

RESOLUTION 2009-13

A RESOLUTION ENACTING SUBSECTION 11.P, TIME CARDS, AND MAKING TECHNICAL CORRECTIONS TO SECTION 11, COMPENSATION, OF PERSONNEL POLICIES AND PROCEDURES

WHEREAS, the Tooele County Commission finds it necessary to enact Personnel Policies and Procedures Subsection 11.P, Time Cards, in the Compensation section which requires signatures on time cards and explains how unsigned time cards will be treated. The Commission also finds it necessary to amend other subsections of Section 11, Compensation, to clarify the pay rate and procedure for employees who are promoted or demoted and to make technical corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE COUNTY COMMISSION that Personnel Policies and Procedures Subsection 11.P, Time Cards, is hereby enacted and Section 11, Compensation, is amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

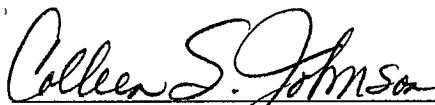
EFFECTIVE DATE: This resolution shall take effect immediately.

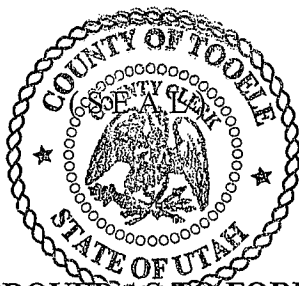
DATED this 21st day of July 2009.

ATTEST:


MARILYN K. GILLETTE, Clerk




TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman



APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

SECTION 11 COMPENSATION

A. COMPENSATION PLAN:

1. Covered employees shall be paid an hourly wage at their grade and step according to the compensation plan then in effect.
2. Exempt employees shall be paid an annual salary according to the compensation plan then in effect.
3. Excluded employees shall be paid an annual salary established by resolution of the county commission. Such employees do not receive overtime pay or compensatory time off.
4. The compensation plan shall be approved each year by the county commission.

B. OVERTIME:

1. Accrual of overtime hours is discouraged. If the requirements of a department mandate extra hours worked, the department head shall arrange schedules to avoid overtime pay if possible and give preference to the accrual of compensatory time. Except in the case of an emergency, no department head shall authorize overtime hours which will result in overtime pay without prior approval of the county commission on the approved "Overtime Authorization Form." The Overtime Authorization Form must be signed and submitted to the Auditor's Office. Prior to working overtime, an employee shall obtain specific direction to work from the department head.
2. Each covered employee shall be paid overtime at one and one-half times the employee's regular rate of pay for each hour worked in a work week in excess of 40 hours. Pursuant to Section 207(k) of the FLSA, overtime for covered sworn law enforcement officers begins to accrue after 84 hours have been worked in the 14-consecutive-day work period.
3. "Hours worked" includes those hours on the job in productive work effort and holiday leave and jury leave. It does not include annual leave, sick leave, emergency leave, maternity leave, military leave, converted sick leave or compensatory time off.
4. Overtime hours shall be recorded on the time card for the pay period in which they are accrued.

C. COMPENSATORY TIME:

1. In lieu of monetary overtime compensation, compensatory time off is authorized for covered employees at a rate of one and one-half hours of compensatory time for each hour of overtime worked.

2. The use of compensatory time shall be authorized only for those employees who have previously entered into the compensatory time off agreement with the county.
3. Covered employees generally may accrue up to 240 hours of compensatory time, which is only 160 hours of actual overtime work. Sworn law enforcement officers may accumulate up to 480 hours of compensatory time, which is 320 hours of actual overtime work.
4. An employee who has accrued compensatory time and requests use of the time will be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
5. Compensatory time accrued after the effective date of this section shall be exhausted before vacation leave is used.
6. Compensatory time shall be recorded on the time card for the pay period in which it is accrued. Any unused compensatory time shall be reflected upon subsequent time cards until it has been completely used. The use of accrued compensatory time shall also be recorded on the time card for the pay period during which the time off was taken.
7. Tooele County may freely substitute cash in whole or in part for compensatory time. Payments for accrued compensatory time will be paid at the regular rate earned by the employee at the time the employee receives payment. Employees who have accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours worked.
8. Upon termination or retirement, a covered employee will be paid for unused compensatory time figured at the average regular rate received by such employee during the last three years of employment, or the final regular rate received by such employee, whichever is higher.
9. Exempt employees who work more than 40 hours in a week or, if an exempt sworn law enforcement officer, more than 84 hours in a 14-consecutive-day work period, shall be granted compensatory time at the rate of one hour for every extra hour worked. This is straight-time, non-FLSA compensatory time. There is no cap on the number of compensatory hours exempt employees can earn. Because exempt employees are salaried, they are not paid additional sums for compensatory time. Upon termination or retirement, exempt employees shall not be entitled to any pay for accrued compensatory time.

