

DEFINITIONS

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The following definitions apply throughout these regulations.

ACA: The Patient Protection and Affordable Care Act, Public Law 111-148 (124 Stat. 119 2010)), and the Health Care and Education Reconciliation Act of 2010, Public Law 111-152 (124 Stat. 1029 (2010)), as amended by the Medicare and Medicaid Extenders Act of 2010, Public Law 111-309 (124 Stat. 3285 (2010)), the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Public Law 112-9 (125 Stat. 36 (2011)), the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112-10 (125 Stat. 38 (2011)), and the 3% Withholding Repeal and Job Creation Act, Public Law 112-56 (125 Stat. 711(2011)).

ACA Full-Time Employee: An employee who is employed an average of at least 30 hours of service per week with the County or 130 hours of service per calendar month with the County. Time worked is measured monthly or pursuant to a look-back measurement period under the ACA regulations.

Administrative Officer: The Elected Official or the appointed Director of each County department. The Administrative Officer is the person authorized to appoint or hire employees, control the department budget, and manage the affairs of the department.

Appointed - Retained by Election Official: A Davis County Justice Court Judge who is initially appointed by the Davis County Commission and who thereafter is subject to retention elections every six years. The appointed official is not an employee and does not accrue vacation or sick leave benefits. This position is Fair Labor Standards Act (FLSA) exempt, full-time and salaried. It is subject to the provisions of Title 78A, Chapter 7 of the Utah Code, as amended.

Appropriation: Authorization by the Commission to fill a position.

Assignment: The work location, shift hours and set of duties an employee is directed to perform. Assignment is not an action which can be grieved.

Benefit-Eligible Employee: An employee who has been hired as an Elected Official, an Appointed Department or Division Director, a Full-Time Employee, a Part-Time Merit Employee, to a position with Limited-Funding or to a position of Limited-Duration is eligible for some or all County benefits. An employee who is eligible for health insurance solely under ACA regulations is not a Benefit- Eligible Employee.

Certification: The act of the Human Resources Department in providing an Administrative Officer with names of eligible applicants for position.

Class: A group of positions sufficiently similar as to the duties performed or the degree of supervisory duties exercised. Job titles with similar or minimum requirements (training, experience, skill, and other characteristics) are grouped together in same class.

Classification Plan: A schematic list of the authorized classes of positions. The classification of each job title is supported by written specifications. These specifications set forth the job duties and responsibilities and the minimum qualifications necessary for appointment to a position in each class.

Compensation Plan: The approved salary schedule and method of pay applicable to approved County positions; which include initial, intervening and maximum rates of pay for each job title.

Council: The Davis County Career Service Council composed of three members appointed by the County Commission.

County: The Davis County Body politic and corporate, which is also a political subdivision of the State of Utah as outlined in Utah State statute. This entity includes all offices, departments, agencies or mission-related component of Davis County which are directed and controlled by the laws, policies, rules and guidelines promulgated by its policy making body.

Commission: The policy making body of the County composed of three elected citizens of the County and known as the Davis County Commission.

Demotion: A change from a position in one class to a position in another class having a lower entrance salary. Failure to qualify in an examination, inefficiency, and employee discipline are possible reasons for this action.

Department: A unit, office, or agency under the direction of an Administrative Officer subject to these regulations.

Disciplinary Corrective Action: Corrective action to address an employee's unsatisfactory performance ratings, violations of policies or conduct inappropriate to the workplace, as documented by the supervisor or Administrative Officer.

Discrimination: Unfair or unequal workplace action (which includes pay or compensation) based on race, color, religion, sex (including pregnancy) national origin, age or disability (physical, mental or genetic information.) Based on documented performance and/or conduct issues, withholding salary advancements, discipline, corrective action and other administrative matters shall not be construed to be discrimination.

Dismissal: The termination of employment of an employee for cause.

Effective Date: The date when a particular change in status, wages, or benefits is to be

implemented - generally the date at the beginning of the payroll period.

Elected Official: An elected official is an individual holding one of the following elective County positions: Commissioner (3), County Attorney, Assessor, Clerk/Auditor, Recorder, Sheriff, Surveyor and Treasurer. Elected officials are not employees, and their positions are FLSA-exempt, full-time, salaried positions.

Eligibility Date: The date of successful completion of a merit probationary period. The eligibility date shall be six months from the date of hire, unless the probationary period has been extended in accordance with the Davis County Merit Ordinance. If probation is extended, the eligibility date shall be the start of the pay period following the determination that the employee has satisfied a merit probationary period.

Eligible: An individual who is qualified for a position in a department under the provisions of these regulations.

Emergency Appointment: An appointment required to provide for maintenance of essential services in an emergency situation where normal selection procedures are not practical. Emergency appointments are not to exceed 90 days. The period of emergency appointment may be extended for a period not to exceed an additional 90 days. Any extension of an emergency appointment must be approved by Human Resources.

