

### III. RECRUITMENT AND FILLING OF CAREER SERVICE AND EXEMPT POSITIONS

#### A. Career Service Exempt Positions.

1. Career Service Exempt positions consist of all County positions that have been designated as Career Service exempt under Section 17-33-8, U.C.A. 1953 as amended, including time-limited positions as defined herein.
2. The appointing authority may use any process deemed appropriate to select employees for career service exempt positions, except where statutory requirements specify otherwise. The selection process used must be in accordance with established policies on nondiscrimination in employment.

#### B. Career Service Positions.

1. Career Service positions are defined as any position in the County service except those exempted under Section 17-33-8, U.C.A. 1953 as amended.
2. Recruitment and selection activities to fill career service positions shall be governed by merit principles established by the County Personnel Management Act, Section 17-33-3, U.C.A. 1953 as amended, and in accordance with equal opportunity principles.

#### C. Authorization to Fill a Position. Departments have authority to request that the Personnel Office recruit to fill those career service positions which are included in the approved staffing plan and for which sufficient funds are available.

#### D. Order of Selection for Career Service Positions.

1. Reappointment Register. Any career service employee accepting an appointment to an exempt position with the County who is not retained in the exempt position by the appointing officer, unless discharged for cause, shall be placed on a reappointment register. Employees placed on a reappointment register shall be selected to a career service position having a salary step range comparable to the employee's last position in the career service provided the employee meets the position qualifications and an opening exists. Employee may be selected to a lesser position pending the opening of a position having a comparable salary step range to the employee's last position in the career service. The reappointment register shall have precedence over any other County hiring register.
2. Reassignment. Within the same County Department, the department head has the authority to reassign an incumbent for administrative or other work

related reasons from a position to another position in the same class or to another class having the same salary step range provided the incumbent meets the qualifications of the new position.

3. Rehire Registers. A roster of career service employees who have been laid off or prescheduled to be laid off because of abolishment of position, displacement by another employee exercising retention rights, lack of funds, or reorganization. The rehire register shall be provided to the hiring department with the competitive recruitment employment register. A selection may be made from either register.
4. Competitive Recruitment or Employee Transfer. If a selection is not made through a reappointment register, or reassignment, the Personnel Office may open the position for competitive recruitment or a lateral employee transfer may be made.
5. With Commission approval, the Personnel Office may authorize noncompetitive selections in the occasional instance where there is evidence that open or limited competition is not practical, such as for career ladder advancements.

E. Recruitment.

1. The Personnel Office shall administer a recruitment and selection program for career service positions with the County in accordance with all equal employment opportunity laws and regulations and according to merit principles established by the County Personnel Management Act, Section 17-33-3, U.C.A. 1953 as amended.
  - a. To achieve the results intended by the application of merit principles, with Commission approval, the Personnel Director may modify or suspend the operation of Section III of these rules and regulations. The Director must set in writing the justification for such action.
  - b. Recruiting efforts are to be planned and carried out in a manner that assures open competition, with special emphasis to be placed on recruiting efforts to attract groups that are substantially under represented in the County work force to help assure they will be among the candidates from whom selections are made.
  - c. The Personnel Director may suspend, modify, or discontinue any rule, practice, or procedure found to have a disparate impact on members of protected groups.

2. Recruitment of employees shall be conducted according to a hiring plan established by the Personnel Office and requesting department.

The hiring plan should include the following:

- a. A job announcement that contains information relating to the position including minimum qualifications, essential functions, starting salary, closing deadlines, and other information deemed appropriate by the Personnel Office;
  - b. Details of the strategy for notice of the vacancy. Job announcements for competitive positions shall be posted in the Personnel Office and distributed to appropriate County departments. The scope and magnitude of all recruitment activity shall be at the level deemed warranted by the Personnel Office to attract a sufficient number of qualified applicants to compete for a particular vacant position;
  - c. Decision about applicable examination methods; and
  - d. Other information as required by the Personnel Director.
3. Competitive recruitments, as defined below, are In-House, Open, or Continuous. In-House Recruitment may be used only with prior Commission approval.
    - a. In-House Recruitment. Open to all current career service tenure employees. In-house recruitments shall specify a minimum filing period of 7 calendar days and shall clearly state a final filing date. The Personnel Office may restrict in-house recruitments to include only career service tenure employees of a specific department.
    - b. Open Recruitment. Open to all current employees and to the general public. The job announcement for an open recruitment shall typically specify a filing period of 14 calendar days and shall clearly state a filing date. Filing periods may run longer than 14 calendar days but no shorter than 7 calendar days. In lieu of a final filing date, the Personnel Office may designate a position as open until filled.
    - c. Continuous Recruitment. Open to all current employees and to the general public. In instances where the need for applicants is continuous, the Personnel Office may recruit for a position without designating a final filing date. If a register has not been requested

within a three (3) month period, the Personnel Office may determine whether the need for continuous recruitment is still warranted.

