

SALT LAKE COUNTY HUMAN RESOURCES POLICIES & PROCEDURES
HUMAN RESOURCES POLICY GENERAL DEFINITIONS

INTRODUCTION

The following Human Resources Policy Definitions are applicable to all County Human Resources Policies and Procedures and are not intended to have any effect on County-wide Policies or internal agency policies. These definitions shall only be applied to work-related conditions, behaviors, actions or standards of conduct. These policy definitions supersede any policy definitions that are cited in the Definition section of specific policies.

ABUSE/MISUSE: Abuse is the use of either an illegal substance or controlled substance obtained without a prescription for other than medicinal purposes; the inappropriate use of drugs obtained by prescription; or the inappropriate use of legally obtained alcohol products or over-the-counter medications.

ACTING-IN-POSITION: Temporary assignment of a merit employee to an unoccupied, allocated, higher grade position with or without a pay adjustment.

ACTIVE DUTY: Time served on active military duty as defined under the Utah Code Annotated, 71-10-1, 71-10-2 and 71-10-3, "Veterans Preference" which does not include active duty for training, initial active duty for training or inactive duty for training.

ACTIVE DUTY OR CALL TO ACTIVE DUTY (FMLA): Duty under a call or order to active duty or notification of an impending call or order to active duty for members of the Reserve components, the National Guard, certain retired members of the Regular Armed Forces and retired Reserves (does not include members of the Regular Armed Forces) pursuant to 10 U.S.C., 101(A)(13)(B), 688, 12301(a), 12302, 12304, 12305, 12406, and Chapter 15 or any other provision of law during a war or national emergency declared by the President or Congress so long as it is in support of a contingency operation.

ACTUAL HOURS WORKED: Includes all time that an employee is required to be on duty, or on the employer's premises, or at a prescribed workplace for the employer, and all time during which the employee is suffered or permitted to work for the employer. Paid leave and holidays are not hours worked for the purpose of calculating overtime.

ACTUAL HOURS WORKED (FMLA): Hours actually worked on the job 1) does not include any type of paid or unpaid leave time (e.g. sick, vacation, compensatory time off, paid administrative leave, incentive leave, paid county holidays, Workers Compensation, etc.); 2) does include military service time (active duty and reserve) that occurs during the employee's normally scheduled work hours; and 3) overtime calculated as straight time.

ADJUSTED SERVICE DATE: The date a merit employee began employment with Salt Lake County which is increased or decreased by: (1) the amount of time during which the employee was not employed by Salt Lake County, (2) the amount of cumulative time in excess of thirty (30) days each calendar year in which the employee was on leave-without-pay status (except for workers' compensation or military leave), and (3) the certified and accepted time worked in another comparable merit system jurisdiction.

ADMINISTRATIVE INVESTIGATION: A process wherein the Administrator or designee interviews the complaining party, requests the complaint in writing, gathers and reviews evidence, interviews and requests a response from the accused, interviews all relevant witnesses and makes a determination.

ADMINISTRATIVE LEAVE: A paid leave of absence which may be authorized and granted to employee(s) by the Mayor or an Administrator which is inclusive of emergency leave, leave for purposes of employee safety during major storms, power outages, etc, leave pending an administrative review or investigation, or any other situation which is deemed to be in the best interest of the County.

ADMINISTRATOR: Any person who has responsibility for the operation of an agency or their official designee.

ADULT DESIGNEE: An individual who is not the spouse of an employee, has resided in the same domicile with the eligible employee for at least the past twelve (12) consecutive months and intends to remain so for a period of time, is at least eighteen (18) years of age, and is directly dependent upon or interdependent with the employee sharing a common financial obligation.

AGENCY: An administrative unit of Salt Lake County government. An agency is an Elected Office, Department or a Division.

ALCOHOL: Any or all alcoholic beverages including, but not limited to hard liquor, beer, wine, or similar beverages.

ALLOCATE: Assignment of a position to a payroll unit by the Human Resources Division subsequent to authorization and notification from the Mayor.

ANNUAL PERFORMANCE EVALUATION: A formal ("regular") performance evaluation conducted by the employee's supervisor once a year at the end of the rating period.

APPLICANT: Any person either employed or not employed by Salt Lake County, who has filed an official Salt Lake County Application for employment for a position of which recruitment has been announced.

APPOINTED OFFICER: Merit-exempt managers, including department directors, chief deputies, administrative assistants or otherwise exempt under the Personnel Management Act and other state law.

BENEFITS ORIENTATION: A mandatory briefing for newly hired employees regarding matters such as health, dental, and life insurance, retirement and other benefits.

BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ): A job qualification, not necessarily based on merit, education, or experience, that is necessary to the performance of a position and is reasonably related to the job.

BONUS: A non-cumulative cash award paid for outstanding productivity.

