

**SAN JUAN COUNTY**  
**Ordinance # 2021 – 13**

**AN ORDINANCE AMENDING THE SAN JUAN COUNTY PERSONNEL POLICY SECTION TEN – BENEFITS, 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 Ten Benefits is amended to read as follows:**

**SECTION TEN – BENEFITS**

- A. **Group Health Insurance:** All employees designated by the Board of County Commissioners who work thirty (30) or more hours per pay week are eligible to participate in San Juan County's group health insurance program. To enroll, employees must join the plan within thirty (30) days of their hire date, or within thirty (30) days of becoming eligible to enroll. Single party coverage is provided by San Juan County at no cost to the employee. If, in any given period, an employee does not work thirty (30) or more hours in a pay week, due to no fault of his own (either because of illness or hours not being available), the insurance will stay in effect as long as the employee averages thirty (30) hours per week during the year.

Employees hired after July 1, 1985, are required to pay for coverage for spouse and family. After three (3) continuous years of employment, San Juan County will pay one-half (1/2) of the additional cost of two-party or family coverage. After five (5) continuous years of employment, San Juan County will pay the entire cost of the health insurance. Costs are subject to change at any time due to increased cost of the program. Life insurance is also provided.

New employees who fail to enroll within thirty (30) days of his/her hire date shall not be covered by County insurance until January 1 of the following year or other annual open enrollment date established by the County. **All other changes to the employee's plan (i.e. birth/adoption of a child) must be made within thirty (30) days of the date of the event.**

Insurance coverage begins on the first day of employment if properly enrolled as discussed directly above.

Insurance coverage for an employee ends on the last day of the month during which the employee worked unless the employee elects COBRA coverage as discussed below.

Employees wishing coverage for minor children (other than their own) living with them full-time must submit a copy of legal guardianship / power of attorney and a

completed health questionnaire to the Human Resource Department for review before coverage shall be granted.

The County's group health insurance covers children on their parent's plan, even if they are not classified as a dependent, until they are twenty-six (26) years old.

1. **COBRA Coverage:** Under the Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA), a person who has been covered under an employer's group medical & hospitalization insurance plan as a plan participant or dependent may be eligible to continue coverage for a limited period of time after such coverage would otherwise terminate. More specifically, a County employee that has been employee for six (6) consecutive months prior to their voluntary or involuntary termination (other than for gross misconduct) from County employment will be allowed to continue medical & hospitalization insurance coverage for themselves, their spouse and dependents for up to eighteen (18) months from the date of termination. However, the terminated employee is required to pay the entire cost of the coverage and coverage may cease if the premium payments are not made. Also the County may assess up to two percent (2%) of the premium as an administrative fee.

Coverage and similar requirements are governed by the statute and insurance policies at issue. Questions regarding issues should be directed to the Human Resources Director.

- B. **Vacation:** San Juan County believe that a reasonable period of time away from the job is conducive to the good health and wellbeing of its employees and that healthy, happy employees are a tremendous asset to the County.

1. All employees designated by the Board of County Commissioners are eligible for vacation as accrued. Employees who work more than thirty-two (32) hours per week, ~~but less than or equal to thirty-nine (39) hours per week~~ are eligible for vacation on a pro-rated basis. Temporary or seasonal employees will not be entitled or eligible for vacation time.

2. Accumulation of vacation shall be bases upon the following schedule:

County Service	Yearly Vacation Accrual
0-9 Years	Up to 80 Hours Per Year
10-14 Years	Up to 120 Hours Per Year
15+ years	Up to 160 Hours Per Year

3. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted. This preclusion included periods of leave of unpaid leave allowed for by the Family & Medical Leave Act (FMLA).
4. **Utilization:** Employees shall be entitled to utilize vacation only at the convenience of the department in which they are employed. However, each department head/elected official shall make every effort to encourage employees to utilize their vacation and try to arrange schedules to permit employees to take vacation at times convenient to them and the County.

Vacation cannot be used in conjunction with workers' compensation leave in offsetting holiday pay, etc.