F. Applications.

1. An official Utah County employment application must be completed and signed by the applicant in order to be considered for selection. Incomplete applications will not be considered. A separate employment application must be signed and submitted for every position for which an applicant applies.
2. Unless stated otherwise on the job announcement, applications must be received by the Personnel Office no later than 5:00 p.m. (MST) on the published closing date of the position. Late applications will not be considered unless the Personnel Office authorizes the acceptance of late applications when circumstances warrant. All late applications for a given vacancy shall be treated in the same manner.
3. Applications that require attachments must be accompanied by said attachments in order to be considered. Required attachments include, but are not limited to, supplemental questionnaires, verification of license and/or certification, and type tests. Applicants wanting to claim college, business, armed forces, or vocational school credit must submit transcripts or other official documents (original or photocopy) in order to receive credit towards meeting the minimum requirements for the position. Attachments will not be accepted late unless requested by the Personnel Office.
4. Screening Applications. The Personnel Office will screen all applications received for career service positions to determine if each applicant meets the position's required minimum qualifications. The Personnel Office shall treat all applicants for a given vacancy in the same manner when determining if an applicant meets the minimum qualifications.
5. Applications determined to have met the minimum qualifications will be advanced to the examination stage of the selection process.

G. Examination.

1. Examinations shall be used to further determine the eligibility of applicants for employment in a career service position. Examinations used shall be based on job requirements and designed to measure or predict likely success in the position. The Personnel Office shall determine the content of the examination(s) used for selection to a career service position. Examinations shall be in compliance with federal and state laws and must be approved by

the Personnel Director.

2. The examination process may include any one, or a combination of, the following examinations: secondary application screening, supplemental review/rating, written examination, performance test, oral board, and/or other examination tools deemed appropriate by the Personnel Director.
3. In the instance when there are only a few applicants who meet the minimum qualifications, the Personnel Office, with the approval of the Director, may prepare a register for the final hiring interviews without secondary examination.
4. Administration of examinations shall be according to instructions issued by the Personnel Director which provide for:
  - a. Security of examination and scores;
  - b. Timely notification of applicants;
  - c. Unbiased results; and
  - d. Elimination from consideration those applicants who abuse the examination process.
5. The Personnel Office may refuse to examine an applicant, or after examination refuse to certify an applicant, who:
  - a. Is found to lack any of the announced requirements established for the position.
  - b. Is found to have made false or misleading statements of material fact in the application package.
  - c. Is found to have used, or attempted to use, any unfair method to obtain an advantage in an examination including directly, or indirectly, obtaining confidential information of the content of the examination.
  - d. Is found to have been convicted of a crime substantially related to the qualifications, functions, or duties of the position for which application is made.

#### H. Veteran's Preference.

1. As defined under Section 71-10-1, U.C.A. 1953 as amended, a veteran is:
  - a. An individual who has served on active duty in the armed forces for more than 180 consecutive days or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions; or
  - b. An individual who incurred an actual service-related injury or disability whether or not that person completed 180 days of active duty.
  
2. In order to be eligible for veteran's preference an individual must be:
  - a. An individual who has served on active duty in the armed forces for more than 180 consecutive days or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions;
  - b. A disabled veteran with any percentage of disability;
  - c. The unmarried widow or widower of a veteran;
  - d. A purple heart recipient; or
  - e. A retired member of the armed forces who retired below the rank of major or its equivalent.
  
3. In accordance with Section 71-10-2, U.C.A. 1953 as amended, the Personnel Office shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the County:
  - a. Five percent of the total possible score, if individual is a veteran;
  - b. Ten percent of the total possible score, if individual is a disabled veteran or purple heart recipient; or
  - c. In the case of a preference eligible widow or widower, the same percentage the qualifying veteran would have been entitled to.
  
