

RESOLUTION 2011-08

A RESOLUTION AMENDING SECTION 9, CAREER PLANNING AND PERFORMANCE MANAGEMENT, AND SECTION 13, EMPLOYEE BENEFITS, OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the Tooele County Commission finds it necessary to revise and update the County's Reduction-In-Force (RIF) policy and to revise and update the policies regarding retirement benefits due to recent changes in State law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE COUNTY COMMISSION that Personnel Policies and Procedures Section 9, Career Planning and Performance Management, and Section 13, Employee Benefits, are hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

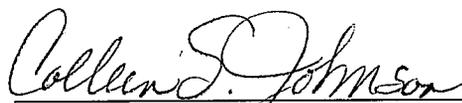
EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

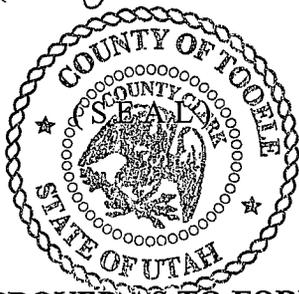
DATED this 18th day of October 2011.

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 9
CAREER PLANNING AND PERFORMANCE MANAGEMENT

- A. PERFORMANCE EVALUATIONS:** Employee performance and potential shall be evaluated during and at the end of the probationary period and annually thereafter on or before the eligibility date. These evaluations will be used to improve employee effectiveness, assess training needs and plan training activities, and provide a basis for decisions on placements, promotions, separations, salary advancements, and other personnel actions.
- B. PROBATIONARY PERIOD:** The probationary period is an integral part of the selection process. It allows the appointing authority to train an employee and evaluate the employee's progress, adaptability and effort. Newly-hired employees must serve an extendable six-month probationary period, except for peace officers, court security, and corrections officers whose probationary term is for an extendable twelve-month period (see UCA 17-30-11). The probationary period is extendable by the department head for a period not to exceed six months for good cause.
- C. EVALUATING PROBATIONARY EMPLOYEES:** The appointing authority shall submit in writing an evaluation and recommendation for action at least one month prior to the employee's eligibility for graduation from probation. The affected employee shall be notified of the action proposed to be taken. Any of the following actions may be instituted by the appointing authority:
1. The employee may be given full-time status and the associated pay raise, based on satisfactory performance by the employee.
 2. Based on less than satisfactory performance or for good cause, the employee's probationary period may be extended for a period not to exceed six months, at which time the employee will be reevaluated. Such an employee will not receive a pay increase until performance is deemed satisfactory and probation is ended.
 3. Based on unsatisfactory performance or questionable competence, the employee may be demoted or returned to a former position.
 4. The employee may be dismissed for any reason, so long as it is specific, nondiscriminatory, and job-related.
- D. PROMOTION:** When it is in the best interest of the county to fill vacant positions from among current employees, eligibility may be limited to a specific department. Promotions shall be based on demonstrated capacity, as well as quality and length of service. All promotions must be certified by the department head, Human Resources Director, and the county commission. Promotions are subject to a six-month probationary period.
- E. REDUCTION-IN-FORCE:** A department head may separate employees because of lack of funds, curtailment of work, because of the return of an employee taking a leave of absence or who was

unsuccessful in completing a promotional probationary period within the same department. No full-time employee shall be separated from a department while there are part-time, emergency, provisional, probationary, or temporary employees serving in similar positions in that department. The decision of the department head to apply a reduction in force is final and not grievable.

1. All employees in a job class that are targeted for a reduction in force (RIF) will be evaluated upon a systematic consideration of length of service and job performance. The Human Resources Director shall identify the names of all employees currently filling the positions proposed for elimination and/or a reduction in force in the department and rank incumbent employees in each position classification according to composite retention points from highest to lowest. In the case of an equal number of composite retention points for two employees, the employee with the greater length of service shall be ranked higher. Retention points shall be calculated for affected employees in three categories, which are seniority, ability, and merit. The maximum number of retention points is fifty (50) points for seniority, twenty-five (25) points for ability, and twenty-five (25) points for merit, for a total of one hundred (100) retention points. The definitions and method for calculating retention points for seniority, ability, and merit are as follows:
 - a. Seniority. Seniority is the continuous service that an employee has with Tooele County as a career service employee from their most recent career service hire date. Service time shall not be subtracted for approved leaves. Only complete years of service will be used in computing retention points for seniority. Two (2) retention points shall be given for each year of service as a full-time career service employee. Service as a three-quarter-time or half-time career service employee shall be prorated. In the case where a career service employee's status has changed from or to full-time, three-quarter-time, or half-time in a year, the year shall be computed as a full year based upon what their status was for the majority of the year. Retention points for seniority shall not exceed fifty (50) points.
 - b. Ability. Ability is the consideration of knowledge, skills, and abilities such as technical expertise or experience related to job functions remaining after the reduction in force; possession of certifications, licenses, degrees, letters of commendation, or other qualifications related to job functions; versatility and flexibility to perform a variety of job functions; interpersonal skills, including the ability to positively influence the performance of others; and productivity, including quantity and quality of work performed. The department head shall provide a list to the Human Resources Director indicating ability retention points for all employees in positions proposed for elimination or a reduction in force, as well as the justification for the ability retention points. If the Human Resources Director determines that the proposed number of ability retention points cannot be adequately justified, then a committee composed of the Human Resources Director, an attorney from the County Attorney's Office, and an unaffected department head may adjust the ability retention points for any employee on the list. Retention points for ability shall not exceed twenty-five (25) points.
 - c. Merit. Merit is evidenced by the average of the three (3) most recent performance reviews (including three-month, probation, trial period, and/or annual reviews). Merit retention

