

Salt Lake County Human Resources Policy 2-100: Employment Status

Purpose

This policy establishes uniform practices governing employment status, benefits and restrictions as they apply to Salt Lake County employees.

I. Policy

The hiring and movement of employees is governed by statute, county ordinance and Human Resource policies. All allocated positions are assigned an employment status.

II. Procedures

- A. Employees hired through a competitive process, rehires, and transfers from other merit systems who successfully complete their probationary period may hold Regular status (Status 02). Regular Status (Status 02) are considered regular, full-time merit employees who:
 - 1. work an average of 40 hours per week
 - 2. are eligible to receive all county benefits
 - 3. are eligible for reclassification, promotion, reassignment or transfer
- B. The number of hours worked per week may not be permanently changed without position reallocation from the Human Resources Division.
- C. Regular Status employees initially hold probationary status, (Probationary Status 03).
 - 1. Movement to Regular Status as a merit employee is conditional upon the satisfactory completion of a merit probationary period. Merit probationary employees serve at-will under this status.
 - 2. The merit probationary period for career service employees is the first six months of employment following the hire or rehire date of a regular or Permanent Part-Time employee.
 - 3. The merit probationary period of a career service employee may not be extended except for performance issues for up to an additional six months for good cause as determined by the Human Resources Division Director.
 - a. Any extension to the merit probationary period will be communicated in writing to the employee prior to the completion of the original probationary period with a copy forwarded to the Human Resources Division.
 - b. Individuals who have been placed on extended merit probation over three months will be given performance evaluations at least every three months with at least one performance evaluation near the end of the extended period.
 - c. Employees placed on an approved extended merit probationary period are not entitled to benefits contingent upon merit employment status except for the right to appeal to the Career Service Council in cases of discrimination or allegations that the extension is intended to thwart merit principles.
 - 4. The merit probationary period for Sheriff's Office sworn employee is the first 12 consecutive months of employment following hire.

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- a. The probationary period for a Sheriff's Office sworn employee will be extended as necessary for an officer to satisfactorily complete an approved peace officer training program.
- b. All Sheriff's Office sworn employees must be appointed from a Deputy Sheriff Merit Commission certified register with the exception of a specialist position and a temporary appointment not to exceed 60 calendar days pending certification of a register.
5. Probationary employees will be evaluated prior to completion of the merit probationary period.
6. Prior to the completion of the probationary period, the supervisor will take action following the performance evaluation to either terminate, extend the merit probationary period or convert the employee to merit status.
7. Promotions, Reassignment, and Transfer
 - a. Serving a merit probationary period will not prevent a probationary employee from being promoted, reassigned or transferred to a different position as long as the employee is certified from a merit employment register or is eligible for rehire.
 - b. The supervisor will require a new probationary period if the duties of the new position resulting from promotion, reassignment or transfer are significantly different.
 - c. The supervisor may allow the employee's original probationary period to count towards a new position if the duties and responsibilities of the new position are the same or very similar to the original position, with approval from the Human Resources Division Director.
 - d. Sheriff's Office sworn employees hired from a DSMC certified register or reinstated from a Reduction in Force reappointment register into another category will serve a probationary period in the new category.
8. Reclassification
 - a. Probationary employees reclassified to a higher grade based on market data with no change to their actual duties are not required to complete a new probationary period.
9. Termination
 - a. An employee may be terminated during their merit probationary period. An employee may appeal a termination during their probationary period in cases of alleged discrimination.
 - b. Notice of dismissal and date of termination will be submitted by letter to the employee. A copy of the letter and any additional required forms will be submitted to the Human Resources Division.
- D. Provisional (Status 04)
 1. The Human Resources Division Director will review and approve all appointments to provisional status without competitive hire.
 2. A provisional appointment may only be made when a position has been allocated, classified, had minimum qualifications established and an on-line requisition has been submitted to the Human Resources Division.
 3. Administrators may request an individual be considered for provisional employment if:

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- a. there are urgent reasons for filling the position and the Human Resources Division is unable to make satisfactory certification from a register
 - b. individuals who are eligible for reassignment, rehire, reinstatement, reclassification or promotion are deemed inappropriate for the position
4. After the Human Resources 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. Provisional appointments will 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.
 6. The position must be announced for recruitment within 60 calendar days of the provisional appointment.
 7. A position will not be filled by repeated provisional appointments.
 8. Time spent in the position as a provisional employee will be credited towards the merit probationary period.
 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.
- E. Temporary (Status 05)
1. A temporary appointment requires a description of duties submitted to the Human Resources Division.
 - a. If a grade and pay range do not exist, the temporary appointment will be assigned a grade and pay range.
 - b. If a current position description already exists, the grade and pay range previously established will be used.
 2. The hiring authority may directly hire a temporary employee.
 3. A temporary employee shall work 29 hours or less per week or 129 hours or less per month.
 4. Temporary employees are paid on an hourly basis and within the pay range of the grade established by the Human Resource Division.
 5. In order to pay a temporary employee above the established grade range, the supervisor will prepare a letter of justification and obtain approval from the Human Resources Division Director.
 6. Time spent in a temporary appointment is not considered part of the merit probationary period.
 7. Temporary employees are not eligible for county benefits except as otherwise provided by the [Affordable Care Act or federal law](#).
 8. Temporary employees are not considered merit employees; they are “at will” employees who may be terminated, without notice and without a pre-termination hearing.
- F. Permanent Part-Time (Status 08)
1. Employees hired for part-time work through a competitive process, rehires or transfers from other merit systems may hold Permanent Part-Time status (Status 08).
 2. Permanent Part-Time merit employees with county benefits:

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- a. will be paid on an hourly basis; and
 - b. will work at least an average of twenty hours per week but less than forty.
 3. The number of hours worked per week may be changed at any time.
 - a. 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 the calendar year, a status change will be submitted on appropriate forms for data entry into PeopleSoft.
- G. Part-Time (Status 09)
 1. Employees hired for part-time work through a competitive process, rehires or transfers from other merit systems may hold a Part-Time status (Status 09).
 2. Part-Time merit employees in a 09 Status are not eligible for county benefits:
 - a. will be paid on an hourly basis;
 - b. will work less than an average of twenty hours per week and no more than 1040 hours within a twelve month period from the employee's hire date; and
 - c. do not receive any county benefits except as provided for by policy (e.g. workers compensation, training, EAP services, service awards and the right to file a grievance in cases of discrimination or reprisal).
 3. The number of hours worked per week may be changed at any time.
 - a. 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 will be submitted on appropriate forms for data entry into PeopleSoft.
 4. After completion of the original probationary period, part-time merit employees without county benefits may be reclassified, promoted, reassigned or transferred.
- H. Time Limited Appointment (Status 12)
 1. Time limited appointed employees will be appointed to perform work that does not exceed three year's duration or until funding is exhausted.
 2. A time limited appointment is made after a position has been authorized by the Salt Lake County Council, classified by the Human Resources Division with an approved [written agreement](#) between the hiring authority and the employee that is approved by the Human Resources Division Director.
 3. An individual appointed to a time limited appointed position must meet minimum qualifications.
 4. Time limited appointed employees are eligible for the following benefits:
 - a. Health
 - b. Dental
 - c. Life
 - d. Retirement
 - e. Vacation and
 - f. Sick leave
 - g. The funding for these benefits is subject to the provisions of [HR Policy 1-100 Human Resources Policy Disclaimer](#).
 5. Salaries for time limited appointed employees will be determined by the appointing authority.

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6. Time Limited appointed employees do not have the right of appeal or pre-termination hearing, except in cases of alleged discrimination.
 7. Time limited appointed employees cannot be promoted, transferred or reassigned to a merit position unless they are eligible for rehire.
 8. If certified and hired for a merit position, individuals will carry all benefits accrued and retain their original service date (adjusted for interrupted county service).
 9. 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.
 10. Merit employees who are appointed to a time limited appointed position and do not transfer to a merit position will be dismissed at the conclusion of the specified time period.
 11. 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, will within 30 days of non-retention:
 - a. 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
 - b. be appointed to a lesser merit position for which they qualify pending the opening of a position described in 2-100-II-10-a.
 - i. If there are no jobs available for which the employee qualifies, the employee will be placed on the reappointment register pending an opening as described in 2-100-II-10-a and 2-100-II-10-b.
 - ii. If the employee chooses not to accept a lesser position, the employee will be placed on the reappointment register pending an opening as described in 2-100-II-10-a.
- I. Justice Court Judge (Status 91)
1. Justice Court Judges are initially appointed by the Council following competitive selection procedures and subsequently retain their appointments only through retention elections by the voting public.
 2. Salaries are set by the County Council.
 3. Justice Court Judges are eligible to receive the following county benefits:
 - a. Health
 - b. Dental
 - c. Life and
 - d. Retirement
 - e. The funding for these benefits is subject to the provisions of [HR Policy 1-100 Human Resources Policy Disclaimer](#).
 4. Justice Court Judges may move to a merit position only after successfully competing and being certified by the Human Resources Division.
 5. Justice Court Judges who are hired into merit positions will follow all county policies and procedures and will serve an original probationary period.
 6. 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.