CALENDAR DAYS: Consecutive days including Saturdays, Sundays and legal holidays. If a deadline falls on a Saturday, Sunday or legal holiday, the deadline becomes the next County working day.

CALL-BACK: A circumstance when an FLSA non-exempt/covered employee leaves their work site and is subsequently required by the agency administrator to report back to work prior to their normally scheduled shift. Call back is not applicable for those situations when an employee continues a shift.

CAREER LADDER: Approved classification series through which an employee may move based upon pre-approved advancement criteria.

CAREER SERVICE COUNCIL APPEAL: A written request for a formal review by the Career Service Council initiated by the party dissatisfied with the decision of an Administrator.

CERTIFICATION OF ELIGIBLES: A list of qualified applicants certified from a merit employment or open recruitment register who are eligible to be hired.

CLAIMS OF DISCRIMINATION: Concerns by merit or non-merit employees or volunteers, based on the County's definition of discrimination which is: Any adverse action taken against an employee because of race, color, national origin, gender, sexual orientation, marital status, religion, age or disability.

CLASSIFICATION: A grouping of positions which are sufficiently similar to be compensated at the same pay range. The positions are listed\allocated under the same title and grade.

CLASSIFICATION APPEAL: A written request for a formal review by the Classification Appeal Panel initiated by the party dissatisfied with the decision of the Human Resources Division.

CLASSIFICATION HEARING OFFICER: A non-County employee under contract to Human Resources with demonstrated classification expertise.

CLASSIFY: The process of assigning a grade, title and FLSA status to a position based on a review by the Human Resources Division.

CLASS SPECIFICATION: A generic description of duties and responsibilities prepared by Human Resources which is representative of an occupational group.

COMMERCIAL DRIVERS LICENSE (CDL): Type of license required to operate a commercial vehicle.

COMMERCIAL VEHICLE: Any single vehicle with a gross vehicle weight rating of more than 26,000 pounds, or a vehicle designed to transport more than 16 passengers including the driver, or any size vehicle which requires hazardous materials placards.

COMPENSATION (gross): All remuneration for employment paid to an employee.

COMPENSATORY TIME OFF: Compensation in the form of leave with pay that is awarded in lieu of cash payment. Compensatory time can be awarded at either a "regular rate of pay" (hour for hour) or at an overtime rate (1½ hours for each hour worked over 40 in the standard workweek).

COMPLAINTS: Concerns by a merit employee regarding matters such as work assignments, location, work space, work schedule, working conditions, met - or - exceeded job expectations performance evaluation ratings, performance standards, verbal warnings, violations of policy or other decisions involving supervisory and administrative discretion which are not defined by the County as a grievance.

CONFLICT OF INTEREST: A conflict between private interest and official responsibilities due to a person's first hand knowledge of specific facts sufficient to create a bias, prior involvement, familial relationship or potential for personal gain.

CONTINGENCY OPERATION (FMLA): A military operation that: 1) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or 2) Results in the call, order to, or retention on active duty of members of the uniformed services under 10 U.C.A. 688, 12301(a), 12302, 12304, 12305, or 12406 and Chapter 15 or any other provision of law during a war or during a national emergency declared by the President or Congress.

CONTROLLED RECORDS: Records classified and available under applicable statutes only to physicians, psychologists, social workers, insurance providers or public health agencies with a timely release from the subject of the record or pursuant to legislative subpoena or court order but does not include release to a "subject of the record".

COUNCIL: (County Council) the elected legislative body of Salt Lake County, Utah.

COUNTY BENEFITS: All benefits in addition to FICA, Unemployment Insurance, Workers Compensation

and retirement.

COUNTY OFFICER: Any elected official, supervisor, manager or administrator appointed or merit.

COVERED MILITARY MEMBER (FMLA Qualifying Exigency Leave): An employee's spouse, adult designee, child of any age, or parent on active duty or called to active duty in the National Guard, Reserves or certain retired members of the military (does not include members of the Regular Armed Services on active duty).

COVERED SERVICE MEMBER (FMLA Military Caregiver Leave): A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty, while on active duty (does not include individuals retired or discharged from service unless they are placed on the temporary disability retired list).

DEMOTION: A disciplinary action or involuntary reassignment that results in a reduction in grade and/or pay.

DEPARTMENT: The major governmental agencies of Salt Lake County Government which are: The Council, Community and Support Services, Human Services, and Public Works, and elected offices inclusive of, Assessor, Auditor, Clerk, Mayor, District Attorney, Recorder, Sheriff, Surveyor and Treasurer.

DESIGNATED WORK SCHEDULE: Hours established under the telecommuting agreement when the employee will be available and at the designated work site doing County work.

DESIGNEE: A person who must be designated to respond to the requirements of this policy in the absence of the Administrator.

