

Salt Lake County Human Resources Policy 5-300: Payroll

Purpose

This policy identifies and provides for the uniform and consistent application of the provisions of the Salt Lake County Payroll System.

I. Policy

Salt Lake County will maintain payroll records for each employee consistent with FLSA requirements. Payroll changes become effective following approval by the Human Resources Division Director or designee. Regular Salt Lake County payroll payments will be made through [electronic direct deposit](#) to employee bank accounts or pay cards. The Salt Lake County Payroll System automatically deducts money from employee payroll payments for mandatory payroll taxes, permitted voluntary employee contributions and other deductions as required by law.

II. Procedures

A. Certification of Payrolls

1. No new employee will be hired, changed in pay, title, or status, nor will any employee be paid, unless certified by the Human Resources Division Director as eligible.
2. The Payroll Register will be certified and approved by the Mayor or designee. This may be done by electronic means deemed satisfactory to meet Utah statutes.
3. The Human Resources Division Director may examine payrolls at any time to determine conformity with County Personnel Management Act ([Utah Code 17.33](#)), and the County rules.
4. Each payroll unit is responsible for accurately recording their information in the payroll system.

B. Payment Procedures

1. The payroll period shall be bi-weekly beginning on Sunday and ending Saturday of the following week.
2. Employees will be paid the Friday following the close of the pay period.
3. When a payday falls on a holiday, the payday will be the preceding workday except for the day after Thanksgiving.
4. FLSA non-exempt employees shall be paid on an hourly basis except for Sheriff's Office sworn employees.
5. New hires and rehires are effective on the first day the employee worked for pay. This may be any work day within a payroll period.
6. Partial pay periods worked are paid on a prorated basis.
7. Changes may be made at any time during the pay period.

C. Off-Cycle Checks

1. If an employee does not receive all monies owed to them on their regular check, but recorded all of their time prior to the pay period deadline, the elected official or department director shall request an off-cycle check be issued to the employee. Any unrecorded hours worked shall be paid on a subsequent pay period.
2. There will be a charge to the elected office or department for each off-cycle check issued.
3. The Payroll Manager or designee will prepare and issue the off-cycle check to the employee.

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4. The off-cycle check must be signed by an authorized or designated representative from the Salt Lake County Mayor's Office.

D. Termination Pay

1. Employees, who leave the employment of Salt Lake County for any reason, will receive all pay that may be due them as soon as payroll forms and regular payroll payments are processed.
2. All county property in the employee's possession will be returned to the employing office or division.
3. Upon an employee's death and following a 30 day waiting period after the date of death, all salary and accrued annual leave belonging to the deceased employee will be paid to the personal representative of the employee's estate, or to such other person who evidences authority, under the [Utah Probate Code](#), to collect the deceased employee's final pay.
 - a. Persons desiring to collect a deceased employee's final pay must submit a completed affidavit, available on the Utah Courts website, as set forth in the [Utah Probate Code](#).
4. An employee's final pay may be made electronically with certification that all county property has been returned and any money owed has been paid. Payment will be made in the form of a payroll warrant if such certification has not been made.

E. Payroll Corrections

1. Non-monetary corrections to an employee's payroll records may be made at anytime.
2. Monetary corrections to an employee's payroll record up to \$10,000 may be made after review by the Human Resources Division Director. Any monetary corrections exceeding \$10,000 must be reviewed and approved by the Council.
3. Claims for contributions to an employee's account with the [Utah Retirement Systems](#) occurring after March 1, 1994, will be resolved in accordance with Utah law and rules established by the Utah Public Employees Retirement Board.
4. Claims for contributions occurring prior to March 1, 1994, will be resolved on a case-by-case basis.
5. Corrections affecting an employee's retirement contributions account with the Utah Public Employees' Retirement System(s) (hereafter, "URS") will be made according to the following procedures:
 - a. Claims occurring in the following circumstances will not be considered:
 - b. Claims based upon time while the employee is on worker's compensation prior to October 23, 1986;
 - c. Claims for contributions for persons who were classified as contract workers or temporary employees during the time for which contributions are claimed and for whom it is determined they were entitled to participate in URS plans unless:
 - i. The claimant asserts his/her claim within one year of the last date of the period of service for which the employee claims entitlement to contributions; or,
 - ii. If more than one year has passed from the date of service for which contributions are claimed, the claimant can establish by credible evidence, other than his/her assertion, that 1) he/she could not reasonably discover his/her entitlement prior to the date of discovery, and 2) the claim is asserted within one year of the date of discovery.

