

RESOLUTION 2005-03

AMENDING PERSONNEL POLICIES AND PROCEDURES SECTION 6, EMPLOYEE STATUS; CLARIFYING AND RE-DEFINING PROVISIONS REGARDING PART-TIME EMPLOYEES, THE DIRECTOR OF HUMAN RESOURCE MANAGEMENT, SHERIFF'S LIEUTENANTS, ON-CALL EMPLOYEES AND STUDENTS

WHEREAS, certain revisions and clarifications need to be made to Section 6 of the Personnel Policies and Procedures to correctly identify the director of human resource management and sheriff's lieutenants as appointed employees, to clarify when on-call employees are used, and to clarify when students under 16 years of age may be hired;

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Section 6, Employee Status, is hereby amended to read as attached hereto. This resolution shall take effect immediately.

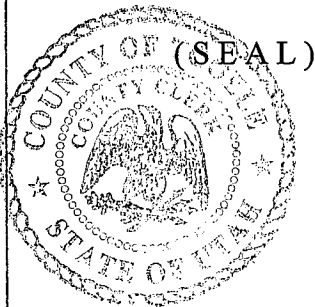
DATED this 18th day of January 2005.

ATTEST:


DENNIS D. EWING, Clerk

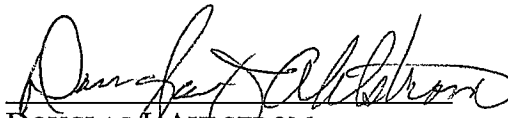
TOOELE COUNTY LEGISLATIVE BODY


DENNIS L. ROCKWELL, Chairman



Commissioner Rockwell voted aye
Commissioner Lawrence voted aye
Commissioner Johnson voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

**SECTION 6
EMPLOYEE STATUS**

- A. DEFINITION:** As used in these personnel policies and procedures, "employee" means each full-time, part-time, or appointed worker, elected official, and any temporary, seasonal or on-call worker in the service of the county, under any contract of hire, express or implied, written or oral. "Employee" does not include any independent contractor, volunteer, or court-appointed ward.
- B. FULL-TIME EMPLOYEES:** Non-elected, compensated employees not in appointed positions and who regularly work 40 hours per week, or 171 hours in a 28-consecutive-day period if a sworn law enforcement officer, are full-time employees.
- C. PART-TIME EMPLOYEES:**
1. Non-elected, compensated employees not in appointed positions and who are hired to work for less than 40 hours per week on an ongoing basis are part-time employees.
 2. Part-time employees hired to work at least 20 hours per week receive fringe benefits, except medical, dental and life insurance, on a prorated basis according to their half-time or three-quarter time status. They are hired pursuant to the regular hiring procedure.
 3. Part-time employees hired to work less than 20 hours per week do not receive fringe benefits. They are not subject to the regular hiring procedure. They shall not be allowed to work more than 20 hours per week unless determined necessary by the department head. Part-time employees may be authorized to work more than 20 hours per week during peak seasonal periods. They may not be transferred or promoted to a status which provides for fringe benefits without going through the regular hiring procedure. They may be terminated without cause.
- D. APPOINTED EMPLOYEES:**
1. The following employees are designated as appointed employees:
 - a. chief deputies and members of elected officials' personal staff;
 - b. members of policy, advisory, review, and appeal boards or similar bodies who do not perform administrative duties as individuals;
 - c. time-limited or contract positions established for the purpose of conducting special projects and programs;