points are calculating by adding the final score for the employee's three most recent performance appraisals and then dividing this number by three. For purposes of the this Section, a "competent" rating equals 25 points, a "needs improvement" rating equals 15 points, and an "unacceptable" rating equals five points. For evaluations where a numerical rating score was used, a score of 70 or above shall equal 25 points and a score below 70 shall equal 15 points. If the employee has had fewer than three reviews since the last merit hire date, the score will be based on the average of the available review scores. Each previously documented disciplinary action imposed in the prior three years will result in points being subtracted from the merit score according to the following scale: oral reprimand = -1 point; written reprimand = -3 points; suspension = -5 points. Retention points for merit shall not exceed twenty (25) points.

2. The Human Resources Director shall identify affected employees and potential bumping rights.
3. A closed meeting shall be held with the county commission, the department head, the Human Resources Director, and an attorney from the County Attorney's Office. The following guidelines are established for the closed session:
 - a. The department head shall present an organizational chart identifying the position(s) proposed for elimination;
 - b. The Human Resources Director shall present the employee lists, identify employees with the fewest retention points, identify potential employee bumping rights, and certify that assigned job classifications are accurate for affected positions; and
 - c. The discussion shall include projected savings and factors that would mitigate the reduction in force.
4. The county commission shall provide authorization for the reduction in force, and identify the position(s) to be eliminated.
5. The Human Resource Department shall prepare reduction in force notifications for affected employees and provide them to the department head.
6. The department head, and the Human Resources Director if requested by the department head, shall meet with the affected employee(s), provide the prepared notice, and coordinate all further steps with the Human Resource Department.
7. All career service employees reduced in force shall be:
 - a. Permitted to use "Bumping Rights." An employee has bumping rights into a position of the same, or of a lower, job classification level provided he/she has performed the essential functions of the position at some previous time within the department and will require little or no training to perform the duties again. The employee having the fewest retention points within a job classification is the employee that may be bumped. If bumping into a lower

classified position and the employee's salary step is above the maximum of the salary range for the lower classified position, the employee's salary step must be reduced to the maximum of the lower salary range. Bumping rights apply only to the department in which the worker is currently employed.

- b. Separated from employment if no bumping rights exist, if the employee does not elect to exercise bumping rights, or when bumped and no further bumping rights exist.
- c. Placed on a rehire register for a period of one (1) year. To be placed on a rehire register, the individual must complete a new application for employment and indicate positions and/or departments of interest. The rehire register will be provided to the hiring department along with the competitive recruitment employment register. A selection may be made from either register. The separated individual will be invited to interview for any open position for which the Human Resource Department considers them qualified. Rehired employees' previous years of service will be reinstated.

8. Any employee who is separated by a RIF will be paid two weeks severance pay.

F. TRAINING: Employees may receive training to assure high quality performance. Each responsible elected officer and department head shall develop and implement a program to improve the job and career related skills of employees so that they may render more valuable service to the county. The following standards shall apply to departmental training and development programs:

1. Employee development programs must focus on legitimate needs of the department.
2. Training programs should be relevant to the job and designed to improve employee behavior and performance.
3. Individual development plans should be established for each employee providing for job and career related development needs.
4. Departments shall keep records of all training activities in which their employees participate. These records shall include the names of participants, the type of training and the number of hours, and the costs per participant hour. Departments offering education assistance to employees will keep records of the amount paid annually and the type of training received for each employee who receives assistance.

G. TERMINATION:

1. Each terminating employee shall be given an exit interview by the department head or the Human Resources Director.
2. Employees who resign must give a minimum of two weeks' written notice of that resignation if they are to be considered for re-employment at a future date.

3. Each terminating employee shall return all property belonging to Tooele County, including cellular phones, radios, computers, credit cards with proof they are paid in full, gas cards, keys, clothing, tools, passwords, books and manuals, and shall clear all financial obligations prior to receiving a final paycheck. Any obligation not cleared shall be deducted from the final paycheck. Whenever possible, the exit interview form shall be signed by the department head or Human Resources Director and the terminating employee before the final paycheck is issued.

SECTION 13
EMPLOYEE BENEFITS

A. INSURANCE:

1. The county pays a portion of the premium for medical, dental, and life insurance provided to employees and their dependents. The portion paid by the county may vary according to the group plan offered and the costs incurred to provide the specified benefits. The County Commission shall establish the county's contribution for employee insurance.
2. Employees who work 30 hours or more per week are entitled to enroll in the county's insurance program. Eligible employees may participate in the medical, dental, and life portions of the plan and may choose single, two-party, or family coverage.
3. Payroll deductions for insurance premiums shall be prorated equally and withheld bi-monthly from each paycheck.
4. If a married couple works for the county and each spouse is eligible to receive full insurance benefits, they may acquire family coverage by paying ten percent of the full family insurance premium. The couple shall designate the employee from whose pay this insurance expense will be deducted.
5. Employees taking an approved leave of absence without pay shall have continuous insurance coverage if the leave does not extend beyond one full pay period. When an employee takes such leave that extends beyond one full pay period, all insurance coverage terminates at the end of the two-week period following the last insurance payroll deduction. Coverage may continue under the Consolidated Omnibus Budget Reconciliation Act (COBRA) guidelines during such approved leave if an employee pays the entire insurance premium including the county's regular contribution during the leave, plus a two percent administration fee.
6. Eligible new hires may immediately enroll in the insurance program. Employees who are eligible for the benefits and have properly enrolled in the insurance program shall be covered during the first payroll period following 14 days after enrollment. Insurance premiums shall be prepaid and withheld during a full payroll period prior to coverage. All insurance coverage terminates at the end of the pay period following the last insurance payroll deduction.
7. Eligible employees who do not enroll in the insurance program at the time of hire must wait for an open enrollment period or may enroll under a special enrollment requirement and shall provide to the county a certificate of cancellation from their prior insurance carrier for them or their dependents who wish to enroll. Applications for special enrollment must be reviewed and approved by the insurance carrier. Employees should contact the Human Resource Department for details when a special enrollment may be required. Changes to the employee's coverage election can be made during open enrollment or when a life status change occurs.