D. HOLIDAY PAY:

1. Sunday shall not be a paid holiday for employees. When a holiday falls on a Saturday, it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.
2. When an employee works on a holiday, that employee will receive straight time plus time and one-half pay for time worked.

3. Career service half-time and three-quarter-time employees shall be paid for county holidays at the same rate as if they had worked their regular part-time hours.
 4. An employee must be in a paid status through the date of the holiday to receive holiday pay.
- E. **CALL-OUT PAY:** The time spent waiting while on-call is not considered working time. If an employee is required by the employee's supervisor to return to work at other than the employee's regular work hour, the employee shall be credited with a minimum of two hours worked.
- F. **REAPPOINTMENT RATE:** Employees who are reappointed to a position they held previously shall not be paid at a step higher than when they terminated without approval of the appointing authority and the county commissioner responsible for personnel.
- G. **PAY ADVANCEMENT WITHIN PAY GRADES:** Probationary employees who satisfactorily complete their probationary period shall be eligible for a step raise. Thereafter, employees may receive an annual step raise if they receive a score of 70 or better in the annual performance review. Step raises occur until the maximum step is reached. All pay advances within a grade shall be subject to budget constraints, revenue projections, other factors affecting financial resources, and the county's ability to fund the increases. The county commission may freeze pay advances recommended for employees.
- H. **ELIGIBILITY DATE ADJUSTMENTS:** If an employee receives a career ladder change within their job classification, the employee's eligibility date for pay advancement shall nevertheless not be adjusted. When an employee voluntarily changes job classification from one department or division to another, the eligibility date for the pay adjustment will be adjusted to the date of the change.
- I. **EFFECTIVE DATE:** The effective date for a pay increase shall be the beginning of the payroll period nearest the approval date. The increase shall be paid retroactive to the eligibility date.
- J. **DENIAL OF A PAY INCREASE:** If the employee's annual performance review indicates less than satisfactory performance, a step raise shall be withheld until the employee has, in the judgment of the appointing authority, corrected the deficiencies. Written notice of the denial of a step raise and the reason therefor shall be submitted promptly to the employee and the office of personnel management. However, the employee's eligibility date for future raises shall remain unchanged.
- K. **FACTORS NOT AFFECTING PAY INCREASE:** The following factors shall not affect eligibility for a pay increase:
1. pay adjustments resulting from an annual salary and wage survey;
 2. a transfer which does not result in a pay increase;
 3. leave-without-pay for fewer than 30 days;