- a. There is no limit to the amount of accrued vacation time that may be used at once as long as the needs of the department are met. Conversely, there is no minimum amount of vacation that must be used at once ~~and may be used in any measurable increment of time over one-half (1/2) hour.~~
  - b. An authorized holiday which falls within the time period of employee's scheduled vacation shall not be charged as vacation used.
5. Unused current and accrued vacation may be carried forward for succeeding years. However, no more than two (2) years will be carried. ~~over from one calendar year to the succeeding calendar year. If not used, the excess amount of accrued leave will be lost. Once an employee has reached two (2) years of accrued vacation leave they will stop accruing vacation leave time until their accrued balance drops below the two (2) years max.~~
  6. Former employees that are rehired with reinstatement rights following military service or recall from active layoff status shall be entitled to assume the same eligibility for vacation as enjoyed prior to leave of layoff.
  7. The County will not advance vacation days. No elected official or department head shall authorize the use of non-accrued vacation time. ~~At the end of the calendar year accrued vacation time in excess of the maximum an employee could accrue at his or her current years of service in a two (2) year period will be lost by the employee. It is the responsibility of the employee and not the County to assure that their excess vacation time is not lost due to non-use.~~
  8. **Termination:** Accumulated earned vacation time shall be paid for by the employing department when a designated employee separates from the County.
  9. **Record Keeping:** The use or non-use of an employee's vacation leave time is to be reflected monthly on that employee's time sheet and monitored by that employee's department head or elected official. The official record of accrued vacation leave is to be kept by the County Clerk/Auditor.
- C. **Sick Leave:** Compensated sick leave is a County owned benefit afforded to employees, designated by the Board of County Commissioners, who work thirty-two (32) hours per week or more and become ill or injured and cannot perform their normal duties. Part-time employees averaging less than thirty-two (32) hours per week or temporary or seasonal employees are not entitled to sick leave.

Sick leave is a privilege and employees shall use it responsibly.

While employees have the discretion of managing their sick leave, it is not intended to be used for vacation purposes. The paragraphs below are intended to provide general guidance on how sick leave is to be used. Abuse or violation of this section may subject the employee to disciplinary action.

1. **Sick Leave:** Eligible employees shall accumulate sick leave at the rate of 3.69 hours per pay period, ~~forty (40) hours per year~~. Anytime an employee uses sick leave, that employee must notify his or her supervisor/department head/elected official as soon as possible and receive approval to take the leave. Sick leave can be used for a variety of reasons such as personal or family need, leave from the first day ~~or two from of missed~~ work due to illness, issues related to the employee's own health or that of certain family members, and for family related absences as covered by the Family & Medical Leave Act (FMLA).
  - a. Unused sick leave in excess of Five-~~h~~Hundred-~~t~~Twenty (520) ~~(80) hours will be converted to long term sick leave~~ will be paid out at one hundred percent (100%) annually

~~2. **Long Term Sick Leave:** Eligible employees shall accumulate long term sick leave at the rate of up to fifty-six (56) hours per year. Long term sick leave is not intended to be used for vacation purposes. Long term sick leave may be used the third and succeeding work day of absence due to illness or anytime written notice from a medical practitioner such as a doctor, optometrist or nurse practitioner is given. While this could be the first day of an illness, keep in mind anytime you claim sick leave your supervisor or department head must be notified and give final approval or disapproval of leave based on the evidence of the illness or injury. Employees will be able to accrue a maximum of four hundred eighty (480) hours of long term sick leave. Employees who have completed five (5) years or more uninterrupted service will be paid full pay for all unused sick leave at the time of resignation or termination. Those currently having more than four hundred eighty (480) hours and those who may accrue hours in excess of four hundred eighty (480) hours hereafter, will be paid out annually at one hundred percent (100%) of the base pay for those excess hours.~~

- ~~a. If you abuse your sick leave privilege, you may become ineligible for sick leave~~
- ~~b. Any advancement of sick leave will be based on consultation with the department head/elected official and the Board of County Commissioners.~~
- ~~c. You may use long term sick leave from the first day of illness if:
  - ~~i. The employee is hospitalized~~
  - ~~ii. An employee is under the care of a physician whose written medical opinion is that the employee remain home. At the request of the County, the employee may be required to obtain a second opinion at the cost of the County, from a qualified medical professional to be determined by the County, before granting such sick leave.~~~~

~~iii. Extenuating circumstances will be reviewed and approved by the Board of County Commissioners on case by case basis (See immediately below)~~

~~3.2.~~ Sick leave may not be accrued during an unpaid leave of absence from the County. This preclusion includes periods of unpaid leave allowed for by the Family & Medical Leave Act (FMLA).