Employee: Any person the County hired in accordance with the provisions of these regulations.

FLSA Exempt: An employee in a position identified as meeting a Fair Labor Standards Act (FLSA) exemption. An employee in one of these positions is considered to be paid on a salary basis and is not paid overtime either in pay or compensatory time.

FLSA Non-exempt: An employee in a position which is not exempt from the Fair Labor Standards Act (FLSA). A non-exempt employee receives pay or compensatory time at the rate of 1.5 times the number of hours worked for overtime.

Full-Time Employee: A benefit-eligible employee who is authorized to work forty (40) hours per week.

Grievance: The formal process by which disagreement between an employee and the employee's supervisor is addressed. Grievances may be filed on matters pertaining to suspension, transfer, demotion, dismissal, and discrimination. Grievances shall not include disputes over oral or written warnings, probation, performance appraisal, or work schedule.

Job Description: A description of the duties and responsibilities of a position within a department and minimum qualifications required, including education and experience and other qualifications.

Limited-Funding Position: A merit exempt position subsidized by limited funding. A description of the merit-exempt position, its limited funding and/or limited duration must be included in the job announcement for the position. If any of those factors are not designated as part of the recruitment, the position may not be considered time or funding limited. These employees may be placed in a position with a regular work schedule of:

- A. 24 to 29 hours of service per week with the County;
- B. 30 to 39 hours of service per week with the County; or
- C. 40 hours of service per week with the County.

Limited-Time Position: A merit exempt position whose appointment does not exceed three years in duration. A description of the merit-exempt position, its limited funding and/or limited duration must be included in the job announcement for the position. If any of those factors are not designated as part of the recruitment, the position may not be considered time or funding limited. These employees may be placed in a position with a regular work schedule of:

- A. 24 to 29 hours of service per week with the County;
- B. 30 to 39 hours of service per week with the County; or
- C. 40 hours of service per week with the County.

Merit Employee: An employee who has a regular work schedule of at least 24 hours per week and who is hired in accordance with the provisions of the Davis County Merit System Ordinance and who has been approved for retention at the end of a merit probationary period excluding those positions defined as exempt from merit coverage.

Merit Exempt Positions: Positions exempt from merit system coverage and not part of the career service. Exempt positions are:

- A. All County Officials elected by popular vote at officially designated elections held within the County.
- B. All persons appointed to fill vacancies in elective County Offices.
- C. The chief deputy of any Elected Official.
- D. One confidential secretary for each Elected Official and each Department Director.
- E. An administrative assistant to each member of the Commission and to each Elected Official.
- F. The heads of the following major departments of Davis County:
 - Director, Animal Care and Control
 - Director, Community & Economic Development
 - Director, Facilities Management
 - Director, Legacy Events Center
 - Director, Health
 - Director, Information Systems
 - Director, Libraries
 - Director, Office of Personnel Management
 - Director, Planning
 - Director, Public Works

Director, Tax Administration
 Golf Professional, Davis Park Golf Course
 Golf Professional, Valley View Golf Course

- G. Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the County Commission or one of its committees.
- H. Non-career employees compensated for their services on a seasonal or contractual basis that are hired on emergency or seasonal appointment basis.
- I. Temporary employees or part-time employees working fewer than 20 hours per week.
- J. Commission Office Manager.
- K. Health Department Positions:
 - Deputy Director – Health Department
 - Division Directors
- L. Davis County Attorney Positions:
 - All Civil Positions
 - Division Chief – Prosecution
 - Division Section Chief – Prosecution
 - Senior Policy Prosecutor – Prosecution
- M. Employees appointed to work a regular schedule of 24 hours or more per week that does not exceed three years in duration. Identification of employees in these positions shall be made at beginning of recruitment process or other merit status rules shall apply. Employees hired into this status cannot be converted to a merit employee without competing for a subsequent position in accordance with Chapter 7 of the Merit System Ordinance.
- N. Employees appointed to positions with limited funding such as those funded by contracts or grants with specific time limits. Identification of employees in these positions shall be made at beginning of recruitment process or other merit status rules shall apply. Employees hired into this status cannot be converted to a merit employee without competing for a subsequent position in accordance with Chapter 7 of the Merit System Ordinance.

Merit Increase: An increase in pay in the same pay range resulting from a performance appraisal.

Minimum Qualifications: The requirements of education, experience, skills, abilities, and other qualifications deemed necessary to perform the duties of a position.

Overtime: Any time worked in excess of 40 hours in any one work week for FLSA non-exempt employees not in a public safety position. Any time worked in excess of 86 hours in the pay period for FLSA non-exempt law enforcement and correctional employees.

Part-Time, Non-merit Employee: An employee with a regular work schedule of 19 hours or less per week and who has not been hired through a merit procedure.

