

IV EMPLOYEE STATUS AND PROBATION / TRIAL PERIODS

A. U.C.A. 17-33-8 Appointed Status

1. Unless state law defines otherwise, employees serving in appointed positions pursuant to 17-33-8, U.C.A., 1953, as amended, serve at the discretion of the appointing authority, may be selected outside of a competitive recruitment process, and may be terminated at any time for any reason other than age, race, sex, religion, national origin, disability, or genetic information, except where these are bona fide occupational qualifications.
2. The county legislative body may authorize County Commissioners, Elected Officials, and Department Heads to effect employee appointments to a number of positions exempt from the Career Service. Such appointments include, but are not limited to major department heads, or others specifically so identified, charged with the responsibility of assisting in the formulation and carrying out of matters of policy and confidential secretaries.
3. Section IX of these
4. rules and regulations specifically defines fringe benefits for appointed employees. Appointed employees have the option to either participate in the State Retirement System or another qualified County retirement program.
5. Appointed employees may not become career-service tenure employees unless they have previously earned career tenure and follow the provisions of Paragraph (D) below, competed for placement on a competitive register and are selected for a career-service position, or occupy a position which is moved from an appointed to career-service position by decision of the County Commission, as recommended by the Director.

B. Career-Service Status

1. An employee who has successfully completed a probationary period in a career-service position, as evidenced by a satisfactory employee performance appraisal, shall have earned career-service tenure. No employee shall receive career-service tenure unless a satisfactory employee performance appraisal is filed with the Office of Human Resource Management.
2. An appointed employee selected for a career-service position, after participating in a competitive examination process, shall acquire

career-service tenure after the successful completion of a probationary period which commences upon movement into the career-service position.

C. Career-Service, Grant Status

1. A career-service, grant employee occupies a position which is more than fifty percent (50%) funded by grant monies or another alternate funding source when it is anticipated that the grant or alternate funding source will continue for more than two (2) years. career-service, grant employees accrue benefits in the same manner as other career-service employees, but the employment term of a career-service, grant employee is subject to the availability of funds from the grant or other alternate funding source. Such employees shall be terminated without rights of appeal when funding is no longer available. Employees accepting career-service, grant positions shall be required to sign a letter specifying conditions of employment and the funding source to which the position is tied.
2. The requirements defined in Paragraph (B) above relating to the attainment of career-service tenure also must be met to achieve career-service, grant tenure.
3. Grant monies are funds received from resources other than the County's general fund or enterprise funds which are anticipated to be available for more than two (2) years and may require regular justification reports to maintain and receive future funding. Temporary fund contributions mandated by law or to support programs mandated by law or interlocal agreement, which are anticipated to be available more than two (2) years, may also be considered grant monies.
4. The Office of Human Resource Management, consulting with the Clerk-Auditor's Office, will determine which positions are funded by grant monies, including alternate funding sources.

D. Appointed Employees Returning to Career-Service Tenure Status

1. Any career-service tenure employee accepting an appointment to a career- service, exempt position who is not retained by the appointing authority, unless discharged for cause as provided for these regulations, shall, at the time of such non-retention:
 - a. Be selected, without again competing through a recruitment process, to any career-service position for which the employee qualifies in a salary step range comparable to the employee's last position in the Career Service providing an opening exists; or

- b. Be selected, without again competing through a recruitment process, to any lesser career-service position for which the employee qualifies pending the opening of a position comparable to the employee's last career-service salary / step range. The Director shall maintain a reappointment register to facilitate the operation of this paragraph, which shall have precedence over other registers.

E. Probation and Trial Periods

1. All new employees hired for career-service positions, including career-service, grant employees, shall serve a probationary period of not less than six (6) months of continuous service in the same position classification. However, this time may be extended by periods of leave without pay or other absence, including attendance at POST academy or other training. For an employee to successfully complete probation, a satisfactory employee performance appraisal must be completed and filed with the Office of Human Resource Management. As the probationary period shall not be extended beyond the initial six (6) month period except for good cause, as determined by the County Commission, a performance appraisal or a request for extension due to absence must be completed and submitted to the Office of Human Resource Management within six (6) months from the employee's date of hire. When it is determined that an employee's probationary period should be extended for any reason other than absence, the performance appraisal completed at six (6) months of employment shall identify performance areas for improvement during the specified extension period. The maximum probationary period length is one (1) year.
2. An employee serving probation in a career-service position shall not be promoted to another career-service position except through an open competitive process. In such cases, another probationary period will begin with the new appointment.
3. The right to utilize the Utah County Career Service Council Grievance and Appeal Procedure is granted only to those career-service tenure employees, including career-service, grant employees, who have completed a probationary period. One (1) exception to this right is specified in Item (6) below.
4. An employee serving a probationary period may be dismissed at any time by the appointing authority without department or Career Service Council hearings or appeals.

5. The Director may recognize the equivalency of other merit processes by waiving the open competitive examination requirement for career-service positions, including career-service, grant positions, for qualified individuals who were originally selected through a competitive examination process in another government entity. In such cases, the individual shall serve a probationary period.
6. Upon promotion, career-service and career-service, grant employees will be required to serve a trial period of not less than six (6) months. Career service and career-service, grant employees being demoted, except being returned to a position at the same salary step range formerly held as a result of failing a promotion trial period, are required to serve a trial period of not less than six (6) months. The length of a trial period may be initially set for more than six (6) months, as authorized by the Director. The trial period may be extended by periods of leave without pay or other absence, including attendance at POST academy or other training. For an employee to successfully complete a trial period, a satisfactory employee performance appraisal must be completed and filed with the Office of Human Resource Management. A performance appraisal or a request for extension due to absence must be completed and submitted to the Office of Human Resource Management within six (6) months from the date the trial period began. When it is determined by the department head that an employee's trial period should be extended for any reason other than absence, the performance appraisal completed at six (6) months into the trial period shall identify performance areas for improvement during the specified extension period. All trial period extensions must be approved by the Director. The maximum trial period length is two (2) years. If the employee fails to successfully complete a promotion trial period (as determined by the department head and documented by an unsatisfactory performance appraisal), and if a position in the employee's current department is available, the employee will return to a position at the same salary step range and to the step as was formerly held. However, a career-service, grant employee only has the right to return to a career-service, grant position. An employee failing a trial period may be subject to termination from Utah County employment pursuant to Section VII of these Rules and Regulations. The action of returning to a position at the employee's former salary step range, and issues leading to this action, cannot be appealed to the Career Service Council.