

SALT LAKE COUNTY HUMAN RESOURCES POLICY & PROCEDURE

EMPLOYMENT STATUS

REFERENCE

County Personnel Management Act:
 Utah Code Annotated 17-33-8
 Utah Code Annotated 17-33-5,(3) (~~H~~)
 Human Resources Policy & Procedure:
 General Definitions
 Pay Practices
 Overtime & Compensatory Practices

PURPOSE

To establish uniform policies governing employment status, eligibilities, benefits, and restrictions as they apply to County employees.

SUBJECTS COVERED IN THIS POLICY

- Exempt Employment
- Merit Employment

PROCEDURE

- 1.0 Probationary (Status 03)
- 1.1 Status as a merit employee shall be conditional upon the satisfactory completion of a merit probationary period. Merit probationary employees serve "at-will" under this status.
- 1.2 The merit probationary period is the first six months of employment following the hire date of an employee who has been certified from a merit employment register.
- 1.2.1 Merit probation is required of:
- 1.2.1.1 all new hire merit employees;
- 1.2.1.2 rehired merit employees;
- 1.2.1.3 employees transferring from merit exempt positions to merit covered positions who are eligible for rehire due to previous merit status but who have a break in County service between the merit and exempt appointments;
- 1.2.1.4 employees transferring from a comparable public sector merit system to Salt Lake County unless being transferred through assimilation of an entire program or service;
- 1.2.1.5 employees reinstated from the RIF retention register who do not return to the same classification in the same payroll unit from which they were terminated.
- 1.3 The merit probationary period may be extended for up to an additional six months for good cause as determined by the Human Resources Division Director; good cause shall be for those situations such as leave without pay, workers compensation leave, a significant change of job duties resulting in a different classification or certification of completion of professional training that is a requirement of the position.
- 1.3.1 Any extension to the merit probationary period shall be communicated in writing to the employee prior to the completion of the original probation period, with a copy forwarded to the Human Resources Division.

- 1.3.2 Individuals who have been placed on extended merit probation over three months shall be given performance evaluations at least every three months. Individuals on extended merit probations of three months or less shall be given at least one performance evaluation near the end of the extended period.
 - 1.3.2.1 In all cases, evaluations should be given prior to the end of the extended merit probationary period.
- 1.3.3 Employees who have been placed on an approved extended merit probationary period shall not be entitled to benefits which are contingent upon merit employment status except:
 - 1.3.3.1 The right to appeal to the Career Service Council in cases of discrimination or allegations that the extension is intended to thwart merit principles.
- 1.4 Probationary employees shall be evaluated prior to completion of their six month merit probationary period.
- 1.5 Prior to completion of the probationary period the hiring authority shall initiate a Personnel Action Form (CP4), as soon as practical following the performance evaluation, that will either terminate the employee or extend their merit probationary period.
- 1.6 A CP4 is not required for employees who successfully complete the merit probation period. Such employees shall be considered to have acquired merit status.
 - 1.6.1 A CP4 is required at the completion of an extended merit probation period to convert the employee to merit status.
- 1.7 **Promotions/Reassignment/Transfer** - The serving of a merit probationary period shall not prevent a probationary employee from being promoted, reassigned, or transferred to a different position provided the employee is certified from a merit employment register or is eligible for rehire. The Administrator shall compare the duties performed by the probationary employee in their original position to the duties in their new position. If the duties are similar, requiring the same knowledge skills and abilities, the Administrator may allow, with approval from the Human Resources Division Director, the employee to serve the original probation period; if the duties are significantly different, the employee shall begin a new probationary period with the effective date of the promotion, reassignment, or transfer.
- 1.8 **Reclassification** - Probationary employees reclassified to a higher grade based on salary survey data with no change to their actual duties shall not be required to complete a new probationary period.
- 1.9 **Termination** - An employee may be terminated at any time during the probationary period without right of appeal, hearing or progressive discipline except in cases of alleged discrimination. Notice of dismissal and date of termination shall be submitted by letter to the employee. A copy of the letter and the CP4 must be submitted to the Human Resources Division.
 - 1.9.1 A person terminated during their merit probation period shall not be reinstated on a merit employment register without competition and certification.
 - 1.9.2 Employees in good standing who terminate or are terminated while on probation or extended probation shall be eligible for hire from an unexpired merit employment register into the same classification.
 - 1.9.3 Individuals who have satisfactorily completed merit probation or an extended merit probation and who terminate employment with Salt Lake County in good standing, are eligible for rehire into any County position for which they qualify without competition.
- 2.0 Full-Time Merit Employment (Status 02)