8. It is the employee's responsibility to notify the Human Resource Department when a dependent is no longer eligible for coverage. The county will not refund premium payments made for ineligible dependents.
9. Retirees from county employment who have at least ten years of service with the county and who qualify for service retirement under the Utah State Retirement System or other county-sponsored plan, including public safety retirees, may, until the retiree is of Medicare eligible age, continue their enrollment in the county insurance program subject to the following:
 - a. The county will allow retirees a premium credit to continue enrollment in the insurance program, at one year for every five years of full-time employment with the county under the same provisions as regular employees or until the retirees reach Medicare eligible age. Employees who retire prior to January 1, 2010 will receive a premium credit to continue enrollment in the insurance program, at one year for every five years of full-time employment with the county for the retirees and their dependents. Employees retiring after January 1, 2010 will receive paid up service premium credit for the retiree only.
 - b. Retirees, who have exhausted their years of service premium credit, and their dependents may continue enrollment under the group policy until they are of Medicare eligible age by paying 50% of the full cost of all coverages that are continued.
 - c. Retirees and their dependents, upon reaching Medicare eligible age, who have previously been covered under the group policy are eligible to participate in the county's Medicare Supplement Coverage. Retirees who have used all of their premium credits, and eligible dependents, may continue enrollment by paying 50% of the total premium for the Medicare Supplement Coverage.
 - d. Dependents of retirees shall be entitled to the same insurance coverage, shall pay 50% of the same premiums, and shall be covered on the same basis as a retiree of their age. Dependents of eligible retirees may continue enrollment in the county's medical and dental insurance programs on the same basis as the retiree even though the retiree reaches Medicare eligible age.
 - e. Only insurance coverages that were in effect for at least one full year prior to the time of retirement may be continued. Any coverages that are dropped after retirement may not thereafter be reinstated.
 - f. Any payments required by retirees to continue enrollment in the county's medical, dental, life, or Medicare Supplement Coverage shall be paid in advance to Tooele County.
10. In keeping with the provisions of COBRA and any amendments to that Act, Tooele County provides for the continuation of health and dental insurance benefits to employees and dependents who become qualifying beneficiaries under the terms of COBRA. Qualifying beneficiaries desiring to continue insurance coverage as members of the county group must pay the entire cost of the insurance plus the administration fee as designated by the Act or its

amendments. The duration of coverage shall be determined by the continuation provisions under the Act or its amendments, and the qualifying beneficiary's timely payment of the premium.

11. The spouse and children of a deceased county employee or retiree who are enrolled in the county medical or dental insurance programs may continue their insurance enrollment in these programs provided that the entire cost, plus a two percent administration fee, is paid by the spouse and children. The duration of coverage shall be determined by the continuation provisions under the COBRA Act and its amendments. Once their COBRA coverage expires, the spouse and children will not be eligible for coverage under the County sponsored plan but will be offered a conversion policy. Dependents of a deceased county employee or retiree are not entitled to participate in the county's life insurance program.

B. SECTION 125 CAFETERIA PLAN: Employees who wish to participate in the insurance or other benefit programs shall be required as a condition of eligibility, to also participate in the county's Section 125 Cafeteria Plan, insofar as it relates to the employees' payroll deductions necessary to obtain the insurance or other benefits.

C. SOCIAL SECURITY: In order to extend to employees of Tooele County and to the dependents and survivors of such employees the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, Tooele County participates in that Act pursuant to Utah Code Title 67, Chapter 11, and as directed by the Utah State Social Security Agency. Employees are required to contribute with respect to their wages an amount not exceeding the amount of tax which would be imposed by the Federal Insurance Contributions Act (FICA). Tooele County shall deduct such contribution from each employee's wages when paid. Tooele County shall contribute a matching amount into the contribution fund and pay such contributions to the Internal Revenue Service in accordance with FICA provisions in the Internal Revenue Code.

D. RETIREMENT: Employees who work 20 or more hours per week and receive benefits shall participate in the Utah Public Employees' Retirement Systems.

1. The Utah State Retirement program laws and regulations determine which retirement plan an employee is enrolled in. In summary, the plans are:

- a. Tier 1 (*for employees enrolled in the Utah State Retirement System prior to July 1, 2011*):
(1) Public Employees' Contributory Retirement Plan, (2) Public Employees' Non-Contributory Retirement Plan, and (3) Public Safety Employees' Non-Contributory Retirement Plan.

- (1) Tier 1 plans include a benefits protection contract between the Utah State Retirement Office and Tooele County that provides for continued service accrual in the event of a period of leave that is covered by group long-term disability insurance, when approved for applicable benefit coverage.