4. military leave-without-pay necessitated by a draft or reserve call-up because of a national emergency;
 5. a period of leave with pay; and
 6. reclassification to a class code of the same pay range or lower.
- L. PROMOTION:** An employee is promoted when the employee is moved to a position of a higher pay grade within the department. When an employee is promoted, the rate of pay shall be determined as follows; however, the promoted employee shall receive at least a 5% increase in pay:
1. If the salary received in the lower pay grade is equal to or below the minimum rate for the new grade to which promoted, the new rate of pay shall be increased to the minimum rate for the new grade, plus one step.
 2. If the salary received in the lower grade falls within the pay range for the grade to which promoted, the new pay shall be set at the nearest step plus one step.
- M. DEMOTION:** An employee is demoted when the employee is moved to a position of a lower pay grade within the department. When an employee is demoted, the rate of pay shall be determined as follows:
1. If demoted in lieu of a layoff and if the pay rate received in the higher range falls within the pay range for the grade to which demoted, the rate of pay shall remain unchanged. If the pay rate received in the higher range is greater than the maximum for the grade to which demoted, the pay rate shall be reduced to the maximum of the lower pay range.
 2. If demoted during the probationary period following original appointment, the rate of pay shall be the minimum of the pay range of the grade to which demoted.
 3. When an employee is demoted to a former grade following promotion, pay shall be set at the former pay rate in effect prior to the promotion.
 4. If demoted following disciplinary action and the pay received in the higher grade is equal to or greater than the maximum of the pay range for the grade to which demoted, the pay shall be reduced to any rate, including the maximum, of the lower pay range. The exact step shall be determined by the appointing authority and the county commission.
 5. If within one year of a promotion an employee requests to be demoted to the exact position the employee held prior to the promotion, the employee's pay will revert to the pre-promotion grade and step and will be adjusted to account for step increases and COLA adjustments. The employee will retain the current review date. An employee's request for demotion must be approved by the county commission and the department head or elected official.

6. If an employee requests to be demoted, and the demotion is approved by the county commission and the department head or elected official, the employee's pay will be adjusted as follows:
 - a. The employee's pay will be reduced by at least 5% per grade demoted;
 - b. The employee's pay may not exceed the average pay of all current, full-time regular employees in the same salary grade within the department; and
 - c. The employee's review date will be adjusted to the date of the demotion.

- N. **TOTAL PAY**: Any pay rate established for an employee shall be the total remuneration, not including reimbursement for official expenses. Except in special situations authorized by the county commission, no employee shall receive pay from the county in addition to that authorized under the compensation plan, formal incentive programs, or approved bonus plans for services rendered either in the discharge of ordinary duties or any additional duties which the employee may undertake to perform.

- O. **PAYDAY**: Employees will be paid on a bi-weekly basis. Pay shall be distributed to employees by electronic deposit to each employee's bank account. Employees shall not acquire their pay checks by any other method. If more than 26 pay days fall within one calendar year, the county commission may authorize additional compensation for employees receiving an annual rate of an additional one/26th of the regular annual compensation which is designed to avoid reduced bi-weekly paychecks for years in which there are 27 pay periods.

- P. **TIME CARDS**: All employees must sign their time card. If an employee does not sign his/her time card prior to the time card being submitted to the Auditor's Office for the applicable pay period, then the employee must sign the original time card submitted or sign an amended time card prior to the end of the next pay period. If the employee does not sign his/her time card, or sign an amended time card prior to the end of the next pay period, then the time card is deemed approved and accepted by the employee.

- Q. **LONGEVITY PAY**: A full-time employee shall receive one additional step for every five years of continuous full-time status. Longevity pay is subject to availability of funds and specific approval of the county commissioners.

- R. **YEARS OF SERVICE**: Years of service for the purposes of longevity increases and accrual of benefits shall be based upon continuous full-time employment with Tooele County. Years of service accrued prior to January 1, 1989 were fixed by the county commission as of December 31, 1988. An employee is deemed to remain a full-time employee and accruing service time during the following circumstances, unless otherwise stated:
 1. leave-without-pay for fewer than 30 days;
 2. military leave-without-pay necessitated by a draft or reserve call-up because of a national emergency;

3. a period of leave-with-pay;
4. a change of status from a full-time employee to an elected or appointed county position;
5. a specific period of leave-without-pay, approved by the department head and county commission, but this leave shall not itself be included within years of service, but after its exclusion does not alter an employee's continuous employment status; and
6. reinstatement to full-time employment within one year of termination, but the time from termination to reinstatement shall not count towards accrual of service time.

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4. The compensation plan shall be approved each year by the county commission.