- 2.1 Full-time merit employees work an average of 40 hours per week.
- 2.2 Full-time merit employees receive all County benefits.
- 2.3 The number of hours worked per week may not be permanently changed without position reallocation from the Human Resources Division and a Personnel Action Form (CP4) changing the status.
- 2.4 Full-time merit status employees are eligible for reclassification, promotion, reassignment and transfer.
- 2.5 Full-time merit employees shall be paid on a salaried basis.
- 2.6 Full-time merit employment follows the completion of the original or extended probationary period. No employee can be placed in a full-time merit employment status until they have completed an original probationary period.
- 3.0 Part-Time Merit Employment With County Benefits (Status 08)
 - 3.1 For record keeping purposes, the status of part-time merit with County benefits employees will remain 08 - even during the original merit probationary period.
 - 3.2 Part-time merit employees with County benefits shall work at least an average of twenty hours per week but less than forty.
 - 3.3 Part-time merit employees with County benefits receive most benefits pro-rated to the number of hours worked except that they may be required to pay a different percentage of costs for fixed benefits such as insurance.
 - 3.4 The number of hours worked per week may be changed at any time. If adjusted to less than an average of twenty hours per week, more than thirty hours per week, or to forty hours per week, during a calendar year, a status change shall be submitted on a Personnel Action Form (CP4).
 - 3.5 Part-time merit employees with County benefits shall be paid on an hourly basis.
- 4.0 Part-Time Merit Employment Without County Benefits (Status 09)
 - 4.1 For record keeping purposes, the status of part-time merit employees without County benefits will remain 09 - even during the original merit probationary period.
 - 4.2 Part-time merit employees without County benefits shall work less than an average of twenty hours per week.
 - 4.3 Part-Time Merit Employees Without Benefits do not receive any County benefits except as otherwise provided for by policy (e.g. workers compensation, training, EAP services, incentive awards, and the right to file a grievance in cases of discrimination or reprisal).
 - 4.4 After completion of the original probationary period, part-time merit employees without County benefits may be reclassified, promoted, reassigned, or transferred.
 - 4.5 The number of hours worked per week may be changed at any time. If permanently adjusted to more than an average of twenty hours per week, more than thirty hours per week, or to forty hours per week, during a calendar year, a status change shall be submitted on a Personnel Action Form (CP4).
 - 4.6 Part-time merit employees without benefits shall be paid on an hourly basis.
- 5.0 Exempt Employment Status
 - 5.1 For payroll purposes there are seven specific categories of exempt employees - **04**, Provisional; **05** Temporary, **12** Time Limited Appointed; **94** Reserve Deputy; **95**, Appointed; **97** Elected Officials; **98**, Appointed Justice Court Judges.
 - 5.2 Status 04 - Provisional Appointments
 - 5.2.1 The Human Resource Division shall review and approve all requests for provisional appointments.