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- d. Claims for contributions for an employee who was exempt from URS during the time for which the contributions are claimed.
 - e. Claims for contributions for periods of service after January 1, 1981 for employees who were participants in any of the URS plans during the time for contributions are claimed, unless:
 - i. The claim is asserted within one year from the date of serve for which contributions are claimed, or,
 - ii. If more than one year has passed since the last date of service for which contributions are claimed, the employee can establish by credible evidence, other than his/her own assertion,
 - iii. That he/she had no reasonable notice from his/her Salt Lake County payroll advice (pay stub) or from any of the URS' "Members Annual Statement" sent to him/her subsequent to the last date of the period of service for which contributions are claimed,
 - iv. The error upon which the claim is based could not have reasonably been discovered by him/her within one year of the date of its occurrence, and
 - v. The claim is asserted within one year of its discovery by the employee.
 - vi. If a claim is accepted according to the requirements herein, County shall be responsible only for County's portion of the retirement contribution, plus interest that would have been made if no error had occurred. The employee will be responsible for employee's portion plus interest.
 - vii. Claims for contributions for periods of service prior to January 1, 1981, for employees who were participants in any of the URS plans during the time for which contributions are claimed, unless:
 - a. Claims for retired employees who have been receiving retirement benefits from the URS.
- F. Overtime and Compensatory Time for FLSA Non-Exempt Merit Employees
1. Any non-exempt employee who works more than forty hours in a workweek will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 unless the employee requests compensatory time off. Employees may request in writing compensatory time off in lieu of cash payment prior to working the overtime hours.
 2. An Administrator may require an employee to work overtime.
 3. An employee may not work overtime without prior approval.
 4. A Multiple Jobs employee may not receive approval to work overtime
 5. Holidays, vacation, sick leave, compensatory time used and other paid leave such as jury duty, military leave and funeral leave will not be counted as time worked when calculating the number of hours an employee has worked.
 6. FLSA non-exempt employees working in emergency response or seasonal activities may only accumulate 480 hours (320 overtime hours actually worked). All other employees may only accumulate 240 hours (160 overtime hours actually worked). Any hours worked beyond these amounts will be paid.
 7. An Administrator may require an employee to use compensatory time off. Administrators will work with employees to schedule compensatory time off within a reasonable period.
 8. Compensatory time that is not used within two years will be paid.

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9. A terminated FLSA non-exempt employee with compensatory time will be paid for that time at the employee's final regular rate or at the employee's average rate of pay over the last three years whichever is higher.
 10. If the County requires a non-exempt merit employee to work on a shift that overlaps a premium holiday or the observance of a premium holiday, the employee shall receive premium holiday pay for the actual hours worked on that shift. An employee shall be paid premium holiday pay for only one shift per holiday. Premium holiday pay is paid at one and one-half (1 ½) times the employee's regular rate for each hour worked. Exempt and temporary employees are not eligible for premium holiday pay. In addition to the premium holiday pay, the employee will receive leave added to their holiday bank or a cash payment if the division permits holiday pay cash-out. An employee who works a premium holiday and takes another day off as the substitute for the holiday will not receive holiday pay for having worked the premium holiday but will be compensated at one and a half times for the actual hours worked during the premium holiday. Holiday pay will be granted on the day the employee is taking off as the substitute holiday.
- G. Overtime and Compensatory Time for FLSA Exempt Merit Employees
1. FLSA exempt employees do not accrue compensatory time unless approved by their Department Director or Elected Official.
 2. Any compensatory time shall accrue at straight time.
 3. Each Department Director or Elected Official shall adopt written internal policies regarding compensatory time off for FLSA exempt employees.
 4. If permitted by the Department Director or Elected Officials, no more than 80 hours of unused compensatory time will be carried from one year to the succeeding year (use or lose).
 5. Any accrual of compensatory time may not be paid out in cash.
 6. Compensatory time is not transferred to another department or elected office unless approved by the new Department Director or Elected Official.
 7. In the event of a disaster or emergency declaration by the Mayor, all merit employees (FLSA exempt and non-exempt) will record all hours worked including overtime hours. Merit FLSA exempt employees shall be paid for overtime hours worked that are directly related to a disaster or emergency declared by the Mayor. The rate for overtime hours worked shall be of one and one half (1 ½) times the regular rate.
- H. Overtime and Compensatory Time for Temporary Employees
1. Temporary employees are subject to the overtime provisions of the FLSA.
 2. Overtime hours for eligible temporary employees are accrued at one and a half times the hours worked.
- I. On Call Duty Assignments– FLSA Non-Exempt Employees
1. An administrator may assign an employee to be on-call. The Administrator must make such an assignment in advance. An on-call employee has freedom of movement in personal matters but is required by an administrator to be fit for duty, reachable and respond within a specified time frame of coverage for work beyond an employee's regular work schedule. On-call employees are restricted from doing anything that would impair their ability to perform their jobs safely if called back to work.