4. A preference eligible applicant who applies for a position that does not

require an examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

I. Employment Register.

1. Employment registers shall contain the names of applicants who have been certified by the Personnel Office for a final interview and selection to a position. When there is an active eligibility list for a position, the register shall be created from the eligibility list. The number of applicants so certified shall be set for each vacancy by the Personnel Director, taking into consideration such factors as the number of applicants, distribution of scores, veteran's preference, number of vacancies to be filled, and other relevant circumstances.
2. All applicants listed on a register shall have been examined by the use of the same procedures. The competitive examination process for placement on an employment register may be waived, at the discretion of the Personnel Director, for individuals who were originally selected through a competitive examination process in another government entity. Additionally, employees serving in time-limited positions who were selected for the position from an employment register issued by the Personnel Office, having no break in County employment since being hired from the register, may be selected to fill a vacant career service position in the same position classification for which they originally competed.
3. The Personnel Director may remove an applicant from an employment register who:
  - a. Requests to have his/her name removed from the employment register.
  - b. Declines invitation or fails to respond to an invitation for the final hiring interview.
  - c. Declines an offer of employment.
  - d. Cannot be located by the U.S. Postal Service.
  - e. Has participated in a final hiring interview at least three (3) times with the same appointing authority and was not selected for employment and/or based on justification deemed by the Director to warrant the removal of the applicant from register(s) sent to that

appointing authority.

f. For any reasons listed in G5 of this section.

4. Duration of employment registers. Employment registers shall be valid for sixty (60) days, but may be extended when authorized by the Personnel Director up to a total length of one (1) year.
5. Departments wishing to make selections from an employment register in excess of the number of selections allowed by the register must contact the Personnel Office for such authorization prior to making an additional hiring decision.
6. The Director may authorize the issuance of an employment register for a vacant career service position from a recruitment file for a different, but related and closely similar, job classification providing that the required qualifications and salary step range of the related class are at least equivalent to those of the class in which the vacancy exists.

J. Eligibility List.

1. An eligibility list is a ranked listing containing the names of applicants who have met the minimum qualifications for the position and have completed all related examinations. Ranking is based on composite scores. For examinations with a minimum passing score, an applicant must meet or exceed this score to be included on an eligibility list.
2. An eligibility list may be deemed appropriate by the Personnel Director when at least two or more examinations are used.
3. Duration of eligibility lists. Initial duration of an eligibility list shall be set at twelve (12) months from the final ranking date.
  - a. An eligibility list may be deemed inactive prior to the expiration of the twelve (12) month duration period when all listed applicants have been placed on an employment register or when deemed appropriate by the Personnel Director after considering such factors as the number of applicants, distribution of scores, number of vacancies to be filled, and other relevant circumstances. Placement on an eligibility list does not guarantee placement on a register.
  - b. Duration of an eligibility list may be extended beyond the

initial twelve (12) month duration as deemed appropriate by the Personnel Director in six (6) month increments up to a total duration of two (2) years.

4. The Personnel Director may remove an applicant from an eligibility list for any reason listed in Section III.I.3.

K. Final Hiring Interview.

1. A hiring selection for a career service vacancy shall be made from among those applicants certified by the Personnel Director and placed on a valid employment register. The selecting authority shall demonstrate having conducted a final hiring interview with each listed applicant, unless the applicant declines the interview or does not respond within three (3) working days to the interview invitation. The appointing authority shall notify each applicant interviewed of the results after the selection is made.
2. An applicant must receive a conditional offer of employment from the appointing authority prior to the appointing authority requesting that an applicant submit to a drug and alcohol screen, physical examination of any type, or to allow the County access to criminal history records, credit reports, and/or any other information established by law that requires an individual's written permission to obtain.

L. Inter-Departmental Transfers.

1. A vacant career service position may also be filled by the lateral transfer of a career service tenure employee. A transfer is defined as a move from one County department to another department and to another position having the same salary step range and should not be confused with the managerial function of moving personnel from one division or section to another within the same department by promotion, demotion, or reassignment.
2. Transfers between departments must be cleared with the respective departments before transfers may be made. The department head receiving the career service tenure employee must clear the transfer with the Director, who will contact the department head transferring the employee and make arrangement for the employee to be screened for qualifications before any action is taken.
  - a. The Personnel Office must certify that the transferring employee meets the minimum qualifications for the position to which he/she is being transferred.

- b. A department accepting a transferred employee shall accept accrued sick leave, vacation leave and personal preference leave and has the option of accepting accrued compensatory time approved by the Office of Personnel Management. All or a portion of the employee's compensatory time balance may be paid out upon transfer by the department from which the employee is transferred.
- c. A notice of Personnel Action (UCP 8) shall show in the remarks the number of hours vacation leave, sick leave, personal preference leave and compensatory time, if any, to be assumed by the department to which such employee is being transferred.

M. Time-Limited Positions.

The Director may approve the creation and filling of Career Service exempt positions which do not constitute permanent employment where temporary, emergency, seasonal, project, intermittent, or other special needs of a department justify such action. All time-limited positions shall be included in each requesting department's budget. Employees serving in time-limited positions serve at the discretion of the appointing authority and may be terminated at any time for any reason other than age, race, color, national origin, religion, sex, pregnancy, childbirth, pregnancy-related conditions, disability, genetic information, sexual orientation, gender identity, or any other factor protected by law, except where these are bona fide occupational qualifications. Time-limited positions include Part Time/25 Hour positions, Variable Hour positions, and Limited Term positions.