B. OVERTIME:

1. Accrual of overtime hours is discouraged. If the requirements of a department mandate extra hours worked, the department head shall arrange schedules to avoid overtime pay if possible and give preference to the accrual of compensatory time. Except in the case of an emergency, no department head shall authorize overtime hours which will result in overtime pay without prior approval of the county commission on the approved "Overtime Authorization Form." The Overtime Authorization Form must be signed and submitted to the Auditor's Office. Prior to working overtime, an employee shall obtain specific direction to work from the department head.
2. Each covered employee shall be paid overtime at one and one-half times the employee's regular rate of pay for each hour worked in a work week in excess of 40 hours. Pursuant to Section 207(k) of the FLSA, overtime for covered sworn law enforcement officers begins to accrue after ~~86~~ 84 hours have been worked in the 14-consecutive-day work period.
3. "Hours worked" includes those hours on the job in productive work effort and holiday leave and jury leave. It does not include annual leave, sick leave, emergency leave, maternity leave, military leave, converted sick leave or compensatory time off.
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4. An employee who has accrued compensatory time and requests use of the time will be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the department.
5. Compensatory time accrued after the effective date of this section shall be exhausted before vacation leave is used.
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8. Upon termination or retirement, a covered employee will be paid for unused compensatory time figured at the average regular rate received by such employee during the last three years of employment, or the final regular rate received by such employee, whichever is higher.
9. Exempt employees who work more than 40 hours in a week or, if an exempt sworn law enforcement officer, more than ~~86~~ 84 hours in a 14-consecutive-day work period, shall be granted compensatory time at the rate of one hour for every extra hour worked. This is straight-time, non-FLSA compensatory time. There is no cap on the number of compensatory hours exempt employees can earn. Because exempt employees are salaried, they are not paid additional sums for compensatory time. Upon termination or retirement, exempt employees shall not be entitled to any pay for accrued compensatory time.

D. HOLIDAY PAY:

1. Sunday shall not be a paid holiday for employees. When a holiday falls on a Saturday, it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed on the following work day.
2. When ~~an~~ covered employee works on a holiday, that employee will receive straight time plus time and one-half pay for time worked ~~equivalent time off on another day for the time~~

~~worked. Time worked on a holiday cannot be converted to compensatory time. Accrual of holiday hours shall not exceed 16 hours.~~

3. Part-time Career service half-time and three-quarter-time employees shall be paid for county holidays at the same rate as if they had worked their regular part-time hours.
 4. An employee must be in a paid status through the date of the holiday to receive holiday pay.
- E. **CALL-OUT PAY:** The time spent waiting while on-call is not considered working time. If an employee is required by the employee's supervisor to return to work at other than the employee's regular work hour, the employee shall be credited with a minimum of two hours worked.
- F. **REAPPOINTMENT RATE:** Employees who are reappointed to a position they held previously shall not be paid at a rate step higher than when they terminated without approval of the appointing authority and the county commissioner responsible for personnel.
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- I. **EFFECTIVE DATE:** The effective date for a pay increase shall be the beginning of the payroll period nearest the approval date. The increase shall be paid retroactive to the eligibility date.
- J. **DENIAL OF A PAY INCREASE:** If the employee's annual performance review indicates less than satisfactory performance, a step raise shall be withheld until the employee has, in the judgment of the appointing authority, corrected the deficiencies. Written notice of the denial of a step raise and the reason therefor shall be submitted promptly to the employee and the office of personnel management. However, the employee's eligibility date for future raises shall remain unchanged.
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3. leave-without-pay for fewer than 30 days;
4. military leave-without-pay necessitated by a draft or reserve call-up because of a national emergency;
5. a period of leave with pay; and
6. reclassification to a class code of the same pay range or lower.