- (2) Exemption from participation. Elected officials, appointed employees, or others allowed to exempt out of participation in the Tier 1 Utah State Retirement System may file a formal request for exemption from membership in the retirement plan. In such cases, Tooele County will contribute to the employee's 401(k) plan, an amount equivalent to the Utah Retirement System's Total Cost Rate (URS normal cost + URS amortization of unfunded actuarial accrued liability - UAAL) for the respective plan applicable to the employee had he/she not exempted from participation. This amount is subject to change each year and is based on the rates established by the Utah Retirement System. This contribution must be included with any other Employer's 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.
 - (3) Employees who exempt from participation in Tier 1 plans are not covered by benefit protection with the Utah State Retirement System.
- b. Tier 2 (*for employees first entering the Utah State Retirement System after July 1, 2011*):
- (1) Public Employees' Defined Contribution Plan Only, (2) Public Employees' Hybrid Retirement Plan, (3) Public Safety Employees' Defined Contribution Plan Only, and (4) Public Safety Employees' Hybrid Retirement Plan.
- (1) Tier 2 plans do not include a benefits protection contract between the Utah State Retirement Office and Tooele County that provides for continued service accrual in the event of a period of leave that is covered by long-term disability.
- c. Post-retired Rehired Employees: Post retired employees have the responsibility to contact the URS office, know and monitor their post-retirement limitations, and to take action to ensure that retirement benefits are not jeopardized.
- (1) Benefit eligible post-retired employees rehired by Tooele County prior to June 30, 2010 will receive a contribution to his/her 401(k) account up to the maximum allowed by the URS office.
 - (2) Benefit eligible post-retired employees rehired by Tooele County on or after July 1, 2010 will **not** receive a contribution to his/her 401(k) account and will be subject to the rules and regulations of the Utah Retirement Systems Office regarding post-retirement re-employment. Tooele County will contribute the Amortization of Unfunded Actuarial Accrued Liability rate as determined by the Utah Retirement System on all post-retired employees whether full-time, part-time, or seasonal status.
2. Due to the complexity of the plans, employees should refer to the highlights handbooks prepared by the Utah State Retirement Systems Office regarding questions concerning the plans, which is available on-line at www.urs.org. Employees can also contact the Utah State Retirement Systems Office at 540 East 200 South, Salt Lake City, Utah 84102 or access their website at www.urs.org. Their telephone number is available from the Human Resource Department.

3. In all circumstances, Utah State Retirement Systems benefit programs will be in compliance with established laws and regulations of the Utah State Retirement Office.
4. Tooele County has elected to participate in the Utah Public Employees' Retirement System's Early Retirement Program. All eligible employees may participate in that program with no purchase participation from Tooele County.

E. GIFTS AND AWARDS: County funds shall not be appropriated for the purpose of providing gifts or awards to any employee except as otherwise provided herein. Any employee who has accrued five years of full-time service may receive a departmental award or pin and may receive a similar award for every consecutive five years of service thereafter. Employees who retire with at least ten years of full-time service may be awarded a plaque or a similar item by the county in recognition of the service provided to the county. Certificates or plaques may be awarded by the County Commission to anyone for exceptional services provided to the county. This section does not prohibit the granting of bonuses or other awards to county employees by the Commission when deemed appropriate.

F. 401(K), 457, ROTH IRA, AND TRADITIONAL IRA PLANS:

1. Pursuant to the Internal Revenue Code, the county has adopted 401(k), 457, Roth IRA, and Traditional IRA plans for the benefit of eligible employees. The purpose of the plan(s) is to provide a supplemental retirement income for eligible employees through a plan administered by Utah Retirement Systems.
2. All employees are eligible to participate in the supplemental plans offered through Utah Retirement Systems.
3. Tooele County may contribute to the 401(k) plan an amount determined by the County Commission. The rate is determined by budget approval. If the county elects to contribute to the 457 plan on the employee's behalf, a FICA match is required. The amount shall be allocated to eligible participants' accounts according to the employee's elections. Eligible employees may contribute amounts according to the plan.
4. Questions concerning the plans should be referred to Utah Retirement Systems.

G. CHANGES IN SUPPLEMENTAL PROGRAMS: Employees who participate in any supplemental program are enrolled for the entire calendar year and cannot cancel or change their election until the next open enrollment period unless a life status change occurs. Upon termination, it is the responsibility of the employee to cancel all supplemental programs.

SECTION 9
CAREER PLANNING AND PERFORMANCE MANAGEMENT

- A. PERFORMANCE EVALUATIONS:** Employee performance and potential shall be evaluated during and at the end of the probationary period and annually thereafter on or before the eligibility date. These evaluations will be used to improve employee effectiveness, assess training needs and plan training activities, and provide a basis for decisions on placements, promotions, separations, salary advancements, and other personnel actions.
- B. PROBATIONARY PERIOD:** The probationary period is an integral part of the selection process. It allows the appointing authority to train an employee and evaluate the employee's progress, adaptability and effort. Newly-hired employees must serve an extendable six-month probationary period, except for peace officers, court security, and corrections officers whose probationary term is for an extendable twelve-month period (see UCA 17-30-11). The probationary period ~~is six months, but it is extendable by the department head for a period not to exceed six months for good cause. The employee may appeal directly to the career service council any undue prolonging of the period designated to thwart merit principles:~~
- C. EVALUATING PROBATIONARY EMPLOYEES:** The appointing authority shall submit in writing an evaluation and recommendation for action at least one month prior to the employee's eligibility for graduation from probation. The affected employee shall be notified of the action proposed to be taken. Any of the following actions may be instituted by the appointing authority:
1. The employee may be given full-time status and the associated pay raise, based on satisfactory performance by the employee.
 2. Based on less than satisfactory performance or for good cause, the employee's probationary period may be extended for a period not to exceed six months, at which time the employee will be reevaluated. Such an employee will not receive a pay increase until performance is deemed satisfactory and probation is ended.
 3. Based on unsatisfactory performance or questionable competence, the employee may be demoted or returned to a former position.
 4. The employee may be dismissed for any reason, so long as it is specific, nondiscriminatory, and job-related.
- D. PROMOTION:** When it is in the best interest of the county to fill vacant positions from among current employees, eligibility may be limited to a specific department. Promotions shall be based on demonstrated capacity, as well as quality and length of service. All promotions must be certified by the department head, ~~director of personnel management~~ Human Resources Director, and the county commission. Promotions are subject to a six-month probationary period.

