LEAVE:

1. Leave ~~may be~~ is granted for a period of active military service. Military leave of less than six months is known as short-term leave. Leave of six months or more is known as extended leave.
2. Short-term military leave is authorized pursuant to the following:
 - a. Employees are entitled to eleven working days military leave per year without loss of compensation or other fringe benefits, subject to Subsection b. Any employee requesting military leave must provide the ~~county commission~~ or a designated administrator with a copy of the military orders placing the employee on active duty status.
 - b. Employees who are members of reserve units of the military shall notify their immediate supervisor at least four weeks in advance unless prevented by military necessity and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the employee's personnel file.

3. Extended military leave ~~without pay may be~~ is granted to full-time or part-time employees who enlist, are drafted, or are called to active service in the armed forces of the United States in accordance with the Universal Military Training and Service Act.
4. Former employees ~~shall be permitted~~ are entitled to return to county employment pursuant to the following conditions:
 - a. The leave of absence may not exceed five years from the date of entry into the military service, unless the employee is involuntarily retained longer.
 - b. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
 - c. Any employee leaving active military duty is authorized days from the active duty release date in which to request reinstatement to a position of comparable status and compensation. If gone 30 days or less, the employee must request reinstatement the next business day. If gone 31 to 180 days, the employee must request reinstatement within 14 days after military release. If gone 181 or more days, the employee must request reinstatement within 90 days after military release.
 - d. If the employee declines two consecutive offers for position vacancies, reinstatement rights may be canceled.
 - e. If an employee is not qualified to perform all the duties of the employee's former position due to a disability incurred or aggravated while in military service, reasonable efforts will be made to accommodate the disability so the employee can perform the position the employee would have held if the employee had remained continuously employed. If, despite reasonable accommodation efforts, the person is not qualified for the position due to the disability, the employee will be employed in a position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position or could be qualified to perform them with reasonable efforts by the county. If the employee does not become qualified for this second position, the employee will be employed in a position that, consistent with the circumstances of that person's case, most nearly approximates the second position in terms of seniority, status, and pay.
5. Employees using military leave may elect to use annual leave, converted sick leave, compensatory time, or leave without pay.