~~4.3.~~ Employees absent from work due to their own illness or injury will be carried on payroll in a leave without pay status for time equal to compensated illness accrued or twelve (12) weeks, whichever is greater.

~~5.4.~~ Non-scheduled working days and legal holidays occurring while an employee is ill are not deducted from compensated illness leave credit.

~~6.5.~~ An official record of accrued compensated illness leave is to be kept by the department head and report monthly to the County Clerk/Auditor.

~~7.6.~~ Termination: Accumulated earned traditional sick ~~and long-term sick~~ leave time shall be paid for by the employing department when a designated employee separates from County after five (5) years of continuous service.

D. **Donation of Accrued Leave Time:** Employees desiring to donate his/her accrued leave time to another San Juan County employee will be allowed to do so with the following conditions:

1. Employees shall not be allowed to received donated or shared leave prior to exhausting all of his/her accrued leave.
2. A form will be provided for the transfer of accrued time and must be filled out by donating employee.
3. Accrued time will be donated on an hour to hour basis. Donations will be made on a monthly basis at the time that payroll is submitted and receiving employee will only be permitted accept enough hours from donating employees to cover his/her needs for that month.
4. Employees are not allowed to bank donated leave time beyond what is needed to cover his/her needs for one (1) month.

E. **Funeral Bereavement Leave:** When a death occurs within the "immediate family", to a relative or close friend, the ~~maximum number three (3)~~ of ~~hours or~~ days ~~per occurrence are~~ to be allowed off with pay ~~shall be and will be~~ determined by the supervisor according to the following policy:

1. For members of the "immediate family" (for the purposes of this section is a spouse, child, step child, parent, step parent, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law), employees shall be granted leave with pay ~~from the day following the death through the day of the funeral~~, **not to exceed on weekthree (3) days, unless approved by the department head/elected official.** Employees desiring extended funeral leave may be required to use compensatory time, vacation or leave without pay if extended leave is granted. Deaths that occur during the use of vacation shall be treated as described in this paragraph and are not charged to vacation.

1.2. Bereavement leave may not be charged against accrued sick or vacation leave.

2.3. For other family relations and friends, compensatory vacation or leave time without pay may be taken when agreed upon by the department head/elected official.

3.4. ~~Elected officials~~The County Administrator and ~~d~~Department ~~h~~Heads are charged with the responsibility to approve or disapprove leave requests, and may require the employee to provide evidence of the death and/or family relationship.

F. **Holiday Leave:** The following days have been designated by the County as paid holidays for regular full-time employees. ~~On these days, the employee will be paid for eight (8) hours. All holidays are considered to eight (8) hour days. Employees working flexible schedules, such as four 10-hour days per week, may use a maximum of 110 hours of holiday leave in each calendar year.~~

New Year's Day .....	January 1 <sup>st</sup>
Human Rights Day .....	3 <sup>rd</sup> Monday in January
President's Day .....	3 <sup>rd</sup> Monday in February
Memorial Day .....	Last Monday in May
<u>Juneteenth.....</u>	<u>June 19<sup>th</sup></u>
Independence Day .....	July 4 <sup>th</sup>
Pioneer Day .....	July 24 <sup>th</sup>
Labor Day .....	1 <sup>st</sup> Monday in September
<u>Indigenous Peoples Day.....</u>	<u>2<sup>nd</sup> Monday in October</u>
Veteran's Day .....	November 11 <sup>th</sup>
Thanksgiving Day .....	4 <sup>th</sup> Thursday in November
Day after Thanksgiving .....	4 <sup>th</sup> Friday in November
Christmas Day .....	December 25 <sup>th</sup>

1. When any of the above holidays fall on a Sunday, the following Monday shall be observed as the holiday. When any of the above holidays fall on Saturday, the preceding Friday shall be observed as the holiday. However, those offices required by law shall remain open of business.

2. Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation the day of the holiday.