E. **REDUCTION-IN-FORCE:** A department head may separate employees because of lack of funds, curtailment of work, because of the return of an employee taking a leave of absence or who was unsuccessful in completing a promotional probationary period within the same department. The department head will determine which job class and the number of positions that will be affected after developing a work force adjustment plan (WFAP) that has been reviewed by the Human Resources Director and the County Commission. No full-time employee shall be separated from a department while there are part-time, emergency, provisional, probationary, or temporary employees serving in similar positions in that department. The decision of the department head to apply a reduction in force is final and not grievable.

1. All employees in a job class that are targeted for a reduction in force (RIF) will be evaluated upon a systematic consideration of length of service and job performance. relative efficiency. The Human Resources Director shall identify the names of all employees currently filling the positions proposed for elimination and/or a reduction in force in the department and rank incumbent employees in each position classification according to composite retention points from highest to lowest. In the case of an equal number of composite retention points for two employees, the employee with the greater length of service shall be ranked higher. Retention points shall be calculated for affected employees in three categories, which are seniority, ability, and merit. The maximum number of retention points is fifty (50) points for seniority, twenty-five (25) points for ability, and twenty-five (25) points for merit, for a total of one hundred (100) retention points. The definitions and method for calculating retention points for seniority, ability, and merit are as follows:

a. Seniority. Seniority is the continuous service that an employee has with Tooele County as a career service employee from their most recent career service hire date. Service time shall not be subtracted for approved leaves. Only complete years of service will be used in computing retention points for seniority. Two (2) retention points shall be given for each year of service as a full-time career service employee. Service as a three-quarter-time or half-time career service employee shall be prorated. In the case where a career service employee's status has changed from or to full-time, three-quarter-time, or half-time in a year, the year shall be computed as a full year based upon what their status was for the majority of the year. Retention points for seniority shall not exceed fifty (50) points.

b. Ability. Ability is the consideration of knowledge, skills, and abilities such as technical expertise or experience related to job functions remaining after the reduction in force; possession of certifications, licenses, degrees, letters of commendation, or other qualifications related to job functions; versatility and flexibility to perform a variety of job functions; interpersonal skills, including the ability to positively influence the performance of others; and productivity, including quantity and quality of work performed. The department head shall provide a list to the Human Resources Director indicating ability retention points for all employees in positions proposed for elimination or a reduction in force, as well as the justification for the ability retention points. If the Human Resources Director determines that the proposed number of ability retention points cannot be adequately justified, then a committee composed of the Human Resources Director, an attorney from the County Attorney's Office, and an unaffected department head may adjust

the ability retention points for any employee on the list. Retention points for ability shall not exceed twenty-five (25) points.

- c. Merit. Merit is evidenced by the average of the three (3) most recent performance reviews (including three-month, probation, trial period, and/or annual reviews). Merit retention points are calculating by adding the final score for the employee's three most recent performance appraisals and then dividing this number by three. For purposes of the this Section, a "competent" rating equals 25 points, a "needs improvement" rating equals 15 points, and an "unacceptable" rating equals five points. For evaluations where a numerical rating score was used, a score of 70 or above shall equal 25 points and a score below 70 shall equal 15 points. If the employee has had fewer than three reviews since the last merit hire date, the score will be based on the average of the available review scores. Each previously documented disciplinary action imposed in the prior three years will result in points being subtracted from the merit score according to the following scale: oral reprimand = -1 point; written reprimand = -3 points; suspension = -5 points. Retention points for merit shall not exceed twenty (25) points.

Each employee will be assigned up to 100 points on a current performance evaluation, or be assigned an average score of all performance evaluations given for the past five years, whichever is greater. In addition, each employee will receive seniority points as follows with Length of Service plus Time in Class:

<u>Length of Service</u>	<u>Points</u>
six months to two years	25
two years to five years	30
five years to 10 years	35
10 years to 15 years	40
15 years to 20 years	45
20 years or greater	50

Time in class begins when the employee entered the career ladder classification for their current position:

<u>Time in Class</u>	<u>Points</u>
six months to two years	30
two years to five years	35
five years to ten years	40
ten years to 15 years	45
15 years to 20 years	50
20 years or greater	55

Employees who have transferred from a non-county agency to county employment and who have been credited years of service for benefits accrual shall not be allowed to use the non-county service time for seniority points:

~~The retention rating will be calculated by adding total performance points to total seniority points. The employee with the lowest retention rating will be subject to the RIF. Where the total ratings of two or more employees are identical, length of service points will take precedence.~~