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2. An office or division may not require an employee to be on-call unless it has a standard operating procedure that requires an on-call employee to respond in a specified period of time. Employees will perform work telephonically or electronically when possible.
 - a. An Administrator will monitor the frequency of calls to ensure that an employee has the freedom to effectively use the on-call time for their own purposes.
 - b. An employee will not receive on-call compensation unless an Administrator required the employee to be on-call.
 - c. An employee assigned by the Administrator to be available for on-call work will be compensated for on-call time at a rate of four hours of straight time pay for each week of 168 continuous hours the employee is assigned to be on call. For periods of less than seven (7) days the minimum premium pay will be pro-rated and rounded to the nearest whole hour: (6 days = 3 hours; 5 days = 3 hours; 4 days = 2 hours; 3 days = 2 hours; 2 days = 1 hours; 1 days = 1 hours).
 - d. Employees will record the time as "on-call" on their time sheet corresponding to the day the on-call time was earned; on-call time will not be recorded as hours worked.
 - e. An employee who voluntarily agrees to be reachable is not considered to be on-call. This includes an employee who is provided County-issued equipment, such as a pager, cellular phone, second telephone line or other means of communication. County issued equipment or service is provided as a means of communication between the employer and employee and does not constitute on-call status for the employee, or a job requirement to be on-call as a condition of employment.
 3. An office or division may not require an employee to return to work on a call-back unless it has a standard operating procedure that meets the following requirements:
 - a. Employees will perform work telephonically or electronically rather than physically returning to work whenever possible;
 - b. Employees will record the time as call-back on their time sheet corresponding to the day the time was earned;
 - c. An employee required to return to work will be credited with one and one half hours (1 ½) of call back time paid at an employee's regular hourly rate. This time will not be recorded on the employee's time sheet as hours worked;
 - d. An employee will record either the actual time worked or one hour, whichever is greater, as actual time worked; and
 - e. Home-to-work and work-to-home travel during a call back situation will be considered work time and will be included as hours worked and credited for overtime pay purposes.
- J. Court Compensation for Sheriff's Office Sworn Employees
1. Employees will receive their regular rate of pay for a court appearance as a juror/witness subpoenaed by a government agency when the appearance is required during the employees regular scheduled working hours. Employees are not entitled to the witness/jury fee while receiving their regular rate of pay.
 2. Employees will receive compensation for court or official hearing appearances as a witness, subpoenaed by a government agency while off-duty, using the following criteria:
 - a. Off-duty appearances are considered time worked and will be documented on the employee's timecard;
 - b. The employee will be compensated from the time of the required appearance until the time released by the prosecutor or other authority; and

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- c. Minimum compensation is three hours. If an employee is required to stay past three hours, the actual time worked will be paid. Travel time to and from appearances is not time worked.
3. When an employee is required to appear on two or more separate appearances in one day, the employee will receive compensation for each appearance only if the time lapse between subpoenas is at least three hours.
 - a. If the employee is required to appear on a subpoena before a regular shift the subpoena must reflect the employee's appearance was required at least three hours before the regular shift to receive the minimum three hour pay. Otherwise, the employee will be compensated for the time actually worked.
 - b. If an employee is required to remain in court past the end of the regular shift, the employee will be paid for actual time worked.
4. Court preparation time for cases arising out of the employee's official duties will be considered time worked. Supervisors will determine whether court preparation will be completed on-duty or off-duty.
5. Compensation requests for off-duty court appearance and off-duty court preparation time for cases arising out of the employee's official duties will be recorded on the timecard.
 - a. A copy of the subpoena showing the beginning time, release time, and signature of prosecutor or other authority, and the witness fee check must be submitted to the Sheriff's Office Payroll Unit.
 - b. Employees reporting to Salt Lake County Justice Court on a subpoena while off- duty will be required to sign the Justice Court log to verify their appearance.
 - c. To receive compensation, employees must submit the required signed subpoena, witness fee check (if applicable), and timecard.
6. Any income earned from an employee's secondary employer for court appearances during the employee's Sheriff's Office scheduled working hours shall be turned over to the Sheriff's Office Fiscal Division.

III. References

- A. Fair Labor Standards Act of 1938 as amended
- B. Utah Code Annotated, County Personnel Management Act, 17-33-6
- C. Utah Code Annotated, County Executive, Legislative Body and Other Officers, 17-53-305
- D. Utah Code Annotated, Probate of Wills and Administration, 75-3
- E. Human Resources Policy 1-200, General Definitions

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APPROVED and ADOPTED this 16th day of June, 2020.

SALT LAKE COUNTY COUNCIL

By 
Max Burdick, Chair

ATTEST:


Sherrie Swensen
County Clerk

Approved as to form and legality:


Digitally signed by
Zachary Lancaster
Date: 2020.06.08
11:36:33 -06'00'

Voting:

Council Member Bradley voting	<u>"Aye"</u>
Council Member Bradshaw voting	<u>"Aye"</u>
Council Member Burdick voting	<u>"Aye"</u>
Council Member DeBry voting	<u>"Aye"</u>
Council Member Ghorbani voting	<u>"Aye"</u>
Council Member Granato voting	<u>"Aye"</u>
Council Member Jensen voting	<u>"Aye"</u>
Council Member Newton voting	<u>"Aye"</u>
Council Member Snelgrove voting	<u>"Aye"</u>