- d. department directors of aging, airport, building maintenance, emergency management, engineering, health, human resource management, information technology, parks and recreation, and solid waste management;
 - e. the lieutenants in the sheriff's department; and
 - f. temporary, seasonal, on-call and emergency employees.
- 2. Appointed employees shall have no expectation of continued employment. They may be dismissed without cause. They have no appeal rights after a dismissal. Appointed positions are not subject to the regular hiring procedure unless specifically stated otherwise. The hiring process for these positions shall be determined solely by the appointing authority.
 - 3. Except where specifically stated otherwise, appointed department heads are eligible to participate in and receive all other benefits of county employment, as well as those negotiated as a condition of hire, and are subject to the other provisions of the county's personnel policies that have no relationship to appointed employee status.
 - 4. Notwithstanding any provision to the contrary, the director of the health department is appointed by the county board of health, which also determines the director's compensation, subject to ratification by the county commission. The director is subject to removal only for cause by the board of health, in accordance with Title 26A of the Utah Code and the local board of health rules and bylaws.
 - 5. The director of human resource management is appointed pursuant to Utah Code 17-33-1.
 - 6. Lieutenants in the sheriff's department are key policy-determining positions and are appointed pursuant to Utah Code 17-33-8(7). They are exempt from career service. Notwithstanding any provision to the contrary, such lieutenants are eligible to participate in and receive all benefits of county employment, shall accrue leave, and are subject to those provisions of the county's personnel policies that have no relationship to appointed employee status. The salaries will be pursuant to the established county compensation plan.
- E. ELECTED OFFICIALS:** Elected officials are not covered by the personnel policies and procedures except they shall receive an elected official's benefit package. They shall administer their departments according to these personnel policies and procedures.
- F. CHIEF DEPUTIES:** Chief deputies are not covered by the personnel policies and procedures except they receive the fringe benefit package that full-time employees receive.

- G. TEMPORARY AND SEASONAL EMPLOYEES:** Temporary and seasonal employees work on a short-term basis, usually to perform a specific piece of work. Applicants must meet the position's minimum qualifications. Such employment shall not exceed 90 days, with the period extendable for a period not to exceed an additional 90 days for good cause. (*Reference: Utah Code Ann. 17-33-5(3)(b)(ix)*). The hiring authority shall notify the director of personnel management before any offer is made. The hiring of seasonal employees who may be required to work more than six months in a year and who may be recalled from year to year as departmental needs dictate shall follow the regular hiring procedure. Temporary and seasonal employees receive no fringe benefits.
- H. ON-CALL EMPLOYEES:** On-call employees work as department needs dictate but have no regular working schedule. Such employees are not entitled to fringe benefits. They are not subject to the regular hiring procedure. They may not be transferred or promoted to a status which provides for fringe benefits without going through the regular hiring procedure. They may be terminated without cause.
- I. INDEPENDENT CONTRACTORS:** Independent contractors are those persons engaged in work for Tooele County who are independent of the county in all that pertains to execution of their work, are not subject to the rule or control of the county, are engaged only in the performance of a definite job or piece of work, and are subordinate to the county only in effecting a result in accordance with the county's design. Independent contractors are not covered by the personnel policies and procedures.
- J. VOLUNTEERS:** "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by Tooele County. "Volunteer" does not include any person who has been convicted of a criminal offense; any youth who has been adjudged delinquent; or any person or youth who has been diverted from the criminal or juvenile justice system and performs a public service as a condition of the person or youth's sentence, diversion, probation, or parole. "Volunteer" includes a juror or potential juror appearing in response to a summons for a trial jury. Services rendered by a volunteer shall not be the same type of service which the person is otherwise employed to perform for the county. A volunteer may not donate any service to Tooele County unless the volunteer's services are approved by the county commission or the department head, and by the office of personnel. Volunteers shall provide their name, address and contact information on a tracking sheet, which shall be submitted by the department head to the office of personnel management. Volunteers are not covered by other provisions of the county's personnel policies, except they may be entitled to receive workers' compensation medical benefits. (*Reference: Utah Code Ann. 67-20-1 et seq.*)
- K. COURT-APPOINTED WARDS:** Prisoners or probationers required to work by or for Tooele County are not covered by the provisions of the county personnel policies and procedures, except for workers' compensation.

- L. **PROBATIONARY EMPLOYEES:** Newly-hired employees serve an extendable six-month probation. Probationary employees are at-will employees. They have no expectation of continued employment with Tooele County. They may be discharged with cause, without cause, for rule violation, or for any reason other than a reason prohibited by law. Probationary employees may not invoke the grievance process except as described in this subsection. Employees who move to a new position, whether involuntarily or voluntarily, are subject to this subsection, and shall also have no expectation of continued employment in the new position until successfully completing the probationary period.
- M. **STUDENTS:** Departments are encouraged to arrange their employment to accommodate students during summer months and summer vacations. However, no person under age 16 may be employed by the county unless authorized by the director of human resource management and the county commission.