

(Ord. No. 11-9-93)

TITLE FIVE - EMPLOYEE PERSONNEL SYSTEM

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5-01-010. Definitions.

(Repealed = Ord. No. 12-8-04)

5-01-020. Established - Provisions.

Pursuant to Utah Code Annotated § 10-3-1101 et seq., and other pertinent provisions of the laws of the state of Utah, there is adopted and established an employee personnel system for Salem City Corporation which shall be based on the following principles and provide for:

1. A system free from political and personal considerations;
2. Equitable employment without discrimination;
3. Incentives and conditions of employment;
4. Positions classified and compensated on justifiable and uniform bases.
5. Establishment of merit principles;
6. Just and fair administration of policies, rules, and regulations;
7. A formal plan of adopted policies, rules, and regulations.

5-01-030. Classified and Exempt Service.

All officers and positions of the city shall be divided into either the classified service or the at will service.

- A. At will service employees are those whose employment can be terminated with or without cause, and with or without prior notice, at any time, by the appropriate appointing authority, as identified in the City Personnel Policy. At will employees shall be all elected officials, members of boards and commissions, consultants rendering professional services, part-time employees, temporary employees, special project employees, seasonal employees, intermittent employees, firefighters, ambulance personnel, Finance Director/City Recorder, City Treasurer. City Engineer/ Public Works Director, Police Chief/Public Safety Directory, Recreation Director, City Treasurer and Building Official. (Ord. No. 7-03-13)
- B. The classified service shall include all full-time employees not specifically placed in the exempt status of the city.
- C. Classified employees of Salem City shall hold employment without limitation of time. Discharge (termination), involuntary transfer to a position with less remuneration (demotion), or suspension of over two days without pay may occur

only for cause and in compliance with state law and in accordance with the procedures set forth in the Salem City Personnel Policy Manual. All other grievance and/or disciplinary matters shall be handled as set forth in the Personnel Policy Manual. (Ord. No. 12-8-04)

5-01-040. Administration - Powers and Duties.

- A. The city mayor or his/her designee shall administer the personnel system provided by this chapter and by the rules and regulations it authorizes and by other applicable law.
- B. The city mayor shall perform the duties and have the powers concerning personnel matters as follows:
 - 1. Administer and maintain the personnel system and other pertinent rules and regulations established by this chapter and by its authority;
 - 2. Develop, maintain and apply procedures for the recruitment, compensation, promotion, training, discipline related aspects of personnel management for all personnel under his/her jurisdiction, subject to the provisions of ordinances, council policies, and personnel rules and regulations stated in this chapter or adopted pursuant to this chapter;
 - 3. Issue other supplemental personnel directives as are necessary for the effective implementation of this chapter, council policies, and rules and regulations stated in this chapter or adopted pursuant to this chapter;
 - 4. Recommend and submit to the council for approval or modification such new or revised personnel rules and regulations to include:
 - a. The classification of all city positions, based on duties, authority, responsibility, working conditions, know-how, and accountability of each position whenever warranted by changed circumstances,
 - b. A pay plan for all positions,
 - c. Methods for determining the merit and fitness of candidates for appointment or promotion,
 - d. Policies and procedures regulating reduction in force, demotions, transfers, and removal, separation, or discharge of employees,
 - e. Hours of work, standards of conduct, probationary period requirement, attendance regulations, and provisions for sick and vacation leave.
 - f. Policies and procedures governing persons holding provisional appointments,

- g. Policies and procedures governing employee-management relationships,
 - h. Policies regarding all aspects of training and education programs,
 - i. Other practices and procedures necessary to the administration of the personnel system;
5. Recommend to the council contractual arrangements with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.

5-01-050. Compliance with Federal and State Law – Liabilities - Legality.

- A. Nothing in this chapter, or in the rules and regulations developed under this chapter, shall in any way conflict with any federal or state law, rules, regulation or requirement which is or may become binding on the city because of either the statutory existence of such laws and regulations or contracts into which the city has entered or may enter with other units of government.
- B. All officers and employees of the city, whether elected, appointed or employed, shall not be held personally liable for any decisions made under this chapter where such decisions and the results thereof are determined to be in conflict with state, federal or other statutory requirements, except where such decision is an intentional violation of state, federal, or other statutory requirement.
- C. Should any part of this chapter be subsequently declared illegal, the council declares that all other provisions and remaining parts of the chapter, notwithstanding such illegality of a part, shall remain in effect.

5-01-060. Appeal Board

- A. There is hereby created an Appeal Board, which shall consist of the City Council and which will be chaired by the Mayor *Pro Tempore*.
- B. Any employee afforded merit protection under the law (Utah Code Ann. §10-3-1105) shall be entitled to appeal discharge (termination), involuntary transfer to another position with less remuneration (demotion), or suspension without pay for more than two days, to the Appeal Board. The procedures for an appeal shall be set forth in the Salem City Personnel Policy Manual. Exhaustion of all appeal procedures set forth in the Personnel Policy Manual shall be a prerequisite to filing an appeal with the Appeal Board, including meeting all time deadlines. (Ord. No. 12-8-04)