- ~~2. RIF employees will have the option to bump any employee within their department with lower retention points if all of the following apply:
 - a. The position is of equal or lower pay grade.
 - b. The RIF employee meets the minimum qualifications for the position.
 - c. The RIF employee previously held a similar class position with comparable duties.~~

~~The grade and step for the retained employee will be determined under Section 11, M(1).~~

~~No bumping rights will be allowed outside a department.~~

- ~~3. A full-time employee in good standing shall not be terminated through a reduction-in-force before the employee has been made a reasonable offer of reassignment, if such an offer is immediately possible.~~
2. The Human Resources Director shall identify affected employees and potential bumping rights.
3. A closed meeting shall be held with the county commission, the department head, the Human Resources Director, and an attorney from the County Attorney's Office. The following guidelines are established for the closed session:
 - a. The department head shall present an organizational chart identifying the position(s) proposed for elimination;
 - b. The Human Resources Director shall present the employee lists, identify employees with the fewest retention points, identify potential employee bumping rights, and certify that assigned job classifications are accurate for affected positions; and
 - c. The discussion shall include projected savings and factors that would mitigate the reduction in force.
4. The county commission shall provide authorization for the reduction in force, and identify the position(s) to be eliminated.
5. The Human Resource Department shall prepare reduction in force notifications for affected employees and provide them to the department head.

6. The department head, and the Human Resources Director if requested by the department head, shall meet with the affected employee(s), provide the prepared notice, and coordinate all further steps with the Human Resource Department.

7. All career service employees reduced in force shall be:

a. Permitted to use "Bumping Rights." An employee has bumping rights into a position of the same, or of a lower, job classification level provided he/she has performed the essential functions of the position at some previous time within the department and will require little or no training to perform the duties again. The employee having the fewest retention points within a job classification is the employee that may be bumped. If bumping into a lower classified position and the employee's salary step is above the maximum of the salary range for the lower classified position, the employee's salary step must be reduced to the maximum of the lower salary range. Bumping rights apply only to the department in which the worker is currently employed.

b. Separated from employment if no bumping rights exist, if the employee does not elect to exercise bumping rights, or when bumped and no further bumping rights exist.

c. Placed on a rehire register for a period of one (1) year. To be placed on a rehire register, the individual must complete a new application for employment and indicate positions and/or departments of interest. The rehire register will be provided to the hiring department along with the competitive recruitment employment register. A selection may be made from either register. The separated individual will be invited to interview for any open position for which the Human Resource Department considers them qualified. Rehired employees' previous years of service will be reinstated.

48. Any employee who is separated by a RIF will be paid two weeks severance pay.

F. TRAINING: Employees may receive training to assure high quality performance. Each responsible elected officer and department head shall develop and implement a program to improve the job and career related skills of employees so that they may render more valuable service to the county. The following standards shall apply to departmental training and development programs:

1. Employee development programs must focus on legitimate needs of the department.
2. Training programs should be relevant to the job and designed to improve employee behavior and performance.
3. Individual development plans should be established for each employee providing for job and career related development needs.
4. Departments shall keep records of all training activities in which their employees participate. These records shall include the names of participants, the type of training and the number of

hours, and the costs per participant hour. Departments offering education assistance to employees will keep records of the amount paid annually and the type of training received for each employee who receives assistance.

G. TERMINATION:

1. Each terminating employee shall be given an exit interview by the department head or the ~~director of personnel management~~ Human Resources Director.
2. Employees who resign must give a minimum of two weeks' written notice of that resignation if they are to be considered for re-employment at a future date.
3. Each terminating employee shall return all property belonging to Tooele County, including ~~papers~~; cellular phones, radios, computers, credit cards with proof they are paid in full, gas cards, keys, clothing, tools, passwords, books and manuals, and shall clear all financial obligations prior to receiving a final paycheck. Any obligation not cleared shall be deducted from the final paycheck. Whenever possible, the exit interview form shall be signed by the department head or ~~director of personnel management~~ Human Resources Director and the terminating employee before the final paycheck is issued.

SECTION 13
EMPLOYEE BENEFITS

A. INSURANCE:

1. The county pays a portion of the premium for medical, dental, and life insurance provided to employees and their dependents. The portion paid by the county may vary according to the group plan offered and the costs incurred to provide the specified benefits. The County Commission shall establish the county's contribution for employee insurance.
2. Employees who work 30 hours or more per week are entitled to enroll in the county's insurance program. Eligible employees may participate in the medical, dental, and life portions of the plan and may choose single, two-party, or family coverage.
3. Payroll deductions for insurance premiums shall be prorated equally and withheld bi-monthly from each paycheck.
4. If a married couple works for the county and each spouse is eligible to receive full insurance benefits, they may acquire family coverage by paying ten percent of the full family insurance premium. The couple shall designate the employee from whose pay this insurance expense will be deducted.
5. Employees taking an approved leave of absence without pay shall have continuous insurance coverage if the leave does not extend beyond one full pay period. When an employee takes such leave that extends beyond one full pay period, all insurance coverage terminates at the end of the two-week period following the last insurance payroll deduction. Coverage may continue under the Consolidated Omnibus Budget Reconciliation Act (COBRA) guidelines during such approved leave if an employee pays the entire insurance premium including the county's regular contribution during the leave, plus a two percent administration fee.
6. Eligible new hires may immediately enroll in the insurance program. Employees who are eligible for the benefits and have properly enrolled in the insurance program shall be covered during the first payroll period following 14 days after enrollment. Insurance premiums shall be prepaid and withheld during a full payroll period prior to coverage. All insurance coverage terminates at the end of the pay period following the last insurance payroll deduction.
7. Eligible employees who do not enroll in the insurance program at the time of hire must wait for an open enrollment period or may enroll under a special enrollment requirement and shall provide to the county a certificate of cancellation from their prior insurance carrier for them or their dependents who wish to enroll. Applications for special enrollment must be reviewed and approved by the insurance carrier. Employees should contact the ~~Department of Human Resource Management~~ Human Resource Department for details when a special enrollment may be required. Changes to the employee's coverage election can be made during open enrollment or when a life status change occurs.