~~3. When you are required to work on holidays, you will be granted the equivalent time off in the two (2) weeks before or two (2) weeks after the holiday. The sheriff's Department will have up to three (3) months before or after the holiday to use the equivalent time off.~~

4.3. Employees on unpaid Family & Medical Leave (FMLA) are not entitled to holiday pay for holiday that occur while the employee is on unpaid FMLA leave.

5.4. ~~One e~~Eight (8) hours as "Personal Preference" hours day shall be granted to each employee as a "Personal Preference" day. This day ~~These hours~~ may not be broken down and taken by the employee in any increment smaller than one eight (8) hour day. ~~be taken in no less than ½ hour increments. This~~ These personal preference day hours will not be granted to an employee until he/she has worked for the County a minimum of one (1) calendar year in a permanent position.

#### G. Court Leave or Jury Duty:

1. **Witnesses:** An employee who, in obedience to a subpoena of direction by proper authority, appears as a witness for the Federal Government, the State of Utah, or a political subdivision thereof, shall be entitled to leave with pay. However, the regular court compensation fee received by the employee shall be signed over to the County. Time absent by reason of a subpoena to be a witness in private litigation or by some party other than those identified above to testify not in an official capacity shall be taken as annual leave without pay.

2. **Juror:** An employee who, in obedience to a subpoena of direction by proper authority, to appear as juror shall be entitled to leave with pay. However, the regular court compensation fees received by the employee shall be signed over to the County.

#### H. Maternity Leave:

1. Maternity leave shall be treated as any other illness. Leave granted for maternity purposes shall be allowed on same basis for which sick leave or Family & Medical Leave (FMLA) without pay is granted. Paid sick leave or FMLA leave without pay is available to cover the time for the pregnant employee's physical examinations and period of incapacitation.

2. Employees who have exhausted all accumulated sick leave shall be granted Family & Medical Leave (FMLA) without pay for maternity purposes.

Employees desiring extended leave due to pregnancy disability shall receive it on the same basis as any other disability (see Leave-Without-Pay below).

I. **Military Leave:** Leave shall be given as required by federal and state law to all qualified members of the armed services.

~~J. **Leave Without Pay (LWOP):** A leave of absence without pay, for reasons other than personal or family illness, injury or other qualifying event as defined in the Family & Medical Leave Act (FMLA), shall not be regarded as an acquired right by employees and shall be granted only when the County service will not be adversely affected thereby. Requests for leave shall be made in writing and filed with the department head/elected official. Circumstances which may be eligible for LWOP consideration may include, but not be limited to education pursuits or emergency service.~~

~~1. A leave of absence without pay, granted to an employee, may not exceed one (1) year in duration and may be terminated prior to the expiration date thereof by the department head/elected official. Failure of an employee to report for duty promptly at the expiration of his/her leave time or upon termination of leave time by the County, may be just cause for discharge and removal of the employee's name from any list of persons eligible for re-hire.~~

~~2. Prior to being granted leave of absence without pay status, all personal leave and compensatory time must be exhausted~~

~~3. Positions vacated by granting leave of absence without pay may be filled on a temporary basis. If the employee on leave violates the terms of the leave or fails to comply with a request by the County to return to work, the County may grant full-time status to the temporary employee or conduct an open recruitment.~~

~~4. Employees desiring to continue health insurance coverage while on leave without pay may receive such coverage upon making arrangement with the County. During such period it shall be the responsibility of the employee to pay the premium as set by the Board of County Commissioners.~~

~~5. No benefits shall be provided nor shall personal leave accrue while on leave without pay.~~

K.J. **Administrative Leave:** In cases of training, special educational pursuits, hardships, or other case not provided for in these policies (i.e – ½ day off paid for Christmans Eve) the Board of County Commissioners\_ Administrator may grant short-term leave and full, partial or no pay. The approval or denial of such requests are is at the discretion of the Board of County Commissioners\_Administrator and are not subject to appeal.



L.K. **Family & Medical Leave:** The County will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA). The Human Resources shall prepare, and update as appropriate, written guidelines to implement this policy and shall provide a copy of those guidelines to each employee. The type and length of leave and compensation to be received, if any during the leave will also be set forth in those guidelines. The most recent guidelines are appended Appendix D.