DISABILITY: For purposes of the "Return to Work After Injury or Illness" policy, a physical or mental impairment that substantially limits an employee's ability to perform all or some of the essential functions of the position held.

DISABLED INDIVIDUAL: A person having a physical or mental impairment that substantially limits one or more of the major life activities; a person having a record of such an impairment; or a person regarded as having such an impairment.

DISABLED VETERAN: An individual who has served on active duty in the armed forces, who has been separated or retired under honorable conditions and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

DISCIPLINARY EVALUATION PERIOD: Represents a period wherein a regular merit covered employee with below standard performance or who otherwise is not meeting the expectations of the job is closely monitored and evaluated in order to give him or her an opportunity to improve performance prior to the imposition of disciplinary action or termination.

DISCRIMINATION: Any adverse action taken against an employee because of race, color, national origin, gender, sexual orientation, marital status, religion, age or disability.

DISMISSAL: See involuntary termination.

DRUG TESTING: The scientific analysis for the presence of drugs and/or their metabolites in the human body.

DRUGS: Any chemical substance ingested into the body including, but not limited to illegal drugs, controlled substances and legal medications, whether prescription or not, which affect a person's motor skills, concentration, alertness or any other aspect of the normal performance of job duties.

EARLY RETIREE: An employee that has qualified under the guidelines of the Utah State Retirement System(s) for retirement benefits and is under the age of 65.

EEO MANAGER: The individual designated by Salt Lake County to monitor employment practices in respect to equal employment opportunity and affirmative action and enforce County policy prohibiting discrimination and reprisal.

EEO4 JOB CATEGORIES: Employment data used to classify employees according to job categories, i.e. officials and administrators; professionals; technicians; protective service workers; para-professionals; administrative support; skilled craft workers; and service and maintenance.

ELIGIBLE EMPLOYEE: An employee compensated by Salt Lake County in an employment status which allows such employee insurance benefits.

ELIGIBLE EMPLOYEE (FMLA): An employee who has worked for Salt Lake County for: 1) at least twelve (12) months, which does not need to be consecutive, and 2) has accrued a minimum of twelve hundred and fifty (1,250) actual hours worked in the last twelve (12) months.

EMPLOY: To suffer or permit to work; knowledge by an employer of work done by an employee is sufficient to create an employment relationship under FLSA; to assign and direct that specified duties be performed.

EMPLOYEE: All persons working for and compensated by Salt Lake County including temporary, probationary, merit and exempt employees as defined in Human Resources Policy and Procedure: Employment Status.

EMPLOYMENT RELATIONSHIP: Refers to an employer and an employee and the act or condition of employment.

EMPLOYMENT STATUS: The assignment of an employee to one of eleven employment categories, i.e. regular, merit probation, provisional, temporary, part-time merit employment with County benefits, part-time merit employment without County benefits, intern, reserve deputies, appointed, federal man-power, and elected.

ESSENTIAL FUNCTIONS: Fundamental job tasks as opposed to marginal, not critical, and not frequently performed job functions.

EXAMINATION PLAN: A pre-recruitment plan that describes examination components, weights and critical job domains that employment examinations will test for and describes examination hurdles in terms of cut-off scores for next exam step, etc. Examination plans are developed by the Human Resources Division in consultation with the hiring authority.

EXEMPT EMPLOYEE: (exempt from the merit system) Chief deputies, administrative assistants merit exempt managers and secretaries, major department heads appointed by the Mayor or others exempted under authority of the Personnel Management Act, or those appointed by a policy board established by the Council. Exempt employees also include provisionals, temporaries, and reserve deputies, appointed Justice Court judges and elected officials.

EXEMPT EMPLOYMENT: Employment status which does not comprise tenure in the career service as

defined in the County Personnel Management Act; UCA, 17-33-1, inclusive of temporary, exempt appointed and other seasonal employment statuses.

EXIT INTERVIEW: An interview conducted by the Human Resources Division prior to termination.

FAMILY AND MEDICAL LEAVE (FMLA): Leave without pay for a period of twelve weeks or less granted to certain categories of employees to care for a seriously ill or injured member of the employee's immediate family, to care for the employee's own serious health condition, for a Qualifying Exigency or following the birth, placement for adoption, or foster care of a child.

FLEXIBLE WORK SCHEDULE: An alternative work schedule assignment within the County's Standard Work Week or approved alternative work week which may involve variable arrival and departure times on a weekly or daily basis; compressed or flextime scheduling to accommodate tuition assistance, fitness programs, etc; telecommuting which may involve alternative worksite arrangements (home, satellite offices for agency or multi-agency worksites, etc.) as authorized by agency management for employees to: (1) achieve greater productivity, (2) provide a reasonable accommodation or (3) accomplish the purpose of the Trip Reduction Program so long as the position's allocated schedule of hours are worked.

