

SAN JUAN COUNTY
Ordinance # 2021 – 12

AN ORDINANCE AMENDING THE SAN JUAN COUNTY PERSONNEL POLICY SECTION NINE – COMPENSATION, BY THE ENTITLED BOARD OF SAN JUAN COUNTY COMMISSIONERS

The Board of San Juan County Commissioners ordains as follows:

Section I: The amendments made herein are designated by making the new/substituted words red. Words being deleted are designated by interlineation.

Section II: Section Nine Compensation is amended to read as follows:

SECTION NINE – COMPENSATION

- A. **Equitable Pay:** Compensation for County employees shall be competitive and as equitable as possible within the marketplace. The assignment of employees to positions and pay rates shall be consistent with the formal classification plan.
- B. **General Wage/Salary Adjustment:** It is the intent of the County to consider prevailing practices related to cost-of-living and market trends to establish wages and salaries. However, every proposed salary change must be weighed against the anticipated affects(s) upon the County budget. Final determination and any changes to the salary scale will be made by the Board of County Commissioners. Where general, across-the-board raises are awarded, the raise will be effective on a date determined and approved by the Board of County Commissioners.
1. **Cost-of-Living vs. Market:** Adjustments to the salary schedule may be determined periodically through market analysis of market trends in comparison to cost-of-living. This may be done once per year and the County may utilize either market survey results or cost-of-living index data or a combination of both. All employees, regardless of employment status, shall receive the benefits of such general adjustment to the pay plan.
 2. In determining the total compensation value of the position, benefits must be considered. Base salary plus the cost of benefits equal total compensation. In comparing benefit packages provided in the labor market, the County may evaluate both level and cost of benefits or other factors as deemed appropriate.
- C. **Initial Appointment and Promotions:** All initial appointments, including promotions, shall normally be assigned to the starting rate of the pay grade to which the position is classified. Exceptions may be allowed if: (1) an employee cannot be recruited for the position at the beginning rate, or (2) the qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same or higher step.

D. Overtime: Shall be avoided if at all possible For Some County departments and offices overtime is unavoidable. ~~However, e~~Every effort should be made to keep the accumulation of overtime hours to a minimum. Any time worked over forty (40) hours in any defined work week or work period (fire – 212 hours in a 28 day period),(law enforcement – 171 hours in a 28 days period) by a Fair Labor Standards Act (FLSA) covered employee, shall qualify as overtime.

a. The following rules apply to the accumulation and compensation for overtime worked.

i. For the purposed of calculating overtime under the Fair Labor Standards Act (FLSA) the work week Shall begin at 12:00 am on ~~Monday~~Sunday and end at 11:59 pm on ~~Friday~~Sunday.

ii. All overtime needs to be pre-approved by a supervisor or department director.

iii. Employees with excessive overtime may be subject to a desk audit.

D. —

1. **FLSA Exempt Employees:** Some County employees are not covered by the FLSA's minimum wage and overtime requirements. These employees/officials include elected officials, ~~— certain members of their personal staffs,~~ policy-making appointees, and legal advisors. Other exempt employees include ~~certain~~ executive, administrative, and professional employees. The County determines, after review and approval from ~~the~~ Human Resources ~~Director~~ and the Board of County Commissioners, which positions to characterize as exempt from the FLSA. FLSA exempt positions are generally compensated on a salary basis and do not accrue compensatory time for overtime hours worked.

2. For all regular full-time, temporary and seasonal employees, overtime shall be paid at the rate of time and one half (1.5) the regular rate of pay for all hours worked in excess of the forty (40) hour work week or pay period for law enforcement personnel (see above). All authorized monetary payments for overtime shall be issued on the regularly scheduled pay day for the pay period in which it was earned.

3. **Compensatory Time:** The Federal Government has allowed local and state governments to pay compensatory time (hereafter comp time) instead of overtime monetary pay. This is provided that employees agree to accept comp time in writing and the rates at which it is paid are the same at which monetary compensation would have been paid. For instance, a worker who works more than forty (40) hours per week will receive 1.5 hours of compensatory time for each hour of work over forty (40). No employee not eligible for overtime pay shall be eligible for comp time pay.