1. **Notice & Verification:** Employees applying for FMLA leave ordinarily must provide the County with at least thirty (30) days' notice of the need for leave, if the need for leave is foreseeable. If the need is not foreseeable, the employee should give as much notice as is practical. **Employees who will be absent from work for three (3) or more days, due to his/her serious health condition or that of a parent, spouse or child, or another "qualifying exigency" shall apply for FMLA leave.**

a. The employee notice shall contain the reason for the leave, the anticipated timing of the leave and the expected duration of the leave. In addition, employees who need leave for their own or a family member's serious health condition, must provide medical certification of the serious health condition within fifteen (15) days after the request of as soon thereafter as is reasonable possible. The County may also require a second or third opinion (at the County's expense), periodic re-certification of the serious health condition (as frequently as every thirty (30) days) and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The County may deny leave to employees who do not provide proper general or advanced leave notice or medical certification within established time frame.

2. The County has designated the twelve (12) month period to be measured forward from the day an employee's FMLA leave commences, until changed.

M.L. **Retirement:** The County is a participant in the public safety and the public employee retirement programs of the Utah State Retirement Systems (URS). The County endorses the concept that performance and not age should be the standard for retaining qualified employees. There is no set retirement age from County employment. Under provisions of the Utah State Retirement Act, some employees may qualify to retire as early as age sixty (60) or upon completion of thirty-five (35) years of accredited service.

1. Employees, at their discretion, may choose to retire any time after they are eligible under the provisions of the Retirement Act.

2. Employees over retirement age can be retained or hired as long as they are physically and mentally able to satisfactorily discharge the duties of the position.

3. **Exempt Employee:** For those employees who are under State Retirement Systems rules and regulations are eligible to choose not to participate in the

Utah Retirement System, the County will contribute, in an amount equal to that being paid on behalf of employees enrolled under the "employee" group, into an alternate retirement program through a payroll deduction option presently established.

**4. Full-time Elected Officials:**

- a. Elected officials, serving in a full-time capacity, taking office after June 30, 2011, are restricted to participation in the URS Tier 2 Defined Contribution Plan.
- b. Elected officials, with URS service prior to July 1, 2011 may participate in the defined benefit plan or exempt from retirement coverage, once they meet the salary requirements outlined in the URS Employer's Guide.

**5. Part-time Elected Officials:**

- a. Elected officials, serving in a part-time capacity, are ineligible under Tier 2.

**N.M. Employment Insurance:** The County participated in the State Unemployment Insurance Program and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the County.

**O.N. Educational Assistance:** San Juan County will assist employees in their education goals by either granting administrative leave (time off with pay) to attend classes or subsidizing the educational expenses of employees but subject to the following conditions:

1. All requests for educational assistance must be approved by the department head/elected official and the Board of County Commissioners using an approved form.
2. No educational program/classes will be reimbursed unless prior approval is obtained
3. The educational program will provide a direct benefit to the County through the employee's current employment position.
4. The employee shall successfully complete the required course work with a passing grade
5. The employee shall agree to repay any such assistance (including granted leave time) which was received for educational work completed in the three

(3) years immediately preceding any type of termination. This include POST and Correctional Certification Training. The employee receiving educational assistance will sign an agreement to the conditions of this policy.

6. The department for which the employee works, will pay all cost of the educational assistance and/or administrative leave.
7. Educational assistance shall not exceed \$600.00 in any one calendar year for any employee. POST, Correctional Certification and CLE is not applicable to this item. If the cost of the assistance is greater than \$600.00, it will be reviewed on a case by case basis.
8. Educational assistance is only available to those employees working more than thirty-two (32) hours per week and that currently have a satisfactory performance evaluation. Educational assistance is approved, provided that their plan of study does not interfere with their work schedule.
9. If the employee is entitled to veteran's educational benefits such benefits must be used in lieu of County reimbursement. The County reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the Veteran's Administration.

**NOW, THEREFORE, BE IT HEREBY ORDAIND BY THE COUNTY LEGISLATIVE BODYOF 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 21<sup>st</sup> 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 COUNY COMMISSIONERS**

  
\_\_\_\_\_  
Willie Grayeyes, Chair

**ATTEST:**

  
\_\_\_\_\_  
Lyman Duncan, Clerk/Auditor

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kendall Laws, San Juan County Attorney