FLSA: Fair Labor Standards Act.

FLSA NONEXEMPT/COVERED EMPLOYEES: Those employees covered by the overtime and minimum wage provisions of the FLSA, 29 U.S.C 201, et SEQ.

FLSA EXEMPT EMPLOYEES: Those executive, administrative, and professional employees not covered by the overtime provisions of the FLSA.

FMLA: Family and Medical Leave Act.

FMLA MILITARY CAREGIVER LEAVE: Leave without pay for a period of twenty-six weeks or less granted to certain categories of employees to care for a Covered Service Member.

FTE: Full-time equivalency based on the number of hours an employee is regularly scheduled to work in a standard workweek, divided by 40 hours. For example: 32 scheduled/40 full time = .80 FTE.

FUNERAL LEAVE: A paid leave of absence granted to certain categories of employees who have experienced the death of a member of their immediate family, other relative or a close friend.

GRANDFATHER: Maintenance of pre-existing employment conditions or eligibility regardless of new job requirements including but not limited to being exempted from meeting new job requirements after the position has been reclassified and higher minimum requirements established, retaining pre-existing benefits coverages after plan modifications, etc.

GRIEVANCE: Concerns by merit employees regarding matters relating to dismissal, demotion, reduction-in-pay, suspension, written warnings, transfer, extension of probation or an overall did - not - meet job expectations performance evaluation rating as well as concerns by merit and non-merit employees or volunteers related to claims of discrimination or reprisal.

HARASSMENT: Pervasive, unwelcome, demeaning, ridiculing, derisive or coercive conduct toward an employee or applicant based on factors of race, color, national origin, gender, sexual orientation, marital status, religion, age, or disability that (1) creates an intimidating, hostile or offensive work environment; (2) unreasonably interferes with a person's work performance; or (3) otherwise adversely and unreasonably affects an individual's employment.

HEALTH CARE PROVIDER (FMLA): Doctors of medicine or osteopathy, podiatrists, dentists, clinical

psychologists, clinical social workers, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, and physician assistants who are authorized to practice medicine and are performing within the scope of their practice under state law or, health care providers in a country other than the United States, who are authorized to practice in accordance with the laws of that country and are performing within the scope of their practice under such law; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts, or any health care provider recognized by Salt Lake County's group health plan's benefits manager.

HIRING AUTHORITY: Any person in any County organization who is responsible for the selection of individuals to fill job vacancies.

HOLIDAYS: Days upon which most offices of County Government will be closed to commemorate special Federal and State historical events and activities.

HOLIDAY PAY: Compensation with paid time off or actual cash payment for the eleven County holidays.

IMMEDIATE FAMILY (Excluding FMLA): Wife, husband, son, daughter, ward, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, legal guardian, grandchild, adult designee and dependent children of an adult designee and includes step-relatives of the same order.

IMMEDIATE FAMILY (FMLA): spouse; child (biological, adoptive, step or foster child, legal ward or a child of a person standing in loco parentis) who is under the age of 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence; parent (biological, adoptive, step or foster parent, legal guardian, or individual who stood in loco parentis); adult designee; a dependent child of an adult designee.

IMMEDIATE FAMILY (FMLA - Military Caregiver Leave): spouse; child (biological, adoptive, step or foster child, legal ward or a child of a person standing in loco parentis) of any age; parent (biological, adoptive, step or foster parent, legal guardian, or individual who stood in loco parentis); adult designee; a dependent child of an adult designee; or next-of-kin.

INCENTIVE LEAVE: A paid leave of absence granted to certain employees for commendable performance.

INEFFICIENCY: Wastefulness of government resources including, but not limited to, time, money, or other resources or failure to maintain the required level of performance.

INFORMAL REVIEW: A process whereby a supervisor or manager receives and reviews allegations of harassment, discrimination, or reprisal as defined by policy, meets with the complaining party and the accused harasser separately and attempts to resolve the issues.

INSUBORDINATION: Disobedience of a reasonable order issued by any superior within the employee's chain of command, willfully refusing or failing to follow instructions or perform designated work.

INTERIM PERFORMANCE EVALUATIONS: Performance evaluations conducted other than at the end of rating period. Such evaluations may be used to coach an employee, or to provide information for a new supervisor when either the supervisor or the employee is transferred or reassigned. These evaluations are not considered for merit pay purposes and are not used in the calculation of retention points.

INVESTIGATION: An official inquiry into alleged statute, ordinance or policy violation(s).

INVOLUNTARY TERMINATION: The termination of employment of an employee for cause.

JURY/WITNESS LEAVE: A paid leave of absence granted to certain categories of employees in response to a subpoena or direction by a proper authority for the purpose of appearing as a witness or a juror for the federal government, State of Utah, or political subdivision thereof.