Part-Time Merit Employee: A part-time merit employee may be placed in a position with either:

- A. A regular work schedule of at least 24 hours of service per week with the County but not more than 29 hours of service per week with the County. Employees in this category receive pro-rated benefits including healthcare benefits; or
- B. A regular work schedule of at least 30 hours of service per week with the County but fewer than 40 hours of service per week with the County. Employees in this category receive pro-rated benefits including healthcare benefits.

Person with a Disability: The Americans with Disabilities Act (ADA) defines a person with a disability as one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Position: A job composed of specific duties performed by one individual. A position can be part-time or full-time, temporary or permanent, occupied or vacant.

Probationary Hire: The employment of an individual to a position in a department through selection from a register or rehire in a position.

Probationary Period: A period of six months of employment having been approved by the County Commission and the Personnel Director, beginning with the date of appointment from a register or rehire in a position. The probationary period is extendable for good cause for a period not to exceed six months. The Probationary Period for law enforcement and corrections positions shall be for twelve months and shall extend beyond twelve months, if necessary, for the officer to satisfactorily complete an approved peace officer training program and also receive a certificate of completion, under Title 53, Chapter 6, Peace Officer Standards and Training Act. Employees have no merit rights during this period.

Promotion: A change in status of an employee from a position in one class to a position in another class having a higher salary.

Reassignment: A change in duties, work location or shift. Reassignment is not an action which can be grieved.

Reclassification: A change in title and/or grade of a position. This may or may not be a result of a change in duties of the position.

Reduction in Force: Any separation of an employee because of inadequate funds, change of work load, or lack of work, in which any department discontinues the use of the identifiable position occupied by such employee either by discontinuing the performance of the duties of such position or by distributing such duties among other positions then existing. Reduction in force does not include separation for a reason included within the definition of dismissal.

Register: An official list of eligible candidates for a class of position listed in the order of their final ratings resulting from a merit examination.

Rehire: The return to employment of a former merit employee who has resigned while in good standing, or has been separated from the department without prejudice.

Reinstatement: The resumption of employment by an employee who has been on leave of absence without pay or educational leave.

Resignation: The termination of employment of an employee made at the request of the employee.

Salary Adjustment: A change in the rate of pay of an employee to conform to the approved classification or compensation plan.

Series: A group of positions similarly classified as to title and duties, but with gradation in minimum qualifications and salary rates consistent with the degree of responsibilities.

Seasonal Appointment: An appointment necessary to carry out a recurring seasonal need inherent within the functional role of the department. Such appointment does not constitute an established position and shall not exceed a consecutive six (6) month period within any one twelve (12) month period.

Suspension: A forced absence, without pay, for a period not to exceed thirty (30) calendar days at one time.

Temporary Part-Time Appointment: An appointment into an allocated or temporary position for not more than 90 days, with the period extendable for a period not to exceed an additional 90 days for good cause. A temporary appointment shall terminate no later than six (6) months after hire, and may be terminated at any time without advance notice. A temporary position is short-term in nature and/or a one-time project. Temporary part-time employees may be authorized to work up to 29 hours per week.

Temporary ACA Full-Time Appointment: An appointment into an allocated or temporary position for not more than 90 days, with the period extendable for a period not to exceed an additional 90 days for good cause. A temporary appointment shall terminate no later than six (6) months after hire, and may be terminated at any time without advance notice. A temporary position is short-term in nature and/or a one-time project. Temporary ACA full-time employees may be authorized to work 30 to 39 hours per week.

Transfer: Changing an employee's job classification and assignment to a different classification at a lower grade or a change from one department to another. It does not include a change in work location or work hours.

Variable Hour Appointment: An employee who:

- A. has not been hired through a merit procedure; and
- B. has an irregular work schedule that cannot be determined at the beginning of the employee's employment.

Notwithstanding anything herein to the contrary, an employee appointed to a variable hour appointment shall not exceed an average of 29 hours per week of service with the County or a total of 1,508 hours of service with the County measured annually and in accordance with the County standard measurement period which begins in May. A variable hour appointment may also be used on a temporary basis for a temporary increase in hours for an established part-time employee to meet the needs of the department. A newly appointed variable hour employee may not work more than an average of 29 hours per week for the County in a consecutive four-week period.

Veteran: An individual who: has served on active duty in the armed forces for at least 90 days and who has been separated or retired under honorable conditions; or incurred a service-related injury or disability whether or not that person completed 90 days of active duty and who has been separated or retired under honorable conditions.

A spouse of a deceased or disabled veteran who meets the above requirements and who has not remarried shall be given the same rights as provided for the veteran. This definition does not include periods when the veteran was assigned to a civilian school by the Armed Forces for a full-time course, or service at one of the military academies, or any period of reserve active duty for training. Persons who enlisted in the Army or Air National Guard, or as a reservist under the Reserve program, with four (4) months or more of active duty for training required and subsequent transfer to the standby reserve, are not recognized as being veterans.