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- J. Appointed – Non-Merit (Status 95)
1. Elected officials may make non-merit [appointments to specified positions](#).
 2. Non-merit appointed positions are eligible to receive the following benefits:
 - a. Health
 - b. Dental
 - c. Life and
 - d. Retirement
 - e. The funding for these benefits is subject to the provisions of [HR Policy 1-100 Human Resources Policy Disclaimer](#).
 - f. they do not accrue vacation and sick leave, but are eligible to take paid leave as approved by the agency Elected Official(s);
 - g. they cannot be promoted or transferred to a merit position unless certified from a merit employment register;
 - h. they cannot be promoted or transferred to a merit position unless they previously held the position;
 - i. they do not have the right of appeal or hearing, except in cases of alleged discrimination; and
 - j. upon appointment, appointed Employees have the following retirement contribution options:
 - i. Tier 1 and will receive the same contribution rate to the URS as regular merit employees who are Tier 1 eligible.
 - ii. Those eligible for Tier 2 will receive the same contribution rate to the URS as regular merit employees who are Tier 2 eligible.
 - iii. The funding for these benefits is subject to the provisions of [HR Policy 1-100 Human Resources Policy Disclaimer](#).
 3. An employee in a position designated as Regular (Status 02) that is approved by the Career Service Council to be Appointed Non-Merit (Status 95) will be offered 60 calendar days to voluntarily elect to convert to Appointed Non-Merit (Status 95). Employees electing to convert will receive a base salary increase not to exceed 10% of the midpoint of the range without Council approval.
 4. Salaries for appointments are set by the appointing Official and approved by the Council as part of the budget process.
 5. When creating an appointed position, the Administrator or Elected Official will make a written request to the Human Resources Division Director for a new position or a change of status of a specific position and will provide the written job description and a proposed justification of the action to the Human Resources Division Director.
 6. The Human Resources Division Director may initiate a request concerning a change in the appointed or merit status of any position within Salt Lake County government.
 7. The Human Resources Division Director will review the request to determine if the requirements of the County Personnel Management Act, [Utah Code 17.33](#), are met. The Human Resources Division Director will prepare written findings of fact and a

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- recommendation which will be forwarded to the Career Service Council and the requesting party.
8. The Career Service Council will review the Human Resources Division Director's findings of fact and decision and will conduct a public hearing to rule on the request. A public hearing will be scheduled within 14 calendar days of the receipt of the request to get input on the proposal.
 9. The Career Service Council will prepare findings of fact and a final decision regarding the request that will be forwarded to the Mayor or Elected Official, the Human Resources Division Director and the requesting administrator.
 10. Merit employees who have accepted an appointment to an appointed – non-merit position and are not retained by the appointing officer, unless discharged for cause, will within 30 days of non-retention:
 - a. 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
 - b. be appointed to a lesser merit position for which they qualify pending the opening of a position described in 2-100-II-10-a.
 - i. If there are no jobs available for which the employee qualifies, the employee will be placed on the reappointment register pending an opening as described in 2-100-II-10-a and 2-100-II-10-b.
 - ii. If the employee chooses not to accept a lesser position, the employee will be placed on the reappointment register pending an opening as described in 2-100-II-10-a.
- K. Elected Official (Status 97)
1. Elected officials include Assessor, Auditor, Clerk County Council, District Attorney, Mayor, Recorder, Sheriff, Surveyor and Treasurer.
 2. Salaries are set by the County Council.
 3. Elected officials are eligible for the following county benefits:
 - a. Health
 - b. Dental
 - c. Life and
 - d. Retirement
 - e. The funding for these benefits is subject to the provisions of [HR Policy 1-100 Human Resources Policy Disclaimer](#).
 - f. Elected officials eligible for Tier 1 will receive the same contribution rate to the URS as regular merit employees who are Tier 1 eligible.
 - g. Elected officials eligible for Tier 2 will receive the same contribution rate to the URS as regular merit employees who are Tier 2 eligible.
 - h. The funding for these benefits is subject to the provisions of Salt Lake County Human Resource Policy 1-100 Human Resources Policy Disclaimer.
 4. Elected officials may move to a merit position only after successfully competing and being certified by the Human Resources Division.
 5. If certified and hired for a merit position, individuals will carry all benefits accrued and retain their original service date (adjusted for interrupted county service).