LEAVE WITHOUT PAY: An unpaid leave of absence granted to certain categories of employees for educational pursuits, military duty, family care, medical reasons or other circumstances.

LIGHT OR RESTRICTED DUTY: A temporary adjustment of job tasks or duties assigned when an employee is physically or mentally unable to perform his or her regular job duties due to a temporary disability.

LOCAL TRAINING: A training event, including a conference or workshop, which is held at a location which is 100 miles or less from the Salt Lake County Government Center.

LONGEVITY AWARD: A non-cumulative, lump-sum payment or 401K contribution, as determined by the Council during the setting of the annual budget, to eligible employees who are at or above their pay range maximum.

LONGEVITY INCREASE: A cumulative base pay increase awarded once every three years, subject to appropriation by the Council, to eligible employees who have been at or above their pay range maximum.

LONG TERM DISABILITY: The complete inability, due to injury or illness, to engage in the employee's regular occupation during the three month elimination period and the first 24 months of disability. Thereafter total disability means the complete inability, based solely on physical impairment(s), to engage in any gainful occupation which is reasonable, considering the employee's education, training and experience.

MAJOR LIFE ACTIVITY: Activities that an average person can perform with little or no difficulty, such as walking, hearing, speaking, breathing, performing manual tasks, seeing, learning, caring for one's self, standing, and working.

MALFEASANCE: Intentional wrongdoing, deliberate violation of law or standards, or mismanagement of responsibilities.

MANUAL WARRANT: A manually prepared payroll warrant issued to an employee separate and apart from normal payroll processes due to a special or unusual circumstance.

MARKET ADJUSTMENT: A change of grade based on salary survey data collected by the Division of Human Resources.

MAYOR: The chief executive officer (or designee) of Salt Lake County charged with ensuring the day-to-day administration of County government.

MEDICAL REVIEW OFFICER (MRO): A licensed physician who has received training in the field of substance abuse disorders and their treatment.

MEDICAL STABILIZATION: That point when the period of healing has ended and the employee's medical condition will not materially improve. The disability status (if any) changes at that point from temporary to permanent.

MENTAL IMPAIRMENT: Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

MERIT DATE: The annual date upon which a merit employee is eligible to receive a merit pay increase.

MERIT EMPLOYEE: An employee who has been hired under provisions of the County Personnel Management Act as a Merit employee in Salt Lake County, who has also completed a required merit probationary period and is therefore entitled to all merit system benefits appropriate to hours worked.

MERIT PROBATION EMPLOYEE: An employee who has been hired under the provisions of the County Personnel Management Act as a Merit employee of Salt Lake County, who is serving the required probationary period before obtaining full rights and privileges of a merit employee.

MERIT EMPLOYMENT EXAMINATION: Techniques or processes used to evaluate training and experience for the purpose of determining or measuring applicants' or employees' qualifications for County employment. Examinations may be used to rank applicants on merit employment registers or to determine employees eligibility for movement into new positions.

MERIT EMPLOYMENT REGISTER: (Merit Register, Register, Merit Position Register) A list of applicants who have applied for a merit position for which there has been a recruitment period for a minimum of eleven (11) calendar days and who have been ranked based on a competitive evaluation of education and experience or testing of knowledge skills or abilities.

MILITARY LEAVE: A paid leave of absence, not to exceed eleven (11) working days per year (88 hours), granted to certain categories of employees in response to an order requiring the attendance of an employee for military duty.

MILITARY LEAVE WITHOUT PAY: Unpaid military leave to serve in the uniformed services as required under the "Uniformed Services Employment and Re-employment Rights Act", (38 U.S.C. Section 4303 (13 & 16)).

MISCONDUCT: Any violation of County Human Resources Policy, #5702, "Standards of Conduct".

NEPOTISM: The appointment of, vote or influence to grant employment, or the influence or vote to grant an employment benefit to a relative in violation of Title 52, Chapter 3, U.C.A. , "Prohibiting Employment of Relatives".

NEW HIRE MEDICAL EXAMINATION: A mandatory medical examination for certain specified potential Salt Lake County merit status employees and certain other non-merit employees applying for positions where a pre-employment physical is required by law for licensure or certification.

NEW HIRE MERIT EMPLOYEE: One who has been selected from a merit register.

NEW HIRE ORIENTATION: A mandatory briefing for newly hired employees. Topics covered include Salt Lake County policies, procedures, sexual harassment, and employee rights, responsibilities, etc.

NEXT-OF-KIN (FMLA): Blood relatives other than immediate family members, as defined for Military Caregiver Leave, in the following order of priority: a blood relative designated in writing by the covered service member as the nearest blood relative for FMLA Military Caregiver Leave, blood relatives who have been granted legal custody, brothers, sisters, grandparents, aunts, uncles, and first cousins.

NONFEASANCE: Omission or failure to do what ought to be done.