- 5.2.2 A provisional appointment cannot be made until a position has been allocated, classified, had minimum qualifications established and an on-line requisition has been submitted to the Human Resource Division.
 - 5.2.3 Administrators may request that an individual be considered for provisional employment if:
 - 5.2.3.1 there are urgent reasons for filling the position and the Human Resource Division is unable to make satisfactory certification from a register; or
 - 5.2.3.2 individuals who are eligible for reassignment, rehire, reinstatement, reclassification or promotion are deemed inappropriate for the position.
 - 5.2.4 After the Human Resource Division certifies that an individual meets the minimum qualifications of a position, the person may be provisionally appointed to fill the existing vacancy until an employment register is established.
 - 5.2.5 Provisional appointments shall not be continued beyond 30 calendar days after the establishment of an employment register or beyond the length of a probationary period, whichever comes first.
 - 5.2.6 The position must be announced for recruitment within 60 days of the provisional appointment.
 - 5.2.7 A position shall not be filled by repeated provisional appointments.
 - 5.2.8 Time spent in the position as a provisional employee shall be credited towards the merit probationary period.
 - 5.2.9 Provisional employees accumulate vacation and sick leave, receive holiday pay and are eligible for retirement and insurance benefits commensurate with the number of hours worked.
- 5.3 Temporary Appointments (Status 05)
- 5.3.1 A temporary appointment may not be made until a description of duties has been submitted to the Human Resource Division who will assign an appropriate grade and pay range. If a current position description already exists, the grade and pay range previously established will be used.
 - 5.3.2 The hiring authority may directly hire a temporary employee.
 - 5.3.3 A hiring authority shall notify the Salt Lake County Council if funding for a full time merit position is to be used to fund a temporary position.
 - 5.3.4 Under no circumstances shall a temporary employee work more than 1,560 hours per calendar year.
 - 5.3.5 Temporary employees shall be paid on an hourly basis and within the pay range of the grade established by the Human Resource Division for the position and approved by the County Council.
 - 5.3.5.1 In order to pay a temporary above the established grade range, the Administrator must prepare a letter of justification that must be approved through the CP-4 process.
 - 5.3.6 The time spent in a temporary appointment shall not be considered part of the merit probationary period.
 - 5.3.7 Temporary employees are not eligible for County benefits except as otherwise provided for by policy (e.g. workers compensation, training, EAP services, incentive awards, and the right to file a grievance in cases of discrimination or reprisal).
 - 5.3.8 Temporary employees are not considered merit employees, they are "at will" employees who may be terminated for any reason, without notice and without a pre-termination hearing.

- 5.3.9 Temporary appointments are subject to the overtime provisions of the Fair Labor Standards Act. Overtime hours for all eligible temporary employees are accrued at one and a half time the hours worked.
- 5.3.10 Overtime hours shall be counted towards the 1,560 hours permitted in any calendar year.
- 5.4 Time Limited Appointed (Status 12)
 - 5.4.1 Time limited appointed employees shall be appointed to perform work that does not exceed three years duration.
 - 5.4.2 A time limited appointment cannot be made until a position has been authorized by the Salt Lake County Council, classified by the Division of Human Resources, and a written agreement between the hiring authority and the employee has been approved by the Human Resources Division Director.
 - 5.4.3 An individual may be appointed to a time limited appointed position without regard to minimum qualifications, unless professional licensure or certification is required. Licensure or certification must be maintained for the duration of the assignment.
 - 5.4.4 Time limited appointed employees receive comparable benefits as merit employees; salaries for time limited appointed employees shall be determined by the appointing elected official or department head.
 - 5.4.5 Time limited appointed employees serve at the will and pleasure of the appointing authority and so do not have the right or appeal or hearing, except in cases of alleged discrimination.
 - 5.4.6 Time limited appointed employees cannot be promoted, transferred, or reassigned to a merit position unless they are eligible for rehire.
 - 5.4.7 Time limited appointed employees who have applied for a merit position do not receive a preference adjustment for purposes of increasing their ranking or status on merit registers; if certified and hired for a merit position, individuals shall carry all benefits accrued and retain their original service date (adjusted for interrupted County service).
 - 5.4.8 Merit employees who are appointed to a time limited appointed position and transfer back to a merit position, with no break in County service, are not required to serve another probationary period.
 - 5.4.9 Merit employees who are appointed to a time limited appointed position and do not transfer to a merit position shall be dismissed at the conclusion of the specified time period.
 - 5.4.10 Merit employees who have accepted an appointment to a time limited appointed position and are not retained by the appointing officer, unless discharged for cause shall, within 30 days of non-retention,
 - 5.4.10.1 be appointed to any Career Service position for which they qualify in a pay grade comparable to their last position in Career Service provided an opening exists, or
 - 5.4.10.2 be appointed to a lesser Career Service position for which they qualify pending the opening of a position described in 5.4.10.1.
 - 5.4.10.3 If there are no jobs available for which the employee qualifies, the employee will be placed on the retention register pending an opening as described in 5.4.10.1 and 5.4.10.2.
 - 5.4.10.4 If the employee chooses not to accept a lesser position that is available, the employee will be placed on the retention register pending an opening as described in 5.4.10.1.
- 5.5 Reserve Deputy Appointments (Status 94)