L. PROMOTION: An employee is promoted when the employee is moved to a position of a higher pay grade within the department. When an employee is promoted, the rate of pay shall be determined as follows; however, the promoted employee shall receive at least a 5% increase in pay:

1. If the salary received in the lower pay grade is equal to or below the minimum rate for the new grade to which promoted, the new rate of pay shall be increased to the minimum rate for the new grade, plus one step.
2. If the salary received in the lower grade falls within the pay range for the grade to which promoted, the new pay shall be set at the nearest step plus one step.
3. ~~Promotional increases exceeding one step must be approved by the department head and the county commission.~~

M. DEMOTION: An employee is demoted when the employee is moved to a position of a lower pay grade within the department. When an employee is demoted, the rate of pay shall be determined as follows:

1. If demoted in lieu of a layoff and if the pay rate received in the higher range falls within the pay range for the grade to which demoted, the rate of pay shall remain unchanged. If the pay rate received in the higher range is greater than the maximum for the grade to which demoted, the pay rate shall be reduced to the maximum of the lower pay range.
2. If demoted during the probationary period following original appointment, the rate of pay shall be the minimum of the pay range of the grade to which demoted.
3. When an employee is demoted to a former grade following promotion, pay shall be set at the former pay rate in effect prior to the promotion.
4. If demoted following disciplinary action and the pay received in the higher grade is equal to or greater than the maximum of the pay range for the grade to which demoted, the pay shall be reduced to any rate, including the maximum, of the lower pay range. The exact step shall be determined by the appointing authority and the county commission.

5. If within one year of a promotion an employee requests to be demoted to the exact position the employee held prior to the promotion, the employee's pay will revert to the pre-promotion grade and step and will be adjusted to account for step increases and COLA adjustments. The employee will retain the current review date. An employee's request for demotion must be approved by the county commission and the department head or elected official.
6. If an employee requests to be demoted, and the demotion is approved by the county commission and the department head or elected official, the employee's pay will be adjusted as follows:
- a. The employee's pay will be reduced by at least 5% per grade demoted;
 - b. The employee's pay may not exceed the average pay of all current, full-time regular employees in the same salary grade within the department; and
 - c. The employee's review date will be adjusted to the date of the demotion.
- N. **TOTAL PAY:** Any pay rate established for an employee shall be the total remuneration, not including reimbursement for official expenses. Except in special situations authorized by the county commission, no employee shall receive pay from the county in addition to that authorized under the compensation plan, formal incentive programs, or approved bonus plans for services rendered either in the discharge of ordinary duties or any additional duties which the employee may undertake to perform.
- O. **PAY DAY:** Employees will be paid on a bi-weekly basis. Pay shall be distributed to employees by electronic deposit to each employee's bank account. ~~Existing employees shall have until July 1, 2003, to set up an account to receive such deposits.~~ Employees shall not acquire their pay checks by any other method. If more than 26 pay days fall within one calendar year, the county commission may authorize additional compensation for employees receiving an annual rate of an additional one/26th of the regular annual compensation which is designed to avoid reduced bi-weekly paychecks for years in which there are 27 pay periods.
- P. **TIME CARDS:** All employees must sign their time card. If an employee does not sign his/her time card prior to the time card being submitted to the Auditor's Office for the applicable pay period, then the employee must sign the original time card submitted or sign an amended time card prior to the end of the next pay period. If the employee does not sign his/her time card, or sign an amended time card prior to the end of the next pay period, then the time card is deemed approved and accepted by the employee.
- PQ. **LONGEVITY PAY:** A full-time employee shall receive one additional step for every five years of continuous full-time status. Longevity pay is subject to availability of funds and specific approval of the county commissioners.
- QR. **YEARS OF SERVICE:** Years of service for the purposes of longevity increases and accrual of benefits shall be based upon continuous full-time employment with Tooele County. Years of

service accrued prior to January 1, 1989 were fixed by the county commission as of December 31, 1988. An employee is deemed to remain a full-time employee and accruing service time during the following circumstances, unless otherwise stated:

1. leave-without-pay for fewer than 30 days;
2. military leave-without-pay necessitated by a draft or reserve call-up because of a national emergency;
3. a period of leave-with-pay;
4. a change of status from a full-time employee to an elected or appointed county position ~~or chief deputy thereof, and taking a leave of absence from the previous full-time county position;~~
5. a specific period of leave-without-pay, approved by the department head and county commission, but this leave shall not itself be included within years of service, but after its exclusion does not alter an employee's continuous employment status; and
6. reinstatement to full-time employment within one year of termination, but the time from termination to reinstatement shall not count towards accrual of service time.