NON-PUBLIC RECORDS: Records not subject to public disclosure requirements including private, controlled, or protected records.

ON-CALL: As mandated by the administrator, on-call is time spent beyond an FLSA non-exempt/covered employee's regular work schedule, where an employee is required to wear a pager, carry a cellular telephone or leave word with the administrator as to where he or she can be reached in the event the employee is directed to return to work.

OPEN RECRUITMENT REGISTER: A merit employment register that does not expire, for which periodic or continuous recruitment occurs to maintain an adequate number of available applicants.

OVERTIME: Each hour worked in a work week in excess of the maximum hours applicable to the type of employment in which a FLSA nonexempt/covered employee is engaged. This usually means overtime for hours in excess of 40 hours per week. Overtime pay must be paid at a rate of not less than one and one-half times the non-exempt employee's regular rate of pay.

OVERTIME PAY: Cash payment of overtime at a rate of 1½ times the employee's regular rate of pay.

PARENT: A biological or adoptive parent or an individual who stands or stood in place of a parent to an employee when the employee was a child. It does not include parent "in law."

PAY ADJUSTMENTS: A change in salary to correct an inequity or to correct situations of unfairness.

PAYDAY: Shall normally be the fifth and twentieth of each month. If a payday falls on a weekend or holiday then the payday shall be the preceding workday.

PAYROLL PERIOD: Shall be either the 1st through the 15th or the 16th through the last day of the month.

PAYROLL UNIT: An agency or sub-unit of an agency identified by a four-digit organizational code.

PERFORMANCE EXPECTATIONS: Written description of the work behavior necessary for adequate performance of each significant job task or objective in the employee's position description.

PERSONAL PREFERENCE DAY: The first eight hours of vacation taken each calendar year in a single pay period which shall not be deducted from accrued vacation.

PERSONNEL FILE (AGENCY): Employee file maintained in an agency containing copies of employee records and/or other unofficial related information.

PERSONNEL FILE (OFFICIAL): The employee official personnel file maintained by the Human Resources Division pursuant to the County Personnel Management Act which contains all employment records and documents relating to qualification for employment, employment history, performance date, employment status, salary history, commendation and discipline records and other records legally and administratively required.

POLITICAL ACTIVITIES: Activities which impact or relate to partisan or non-partisan politics and special electoral issues, such as referendums, and so forth.

POSITION: Any combination of duties and responsibilities, assigned by an Administrator and supervisor, to be performed by one person. A position may be full or part-time, filled or vacant.

POSITION DESCRIPTION: A written statement describing the objectives and tasks of a position.

PREFERENCE ELIGIBLE VETERAN: Any individual who has served on active duty in the armed forces for more than 180 consecutive days; or members of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; disabled veterans with any percentage of disability; purple heart recipients or retired members of the armed forces who retired below the rank of major or its equivalent.

PREFERENCE ELIGIBLE SPOUSE: The spouse, widow or widower of a preference eligible veteran who has not remarried.

PREMIUM HOLIDAYS: January 1st, the last Monday in May, July 4th, July 24th, the first Monday in September, the fourth Thursday in November, and December 25th.

PREMIUM HOLIDAY PAY: Rate of pay granted to merit FLSA-covered employees who are required to work on a premium holiday. Premium holiday pay shall constitute holiday pay plus payment for actual hours worked **either on an observed or celebrated holiday** (but not both) at time and one-half (1 1/2).

PRE-TERMINATION LEAVE: Unused vacation taken during the period of time immediately preceding termination from County employment.

PRIMARY EMPLOYER: The County payroll unit for which an employee works the greatest number of hours on a regular basis; in the event an employee works an equal number of hours for two payroll units, the payroll with the earliest hire date shall be considered the primary employer.

PRIMARY PAYROLL UNIT: The County payroll unit for which an employee works the greatest number of hours on a regular basis; in the event an employee works an equal number of hours for two payroll units, the payroll with the earliest hire date shall be considered the primary payroll unit.

PRIVATE RECORDS: Records classified and available under applicable statutes only to the subject of the record, the subject's parents or legal guardian, a person with a power of attorney or notarized release from the subject or someone possessed of and serving a legislative subpoena or court order. These include any record statutorily defined as private, including records of performance evaluations and personal status information, such as race, religion, disabilities, or any information containing data on employees; the disclosure of which constitutes a clear invasion of personal privacy.

PRIVATIZATION: The transfer of a public function or service, through a duly executed contract, to a private sector, profit or non-profit provider.

PROBATIONARY PERIOD: A six (6) month probationary period that must be satisfactorily completed by a new merit system employee, i.e. one who has been selected from a merit register or a rehired merit employee, prior to obtaining regular status. The probationary period may be extended for up to an additional six (6) months for good cause.