- 1. Part Time/25 Hour positions.
  - a. Part time/25 hour employees shall be treated as hourly wage employees without eligibility for fringe benefits. All such employees may work throughout the year, but shall be limited to working 25 hours in any workweek, defined as 12:01 a.m. on Saturday through 12 midnight on Friday. Occasional exceptions may be allowed in unusual circumstances if requested in advance from the Department Head and prior approval of the Director.
  - ii. Variable Hour positions.
    - a. Variable Hour employees shall be treated as hourly wage employees without eligibility for fringe benefits. Due to the nature of their work, these employees may work an unpredictable number of hours

throughout the year, and may be seasonal employees. If the number of hours worked in any twelve month measurement period equals or exceeds an average of 30 hours per week, such employees shall be eligible for health insurance benefits in the following 12-month stability period along with other full time employees, as long as they remain employed. No other fringe benefits will be provided.

- b. For new hires, the initial twelve (12) month measurement period is defined as the immediate twelve (12) months following the hire date. If deemed eligible for health insurance, coverage will begin on the first of the month following 30 days after completion of the measurement period and continue for 12 months, as long as the employee continues to be employed.
- c. The standard measurement period for ongoing Variable Hour employees will run from November 1 through October 31 each year. If deemed eligible for health insurance, coverage will begin the following January 1 and continue through December 31, as long as the employee continues to be employed.

2. Limited term position.

- a. Employees holding limited term positions must work an average schedule of thirty (30) hours or more per week for a minimum of six (6) consecutive months, for a period not to exceed three (3) years. The duration of a limited term position may be contingent upon a special project, a long term temporary need, an alternate funding source continuing, or other purpose deemed appropriate by the Director, for a period of at least six (6) months and not more than three (3) years.
- b. Employees will be paid an hourly wage for all hours worked, and the employee will participate in the County's deferred compensation plan as other time-limited employees. Because such employees are by definition full time employees under the Affordable Care Act, health insurance will be offered to new hires. No other fringe benefits will be provided.
- c. If a market salary step is defined for the job classification, the hourly rate (not adjusted by the value of reserved benefits) must be within the defined salary step range.
- d. Upon hire, limited term employees will be required to sign a term of

employment letter specifying conditions of employment and the project , funding source, or need upon which the position is contingent.

- e. If a limited term position exists for three (3) years, and it is anticipated that the project or funding source will continue indefinitely, the position and employee may be converted to career service, provided the employee was initially hired through a competitive examination process. The converted merit salary rate will be set at the same salary step that a career service employee would have reached within the identical length of employment. If not initially hired through a competitive process, the employee may compete through an open recruitment process for the limited term position that has been converted to career service status, and if selected, the employee's entry salary step will be set in the same manner as any County new hire. An employee shall acquire career service tenure status at the successful completion of a probationary period which commences upon movement into the career service position.

3. Reimbursed Agreement positions. It is anticipated that no new employees will be hired into this status after November 1, 2013.

- b. Employees holding reimbursed agreement positions must work an average schedule of twenty (20) hours, or more, per week for a minimum of six (6) consecutive months. The duration of a reimbursed agreement position shall be contingent upon an agreement providing for an alternate funding source continuing, or receiving County Commission commitment, for a period no longer than three (3) years.
- c. Employees will be paid an hourly wage for all hours worked and for their regular shift hours, up to eight (8) hours, on holidays, the employee will accrue sick and vacation leave at the rates established for employees holding Career Service positions, the County will submit retirement contributions on behalf of the employee to the State Retirement System, the employee will participate in the County's deferred compensation plan as other time-limited employees, and the employee will be entitled to participate in the County's group health, dental and vision insurance programs. No other fringe benefits will be granted.
- d. If a market salary step is defined for the position classification, the

hourly rate (not adjusted by the value of reserved benefits) must be within the defined salary step range.

- e. Upon hire, reimbursed agreement employees will be required to sign a term of employment letter specifying conditions of employment and the agreement or funding source upon which the position is contingent.
- f. If a reimbursed agreement position exists for two (2) years, and it is anticipated that the agreement and funding source will continue indefinitely, the position and employee may be converted to career service, provided the employee was initially hired through a competitive examination process. The converted merit salary rate will be set at the same salary step that a career service employee would have reached within the identical length of employment. If not initially hired through a competitive process, the employee may compete through an open recruitment process for the reimbursed agreement position that has been converted to career service status, and if selected, the employee's entry salary step will be set in the same manner as any County new hire. An employee shall acquire career service tenure status at the successful completion of a probationary period which commences upon movement into the career service position.