- 5.5.1 Reserve Deputies are hired in this status.
- 5.5.2 Reserve Deputies are not eligible for any County benefits.
- 5.6 Appointed (Status 95)
- 5.6.1 Exempt appointments made by Elected Officials to fill Chief Deputies, Division Administrators, Administrative Assistants and Confidential Secretaries positions for Elected Officials, major department heads and division directors appointed by the Mayor, and other key policy making position appointments in a confidential relationship with the elected county officer approved as exempt by the Career Service Council are hired in this status.
- 5.6.2 All positions designated as being exempt appointments by the Career Service Council under this subparagraph shall be listed by job title and department, office or agency. Any change in exempt status shall constitute an amendment to this policy and procedure.
- 5.6.2.1 The following positions are exempt appointments under the provisions of subparagraph 5.6.2:
- *Legal Counsel - County Council
 - *Council Fiscal Manager - County Council
 - *Assistant Council Fiscal Manager - County Council
 - *Intergovernmental Relations Manager - County Council
 - *Chief Administrative Officer - Mayor
 - *Asst. Chief Administrative Officer - Mayor
 - *Public Information Officer - Mayor
 - *Asst. Public Information Officer - Mayor
 - *Community Relations Specialist - Mayor
 - *Asst. Comm. Relations Specialist - Mayor
 - *Citizen Advocate - Mayor
 - *Receptionist - Mayor
 - *Associate Department Director(s) - Mayor
 - *Secretary - Mayor
 - *Director - Health
 - *Intergovernmental Relations Manager - Mayor
 - *Diversity Affairs Officer – Mayor
 - *Economic Development Director – Economic Development
 - *Director, Administrative Services – Mayor
 - *Director, Community Services – Mayor
 - *Director, Human Services – Mayor
 - *Director, Public Works – Mayor
 - *CJAC Coordinator – Mayor
 - *Emergency Services Coordinator – Mayor
 - *Director of Human Resources – Mayor
 - *Intergovernmental Liaison – Surveyor
 - *Environmental Program Manager - Mayor
- 5.6.3 Exempt appointed positions receive comparable benefits as merit employees except as listed below.

- 5.6.3.1 They do not accrue vacation and sick leave but are eligible to take paid leave as approved by the agency Elected Official(s).
- 5.6.3.2 They cannot be promoted or transferred to a merit position unless certified from a merit employment register.
- 5.6.3.3 They cannot be promoted or transferred to a merit position unless they previously encumbered a merit position.
- 5.6.3.4 They do not receive a preference adjustment for purposes of increasing their ranking or status on merit registers.
- 5.6.3.5 They do not have the right of appeal or hearing, except in cases of alleged discrimination.
- 5.6.3.6 An employee in a position designated as Full Time Merit (Status 2) that is approved by the Career Service Council to be Appointed (Status 95) shall be offered 60 days to voluntarily elect to convert to Appointed (Status 95). Employees electing to convert shall receive a base salary increase of at least 5%.
- 5.6.4 Salaries for exempt appointments are set by the appointing Official.
- 5.6.5 All exempt appointed employees who are hired into merit positions shall be required to serve an original probationary period.
- 5.6.6 Merit employees who have accepted an appointment to an appointed position and are not retained by the appointing officer shall, within 30 days of non-retention, be provided the same rights and privileges as described in 5.4.10 of this policy.
- 5.6.7 Full-time merit employees who transfer to an appointed position and transfer back to a merit position, with no break in service, are not required to serve another merit probationary period.
- 5.6.8 When creating an exempt appointed position, the following procedure shall be followed:
 - 5.6.8.1 The Administrator, Mayor or Elected Official shall make a written request to the Human Resources Division Director for a new position or a change of status of a specific position, and shall provide the Human Resources Division Director with a written job description and proposed justification of the action.
 - 5.6.8.1.1 The Human Resources Division Director may also initiate a request concerning a change in the exempt or non-exempt status of any position within Salt Lake County Government.
- 5.6.9 The Human Resources Division Director shall review the request to determine if the requirements of the County Personnel Management Act are met. The Human Resources Division Director shall prepare written findings of fact and a recommendation which shall be forwarded to the Career Service Council and the requesting party.
- 5.6.10 The Career Service Council shall review the Human Resources Division Director's findings of fact and decision and will conduct a public hearing to rule on the request. The Council shall schedule a public hearing within 10 days of receipt of the request to solicit input regarding the proposal. Notice of the public hearing shall be circulated in the same manner as County job announcements. Such notice shall include the source and proposed justification of the request.
- 5.6.11 The Career Service Council shall prepare written findings of fact and a final decision regarding the request which shall be forwarded to the Mayor or Elected Official, the Human Resources Division Director and the requesting Administrator.