8. It is the employee's responsibility to notify the ~~Department of Human Resource Management~~ Human Resource Department when a dependent is no longer eligible for coverage. The county will not refund premium payments made for ineligible dependents.
9. Retirees from county employment who have at least ten years of service with the county and who qualify for service retirement under the Utah State Retirement System or other county-sponsored plan, including public safety retirees, may, until the retiree is of Medicare eligible age, continue their enrollment in the county insurance program subject to the following:
 - a. The county will allow retirees a premium credit to continue enrollment in the insurance program, at one year for every five years of full-time employment with the county under the same provisions as regular employees or until the retirees reach Medicare eligible age. Employees who retire prior to January 1, 2010 will receive a premium credit to continue enrollment in the insurance program, at one year for every five years of full-time employment with the county for the retirees and their dependents. Employees retiring after January 1, 2010 will receive paid up service premium credit for the retiree only.
 - b. Retirees, who have exhausted their years of service premium credit, and their dependents may continue enrollment under the group policy until they are of Medicare eligible age by paying 50% of the full cost of all coverages that are continued.
 - c. Retirees and their dependents, upon reaching Medicare eligible age, who have previously been covered under the group policy are eligible to participate in the county's Medicare Supplement Coverage. Retirees who have used all of their premium credits, and eligible dependents, may continue enrollment by paying 50% of the total premium for the Medicare Supplement Coverage.
 - d. Dependents of retirees shall be entitled to the same insurance coverage, shall pay 50% of the same premiums, and shall be covered on the same basis as a retiree of their age. Dependents of eligible retirees may continue enrollment in the county's medical and dental insurance programs on the same basis as the retiree even though the retiree reaches Medicare eligible age.
 - e. Only insurance coverages that were in effect for at least one full year prior to the time of retirement may be continued. Any coverages that are dropped after retirement may not thereafter be reinstated.
 - f. Any payments required by retirees to continue enrollment in the county's medical, dental, life, or Medicare Supplement Coverage shall be paid in advance to Tooele County.
10. In keeping with the provisions of COBRA and any amendments to that Act, Tooele County provides for the continuation of health and dental insurance benefits to employees and dependents who become qualifying beneficiaries under the terms of COBRA. Qualifying beneficiaries desiring to continue insurance coverage as members of the county group must pay the entire cost of the insurance plus the administration fee as designated by the Act or its

amendments. The duration of coverage shall be determined by the continuation provisions under the Act or its amendments, and the qualifying beneficiary's timely payment of the premium.

11. The spouse and children of a deceased county employee or retiree who are enrolled in the county medical or dental insurance programs may continue their insurance enrollment in these programs provided that the entire cost, plus a two percent administration fee, is paid by the spouse and children. The duration of coverage shall be determined by the continuation provisions under the COBRA Act and its amendments. Once their COBRA coverage expires, the spouse and children will not be eligible for coverage under the County sponsored plan but will be offered a conversion policy. Dependents of a deceased county employee or retiree are not entitled to participate in the county's life insurance program.

B. SECTION 125 CAFETERIA PLAN: Employees who wish to participate in the insurance or other benefit programs shall be required as a condition of eligibility, to also participate in the county's Section 125 Cafeteria Plan, insofar as it relates to the employees' payroll deductions necessary to obtain the insurance or other benefits.

C. SOCIAL SECURITY: In order to extend to employees of Tooele County and to the dependents and survivors of such employees the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, Tooele County participates in that Act pursuant to Utah Code Title 67, Chapter 11, and as directed by the Utah State Social Security Agency. Employees are required to contribute with respect to their wages an amount not exceeding the amount of tax which would be imposed by the Federal Insurance Contributions Act (FICA). Tooele County shall deduct such contribution from each employee's wages when paid. Tooele County shall contribute a matching amount into the contribution fund and pay such contributions to the Internal Revenue Service in accordance with FICA provisions in the Internal Revenue Code.

D. RETIREMENT: Employees who work 20 or more hours per week and receive benefits shall participate in the Utah Public Employees' Retirement Systems.

1. The Utah State Retirement program laws and regulations determine which retirement plan an employee is enrolled in. In summary, the plans are:

a. Tier 1 (for employees enrolled in the Utah State Retirement System prior to July 1, 2011): (1) Public Employees' Contributory Retirement Plan, (2) Public Employees' Non-Contributory Retirement Plan, and (3) Public Safety Employees' Non-Contributory Retirement Plan.

- (1) Tier 1 plans include a benefits protection contract between the Utah State Retirement Office and Tooele County that provides for continued service accrual in the event of a period of leave that is covered by group long-term disability insurance, when approved for applicable benefit coverage.