PROMOTION: A change in position that results in an increase in grade.

PROTECTED RECORDS: Records classified and available under applicable statutes only to the person who submitted or compiled the information, someone who has a power of attorney, or governmental entity whose interests are protected by the confidential classification of the record, or persons presenting a legislative subpoena or court order. (Does not include release to a "subject" of the record).

PROVISIONAL HIRE: A short-term appointment of a qualified individual to fill a vacancy under urgent or emergency conditions pending the establishment of a register where one is not immediately available.

PUBLIC RECORDS: Records subject to public disclosure under applicable statutes.

QUALIFIED INDIVIDUAL WITH A DISABILITY: A person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position held or desired and who, with or without accommodation, can perform the essential functions of the position.

QUALIFYING EXIGENCY (FMLA): Military Family leave for a Covered Military Member: 1) Short-notice deployment (seven or less calendar days prior to date of deployment); 2) Military events and related activities; 3) Childcare and school activities; 4) Financial and legal arrangements; 5) Counseling; 6) Rest and recuperation; 7) Post-deployment activities; and 8) Agreed upon additional activities.

QUALIFYING LEAVE (FMLA): Leave 1) to care for a seriously health condition of an immediate family member or the employee's own serious health condition as defined, 2) to care for a serious injury or illness of a Covered Service Member, 3) for a Qualifying Exigency as defined, or 4) for the birth, placement for adoption, or foster care of a child.

RATING PERIOD: Refers to the period of time for which performance is evaluated and coincides with the twelve (12) month period preceding the service date.

REASONABLE ACCOMMODATION: Any change in the work environment or in the way things are customarily done that would enable an individual with a disability to perform the essential functions of the position.

REASONABLE SUSPICION: Reasonable inferences based on articulable facts, observations, or behaviors that would lead a reasonable person to suspect or believe that a work-related crime or misconduct may have been, or may be committed.

REASSIGNMENT: A temporary or permanent change in position to one of equal or lesser grade within a payroll unit. A reassignment may or may not involve a change in pay or grade.

RECLASSIFICATION: Change in the assigned grade, title, job code and/or FLSA status of a position based on a review by the Human Resources Division.

REDLINED: A condition where an employee's salary is above the established maximum pay for their grade level.

REDUCTION-IN-FORCE (RIF): Abolishment of positions resulting in the termination of employees. RIF's can occur due to inadequate funds, a change in workload, or a lack of work.

REGULAR RATE OF PAY: The stated hourly wage. Salaries paid on the half month are multiplied by 24 and the product divided by 52 weeks to get the weekly equivalent. The weekly equivalent is then divided by 40 hours to arrive at a regular rate of pay as required by FLSA.

REHIRE: The reemployment of a former County merit employee with or without competition.

REINSTATEMENT: Refers to the mandatory rehire of a former County merit employee who (a) has been reduced-in-force within the last six (6) months, or (b) is a veteran eligible under the Uniformed Services Employment and Reemployment Rights Act, or (c) has been reinstated as a result of Career Service Council or subsequent court action.

RELATIVE: A father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, grandparents, grandchildren, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law or household member.

REPRISAL: An act of retaliation taken against an employee for having exercised their right to file a grievance in good faith or an adverse action taken against an employee for having opposed a discriminatory or unlawful practice.

RETIRANT (RETIREE): An employee\member who has made application and is receiving retirement benefits as provided under U.C.A. 49-2-101; Public Employees' Retirement Act.

RETIREMENT: Means withdrawal from active service with a retirement allowance granted under provisions of U.C.A. 49-2-101; Public Employees' Retirement Act.

ROLLING 12-MONTH PERIOD (FMLA Eligibility and Use): 1) Eligible Foreseeable Event – the 12-month period measured backward from the date of the need to take FMLA leave; 2) Eligible Unforeseeable Event – the 12-month period measured backward from the date the employee began using FMLA leave; 3) FMLA Military Caregiver Leave – a separate 12-month period measured forward beginning with the first day of military caregiver leave; 4) FMLA Leave Use – the 12-month period measured forward from the date the employee began using FMLA leave.

SAFETY SENSITIVE POSITION: Any position in County employment in which the employee engages in duties “fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences” and who “can cause great human loss before any signs of impairment become noticeable to supervisors or others.” Positions included in this definition are those having regular access to controlled substances in the course of performing job duties; the carrying or use of a firearm as part of regular job duties and other public safety support positions.