~~a.~~ **Use of Comp Time:** Comp time may only be used when an employee has agreed in a signed writing to received overtime through comp time. ~~Comp time must be used by the end of the fifth month (sheriff's Office employees) or the fifth pay period (all other employees) after~~

~~the pay period in which it was earned. If accrued comp time is not used by the end of the fifth month (Sheriff's Office employees) or the fifth pay period (all other employees), after the pay period in which it was earned, all overtime will be paid to the employee in monetary payments.~~

- i. All accrued compensatory time shall be used before the use of the accrued vacation or other forms of leave.
 - ii. In no event shall any employee be able to accumulate hours in excess of the limits established below:
 - a. Employees engaged in public safety activities, emergency response activities, or seasonal activities who are not exempt from the Fair Labor Standards Act overtime rules may accumulate no more than 480 hours.
 - a. Employees engaged in any other activity not listed above and who are not exempt for the Fair Labor Standards Act overtime rules may accumulate no more than 240 hours. Additionally, once such employees have worked 160 hours of overtime, they may accumulate no more comp time.
 2. No employee may be forced or coerced to accept comp time in lieu of payment.
 3. Employees must be allowed to use the comp time within a reasonable period after the employee makes a request for its use if that will not unduly disrupt the operations of the department.
- b. Records of overtime hours worked shall be maintained by the department head/elected official and reported monthly to the County Clerk/Auditor.
 - c. When call-out occurs, as in case of emergencies, snow removal, etc. the County shall pay a minimum of one-half (1/2) hour of overtime when the employee is called out to work other than their regular work schedule.
 - d. All time spent in training, in conferences, at workshops, meeting, etc. or traveling to such events, when such attendance is required by the County, shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.
- d. **E. Termination Pay:** An employee's final paycheck, ~~including compensation for all unused vacation, accrued time and overtime~~ will be issued within twenty-four (24) hours of termination. Compensation for all unused vacation and accrued time will be calculated according to County rules and policies governing these programs. ~~The~~ Human Resources Director, under the direction of the department head/elected official or and in coordination with the Office of the County Clerk/Auditor, shall determine the amount of termination pay to which the employee is entitled. In the

event of death of an employee, final payment shall be made to the employee's beneficiary.

F. **Pay Advancement:** The County will not make pay advances.

G. **Severance Pay:** When it becomes necessary to terminate an employee from County employment and it is in the best interest of both the employee and the County to expedite such action; the employee shall be issued severance pay not to exceed two (2) weeks' pay, in lieu of two (2) weeks' notice. Employees terminated for cause shall not be Eligible for severance pay.

H. **Payroll Deductions / Withholding:** Payroll deductions other ~~than~~ FICA, State and Federal income tax withholdings and garnishments (defined in Section Fifteen), can only be made with the signed consent of the employee.

I. **Payday:** ~~Normally, San Juan County employees will be paid on the last working day of each month. If the last working day of the month falls on Friday, all County employees will be paid on the preceding Thursday. If pay day falls on a weekend or holiday, employees will be paid on the preceding workday. every other Friday. If pay day falls on a holiday all County employees will be paid on the preceding workday.~~

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY, UTAH, THAT; the Board of San Juan County Commissioners

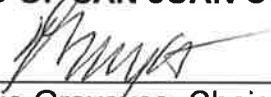
PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners the 21st day of December 2021, by the following vote"

Those voting aye: Grayeyes, Maryboy, Adams

Those voting nay:

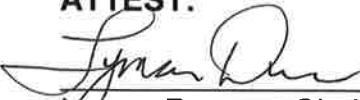
Those absent or abstaining:

BOARD OF SAN JUAN COUNTY COMMISSIONERS



Willie Grayeyes, Chair

ATTEST:



Lyman Duncan, Clerk/Auditor

APPROVED AS TO FORM:



Kendall Laws, San Juan County Attorney