(2) Exemption from participation. Elected officials, appointed employees, or others allowed to exempt out of participation in the Tier 1 Utah State Retirement System may file a formal request for exemption from membership in the retirement plan. In such cases, Tooele County will contribute to the employee's 401(k) plan, an amount equivalent to the Utah Retirement System's Total Cost Rate (URS normal cost + URS amortization of unfunded actuarial accrued liability - UAAL) for the respective plan applicable to the employee had he/she not exempted from participation. This amount is subject to change each year and is based on the rates established by the Utah Retirement System. This contribution must be included with any other Employer's 401(k) contributions in meeting the Internal Revenue Service (IRS) contribution limitations and therefore, may be limited if IRS limitations apply.

(3) Employees who exempt from participation in Tier 1 plans are not covered by benefit protection with the Utah State Retirement System.

b. Tier 2 (for employees first entering the Utah State Retirement System after July 1, 2011): (1) Public Employees' Defined Contribution Plan Only, (2) Public Employees' Hybrid Retirement Plan, (3) Public Safety Employees' Defined Contribution Plan Only, and (4) Public Safety Employees' Hybrid Retirement Plan.

(1) Tier 2 plans do not include a benefits protection contract between the Utah State Retirement Office and Tooele County that provides for continued service accrual in the event of a period of leave that is covered by long-term disability.

c. Post-retired Rehired Employees: Post retired employees have the responsibility to contact the URS office, know and monitor their post-retirement limitations, and to take action to ensure that retirement benefits are not jeopardized.

(1) Benefit eligible post-retired employees rehired by Tooele County prior to June 30, 2010 will receive a contribution to his/her 401(k) account up to the maximum allowed by the URS office.

(2) Benefit eligible post-retired employees rehired by Tooele County on or after July 1, 2010 will **not** receive a contribution to his/her 401(k) account and will be subject to the rules and regulations of the Utah Retirement Systems Office regarding post-retirement re-employment. Tooele County will contribute the Amortization of Unfunded Actuarial Accrued Liability rate as determined by the Utah Retirement System on all post-retired employees whether full-time, part-time, or seasonal status.

2. Due to the complexity of the plans, employees should refer to the highlights handbooks prepared by the Utah State Retirement Systems Office regarding questions concerning the plans, which is available on-line at www.urs.org. Employees can also contact the Utah State Retirement Systems Office at 540 East 200 South, Salt Lake City, Utah 84102 or access their website at www.urs.org. Their telephone number is available from the Human Resource Department.

3. In all circumstances, Utah State Retirement Systems benefit programs will be in compliance with established laws and regulations of the Utah State Retirement Office.

4. Tooele County has elected to participate in the Utah Public Employees' Retirement System's Early Retirement Program. All eligible employees may participate in that program with no purchase participation from Tooele County.

~~1. Employees who work 20 or more hours per week and receive benefits shall participate in the Utah State Public Employees' Retirement Systems. There is no mandatory retirement age. Employees who qualify for and desire retirement according to State retirement options shall submit appropriate forms to the Department of Human Resource Management no later than 30 days prior to the desired retirement date. Eligible uniformed personnel in the sheriff's department shall participate in an individual pension program administered by Utah Retirement Systems.~~

~~2. Returning to work after retirement is possible under the provisions governed by Utah Retirement Systems. Because the rules governing post-retirement benefits are complex, retirees should contact Utah Retirement Systems to determine how returning to work may affect their benefits. Hiring retired county employees should be reviewed on a case-by-case basis and should only take place when it will promote the interest of the county.~~

~~3. Tooele County has elected to participate in the Utah Public Employees' Noncontributory Retirement System's Early Retirement Program. All eligible employees may participate in that program with no purchase participation from Tooele County.~~

~~4. Due to the complexities of the plan, employees should refer to the literature provided by Utah Retirement Systems. Benefits for part-time employees such as retirement benefits, workers' compensation, and unemployment insurance will be paid in accordance with State and Federal law.~~

E. GIFTS AND AWARDS: County funds shall not be appropriated for the purpose of providing gifts or awards to any employee except as otherwise provided herein. Any employee who has accrued five years of full-time service may receive a departmental award or pin and may receive a similar award for every consecutive five years of service thereafter. Employees who retire with at least ten years of full-time service may be awarded a plaque or a similar item by the county in recognition of the service provided to the county. Certificates or plaques may be awarded by the County Commission to anyone for exceptional services provided to the county. This section does not prohibit the granting of bonuses or other awards to county employees by the Commission when deemed appropriate.

F. 401(K), AND 457, ROTH IRA, AND TRADITIONAL IRA PLANS:

1. Pursuant to Sections 401(k) and 457 of the Internal Revenue Code, the county has adopted a 401(k), plan and a 457, Roth IRA, and Traditional IRA plans for the benefit of eligible

employees. The purpose of the plan(s) is to provide a supplemental retirement income for eligible employees through a plan administered by Utah Retirement Systems.

2. All employees are eligible to participate in the ~~401(k) or 457 plans~~ supplemental plans offered through Utah Retirement Systems.
3. Tooele County may contribute to the 401(k) plan an amount determined by the County Commission. The rate is determined by budget approval. If the county elects to contribute to the 457 plan on the employee's behalf, a FICA match is required. The amount shall be allocated to eligible participants' accounts according to the employee's elections. Eligible employees may contribute amounts according to the plan.
4. Questions concerning the ~~401(k) or 457 plans~~ should be referred to Utah Retirement Systems.

G. CHANGES IN SUPPLEMENTAL PROGRAMS: Employees who participate in any supplemental program are enrolled for the entire calendar year and cannot cancel or change their election until the next open enrollment period unless a life status change occurs. Upon termination, it is the responsibility of the employee to cancel all supplemental programs.