SERIOUS HEALTH CONDITION (FMLA): Illness, injury, impairment or a physical or mental condition that involves either:

- 1) **Inpatient Care:** Conditions requiring an overnight stay in a health care facility (hospital, hospice, or residential medical care facility) including any period of incapacity or subsequent treatment in connection with inpatient care; or
- 2) **Incapacity and Treatment:** A period of incapacity (inability to work, attend school or perform other regular daily activities) of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves: two (2) or more treatments by a health care provider within thirty (30) calendar days from the first day of incapacity with the first treatment occurring in the first seven (7) days or one (1) treatment by a health care provider within seven (7) days from the first day of incapacity plus a regimen of continuing treatment, including prescribed medication, under the supervision of a health care provider; or
- 3) **Pregnancy or Prenatal Care:** Any period of incapacity related to pregnancy or prenatal care; or
- 4) **Chronic Conditions:** Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider which may involve occasional episodes of incapacity (a visit to a health care provider is not necessary for each absence); or
- 5) **Permanent or Long-Term Conditions:** A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
- 6) **Conditions Requiring Multiple Treatments:** Any absences to receive multiple treatments by a health care provider for: restorative surgery after an accident or other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full-calendar days if not treated (a visit to a health care provider is not necessary for each absence).

SERVICE DATE: The date a merit employee began employment with Salt Lake County. This date determines when an employee will be eligible for various County benefits. Adjusted service dates shall be

considered the employee's service date.

SEXUAL HARASSMENT: Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by such individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

SICK LEAVE: A paid leave of absence granted to certain categories of employees during an illness or injury or while caring for an ill or injured member of the employee's immediate family. It is considered a privilege and not an obligation of the County to its employees.

SICK LEAVE BANK ADMINISTRATOR: The person appointed by the Human Resources Division Director to administer the County's Sick Leave Bank.

SPOUSE: Husband or wife as defined or recognized under Utah law for purposes of marriage.

STANDARD WORK WEEK: A 168-hour period consisting of seven consecutive 24-hour periods. The County standard workweek shall be from 12:00 a.m. Sunday to midnight Saturday.

SUBSTANCE ABUSE PROFESSIONAL: A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorder.

SUBSTANTIAL INTEREST: The ownership, either legally or equitably, of at least ten percent (10%) of the outstanding capital stock of a corporation or a ten percent interest in any other business entity.

SUBSTANTIALLY LIMITS: A physical or mental impairment that affects the duration, extent, and manner in which a major life activity is performed.

SUBSTANTIALLY UNDER REPRESENTED: Instances where the minority and female representation in the County's workforce by job category is substantially less than the total number of minorities and the total number of women available in the labor force.

SUPERVISOR: Any individual indicated on the approved written position description or identified in the organizational structure as being in the employee's chain of command and who is, when applicable, responsible for completing and signing an employee's performance evaluation.

SUPERVISOR PERSONNEL FILE: Employee unofficial file kept at the division level containing the immediate supervisor's record on employee performance and/or other employment related matters.

SUPPLEMENTAL CERTIFICATION: An updated Certification of Eligible, which is requested when the original Certification of Eligibles has less than five (plus one for each additional opening OR ten for open recruitment registers) interested and available applicants.

SUSPENSION: An enforced leave of absence without pay for a period no more than thirty (30) calendar days.

TELECOMMUTING: A work arrangement in which the workplace is located, in at least part of the time, at

alternative locations such as an employee's residence or a satellite office. Telecommuting is moving the work to the employee rather than moving the employee to the work.

TEMPORARY EMPLOYEE: An "at will", non-FLSA-exempt employee who is not eligible for County benefits and who may work no more than 1560 hours per calendar year.

TERMINATION: A voluntary or involuntary action that severs a person's employment relationship with Salt Lake County.

TOTAL HOURS: All hours submitted for pay by an employee. This includes actual hours worked, paid leave (vacation, sick, funeral, compensatory time, etc.) and holiday hours.

TRAINING EVENT: For purposes of record-keeping, training events are considered to be courses which have a formal, curriculum-based agenda designed to achieve a defined learning objective. Events such as on-the-job training meetings, brown bags, staff meetings and brief in-service informational sessions are not intended to be included in the record-keeping requirements of this policy.

TRANSFER: A non-disciplinary move of a merit employee from one payroll unit to another or assimilation from another merit jurisdiction to the County. A transfer may be at the same, lower or higher grade.

UNDUE HARDSHIP: An accommodation requiring significant difficulty or expense, or an action too extensive, disruptive, or one that would fundamentally alter the nature of business.

VACATION: A scheduled, paid leave of absence granted to certain categories of employees for a reasonable period of time.

VETERAN: An individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions.

VOLUNTEER: Any person who donates approved services, without pay and without remuneration or reimbursement other than approved incidental expenses, for those services rendered.

WHILE ON DUTY: Anytime a County employee or volunteer is engaged in the performance of his or her County job duties as set out in the job description regardless of the hour.

WILLFUL: An act or omission done voluntarily or intentionally.

WITNESS LEAVE: See Jury/Witness Leave.

APPROVED AND PASSED THIS 14TH DAY OF July, 2009.