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6. Elected officials who are hired into merit positions will be required to serve an original probationary period.
 7. Regular 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.
- L. Seasonal
1. A seasonal appointment requires a description of duties submitted to the Human Resources Division.
 - a. If a grade and pay range do not exist, the seasonal appointment will be assigned a grade and pay range.
 - b. If a current position description already exists, the grade and pay range previously established will be used.
 2. The hiring authority may directly hire a seasonal employee.
 3. A seasonal employees shall work six months or less.
 4. Seasonal employees are paid on an hourly basis and within the pay range of the grade established by the Human Resource Division.
 5. In order to pay a seasonal employee above the established grade range, the supervisor will prepare a letter of justification and obtain approval from the Human Resources Division Director.
 6. Time spent in a seasonal appointment is not considered part of the merit probationary period.
 7. Seasonal employees are not eligible for county benefits except as otherwise provided by the [Affordable Care Act or federal law](#).
 8. Seasonal employees are not considered merit employees; they are “at will” employees who may be terminated, without notice and without a pre-termination hearing.
- M. Multiple Jobs
1. An employee is allowed to work in more than one position or for more than one agency, but is not allowed to work in more than one merit position.
 2. Upon hire, the employee shall have their Primary Agency and Primary Position designated by the Human Resources Division.
 3. Neither the Primary Agency nor the Subordinate Agency may approve overtime for a Multiple Jobs Employee.
- N. Internship
1. An internship requires the Agency to submit a description of duties and minimum qualification to the Human Resources Division.
 2. An internship does not guarantee employment following its completion.
 3. An intern must complete the County Internship Agreement
 4. An internship may be paid or unpaid.
 - a. Paid Internship
 - i. A paid intern works under the supervision of a skilled employee while learning a profession or trade for a defined period of time.
 - ii. A paid intern may be affiliated with a school contract and/or receive academic credit, but it is not required.
 - iii. A paid internship has a defined beginning and end with clearly defined learning objectives and goals related to the goals of the internship program.

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- iv. A paid intern is an employee under FLSA regulations.
- v. A paid intern is not a merit employee, but rather an “at will” employee.
- vi. A paid intern is not eligible for County benefits unless required by law.
- vii. A paid intern shall work 29 hours or less per week or 129 hours or less per month.
- viii. A paid intern shall not be a merit employee.
- b. Unpaid Internship
 - i. An unpaid intern shall be affiliated with a school contract and/or receive academic credit.
 - ii. An unpaid intern participates with the County in an educational or academic capacity designed to provide the student with professional experience in the continuance of their education and training.
 - iii. An unpaid internship has a defined beginning and end with clearly defined learning objectives and goals related to the goals of the academic program.
 - iv. An unpaid intern is supervised by an experienced employee and provided resources that support the learning objectives and goals.
 - v. An unpaid internship is for the benefit of the unpaid intern.
 - vi. An unpaid intern does not displace or cover for regular employees but rather participates under close supervision of existing employees.
 - vii. An unpaid intern is not an employee under FLSA regulations.
 - viii. An unpaid intern is not a volunteer under FLSA regulations.
 - ix. An unpaid intern is not eligible for County benefits unless required by law.
 - x. An unpaid intern shall not be a merit employee.

III. References

- A. Human Resources Policy:
 - 1. 2-700, Employment Practices

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APPROVED and ADOPTED this ____ day of _____, 2018.

SALT LAKE COUNTY COUNCIL

By _____
Aimee Winder Newton, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

Voting:
Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Granato voting _____
Council Member Jensen voting _____
Council Member Newton voting _____
Council Member Snelgrove voting _____
Council Member Wilson voting _____