- 5.7 Elected Officials (Status 97)
 - 5.7.1 Includes County Council, Assessor, District Attorney, Auditor, Clerk, Mayor, Recorder, Sheriff, Surveyor, and Treasurer.
 - 5.7.2 Salaries are set by the Council.
 - 5.7.3 Elected officials receive comparable County benefits.
 - 5.7.4 Elected officials may move to a merit position only after successfully competing and being certified by the Human Resources Division.
 - 5.7.5 If certified and hired for a merit position, individuals shall carry all benefits accrued and retain their original service date (adjusted for interrupted County service) and at the option of the hiring authority, may be transferred at the same salary - not to exceed the pay range maximum.
 - 5.7.6 Elected officials who are hired into merit positions shall be required to serve an original probationary period.
 - 5.7.7 Full-time merit employees who transfer to an Elected Office and transfer back to a merit position, with no break in service, are not required to serve another merit probationary period.
 - 5.7.8 Merit employees who are elected to office and are not re-elected shall:
 - 5.7.8.1 be appointed to any merit position for which they qualify in a pay grade comparable to their last merit position provided an opening exists; or
 - 5.7.8.2 be appointed to a lesser merit position for which they qualify pending the opening of a position described above.
- 5.8 Appointed Justice Court Judges (Status 98)
 - 5.8.1 Includes Justice Court Judges who are initially appointed by the Council following competitive selection procedures and subsequently retain their appointments only through retention elections by the voting public.
 - 5.8.2 Salaries are set by the Council.
 - 5.8.3 Justice Court Judges receive comparable County benefits except auto allowances.
 - 5.8.4 Justice Court Judges may move to a merit position only after successfully competing and being certified by the Personnel Division.
 - 5.8.5 If certified and hired for a merit position, individuals shall carry all benefits accrued and retain their original service date (adjusted for interrupted County service) and at the option of the hiring authority, may be transferred at the same salary - not to exceed the pay range maximum.
 - 5.8.6 Justice Court Judges who are hired into merit positions shall be required to serve an original probationary period.
 - 5.8.7 Full-time merit employees who are appointed to a Judgeship and transfer back to a merit position, with no break in service, are not required to serve another merit probationary period.

APPROVED AND PASSED THIS 19TH DAY OF MAY, 2009.

**SALT LAKE COUNTY HUMAN RESOURCE DIVISION
NOTICE OF APPOINTMENT FOR TIME LIMITED
MERIT EXEMPT EMPLOYEES**

Pursuant to the Utah Code Annotated 17-33-8 (8) and Salt Lake County Human Resources Policy and Procedure 5100, Section 5.4, this notice hereby specifies that Salt Lake County has appointed _____; hereinafter referred to as "the employee"; Employee Identification Number _____ as a time limited merit exempt employee. The employee will work _____ hours per week at a rate of \$ _____ per month and will receive employee benefits comparable to County merit employees. The Salt Lake County legislative body reserves the right to alter, delete or amend benefits and policies at any time. Time limited exempt employees will receive contributions towards the non-contributory retirement plan but employees should note that the term of this agreement is insufficient to cause and employee to have vested rights under the non-contributory retirement plan. This temporary appointment will commence on _____, but must expire on or before _____. The employee is hereby advised that he/she is a non-merit employee and is exempted by law from the rights of a merit employee and works at the will and pleasure of the hiring agency. An agency head or hiring official may dismiss or demote a non-merit employee at any time, without just cause, and without right of appeal by providing written notification to the employee specifying the reasons for the dismissal or demotion and the effective date. If a merit employee transfers to a time limited exempt position and is dismissed for cause, the employee loses their reappointment rights to a merit position. The structure of a time limited merit exempt employee is governed by state statute and County policy, no representations by employees or officials of Salt Lake County or the hiring agency, may alter, add to or contradict the terms of the time limited exempt employment.

Employee Signature

Date

Hiring Official

Date