

SECTION X - FRINGE BENEFITS

- A. Group Health, Dental, and Life Insurance: All regular full-time employees must participate in the county's group insurance plans.

Employees terminating employment or experiencing a reduction in hours causing ineligibility for regular group coverage and dependents of such employees who were covered on regular group coverage the day prior to termination will be allowed to continue group medical and dental insurance coverage at their own expense for up to eighteen (18) months from the date of loss of regular group coverage (except when the termination is a result of gross misconduct). The county may assess an additional 2% of the premium as an administrative fee. (See Utah Code Section 31A-22-714, or Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and/or dependents shall be notified within fourteen (14) days from date of termination regarding extension and conversion privileges and must reply in writing within 60 days from the later of the date of the notice or their loss of coverage date or forfeit his or her extension right.

Dependents are eligible to continue insurance at their own expense for up to thirty-six (36) months upon the occurrence of one of the following, providing that notice is given to the county by the covered employee or the qualified beneficiary within 60 days of the qualifying event:

1. The death of the covered employee
2. When dependents cease to be dependent under the definition of the policy
3. Employee becomes eligible for Medicare
4. Divorce or legal separation from a covered employee

In the event that a COBRA participant becomes disabled Under Title II or XVI of the Social Security Act within the first 60 days of COBRA coverage, the participant and his/her dependents will be eligible to continue coverage at their own expense for up to twenty-nine (29) months commencing on the date of initial COBRA coverage. The county must be provided a copy of the SSA determination of disability within 60 days after the determination is issued and before the end of the initial 18 months of COBRA coverage.

Insurance can not be continued beyond any of the following:

1. The maximum available period of continuation coverage has expired
2. Failure to make timely payments
3. The date when the individual becomes covered under any other group

- health plan or is entitled to Medicare benefits
4. On the date when the employer ceases to provide any group plan, except the county would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies
 5. The employee or dependent ceases to be disabled after the twenty-nine (29) month extension period has begun

B. Leave

Millard County recognizes leave to be a benefit provided to employees as a way of making them whole in regards to pay. Leave may only be taken for time away from regularly or previously scheduled work hours.

Vacation and sick leave accrual and usage balances will be reflected each pay period on the employees direct deposit notice. Any discrepancies between those balances shown and the employees records should be reported to the county auditor=s office within 30 days of the date of the direct deposit notice.

C. Vacation:

1. Millard County believes that a reasonable period of time away from the job is conducive to good health and the well-being of employees, and can have a refreshing effect that is to the advantage of Millard County, as well as to the employee. It is therefore the policy of Millard County to grant paid vacations to certain categories of employees.
2. All regular full-time employees are eligible for vacation as accrued.
3. Former employees who are re-hired 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 or layoff.
4. Accumulation of vacation shall be based upon the following schedule:

<u>County Service</u>	<u>Monthly/Yearly Vacation Accrual</u>
0-8 years	8 hours/96
hours	
9-16 years	12
hours/144 hours	
17 years and over	16 hours/192
hours	

Eligible employees shall be entitled to one (1) personal preference day of vacation in addition to that accrued under the above schedule for each full calendar year employed,

except it is not earned or available during the calendar year in which the employee is hired.

5. Unused current and accrued vacation may be carried forward to succeeding years. However, an employee may never carry more than fifteen (15) days (120 hours) of vacation from one year to the succeeding year.
6. Vacation leave may not be accrued during a period of time when leave of absence without pay is being granted. Further, in the event that an employee is on leave with pay as a result of other employees donating time, there shall be no accrual of vacation time.
7. Employees shall be entitled to utilize vacation only at the convenience of the department in which they are employed.
8. An authorized holiday which falls within the time period of an employee's scheduled vacation shall not be charged as used vacation.
9. The county will not advance vacation days. No elected official or department head shall authorize the use of non-accrued vacation time.
10. Vacations are to be taken as time off. Employees may sell only 80 hours of vacation time back to the county in any one calendar year, provided, they maintain at least 120 hours of their accrued vacation time. The time must already be earned and a minimum of 5 days (40 hours) must be sold per occurrence. Subject to sub-paragraph 11., if an employee desires to sell vacation, the employee must have accrued at least 160 hours of vacation before selling any vacation time back to the county.
11. By the end of the pay period which includes December 31 of each year, accrued vacation time in excess of the 120 hour maximum carry-over may be sold in any increment necessary to reduce the total to the maximum allowed. A written request approved by the department supervisor must be submitted to the county auditor. The request will be processed with the next normal pay for the employee.
12. It will be mandatory for each employee to take at least five (5) days (40 hours) all at one time for vacation in each calendar year. Remaining days may be taken as desired with the approval of the department supervisor.
13. In the event an employee has accumulated more than 120 hours of vacation time in any one calendar year after selling up to 80 hours of vacation, the employee must use the remaining vacation time over 120 hours as vacation or lose it.
14. Accumulated earned vacation time shall be paid for by the employing department when an employee separates from county service. Salary computations for all terminating employees shall be calculated on a working day basis at the base in effect at the time of termination.
15. Each elected official and department head will make every effort to

encourage employees to utilize their vacations and try to arrange work schedules to permit employees to take vacation at times convenient to them and the county.

16. Record of vacation accrual will be kept by the county auditor's office. Utilization of vacation leave shall be documented on the employees time sheet for the day which the leave was taken.

D. Sick Leave: Compensated sick leave is a county owned benefit afforded to those county employees who become ill or injured and cannot perform their normal duties or in cases of injury or illness of a member of an employee's immediate family where the employee's presence is vital. Immediate family member is defined by the Family and Medical Leave Act and generally includes a spouse, son, daughter, or parent.

1. Regular full-time county employees shall accumulate sick leave at the rate of eight (8) hours of leave per month.
2. Sick leave may not be accrued during a period where a leave of absence without pay is being granted. Further, in the event that an employee is on leave with pay as a result of other employees donating time, there shall be no accrual of sick time.
3. Employees to be absent from work should report the necessary absence to the department head or supervisor as soon as possible.
4. Employees absent from work due to qualifying sick leave will be carried on the payroll in a leave with pay status for time equal to compensated illness leave accrued. Any absences for illness beyond accrued credit will be in accordance with the Family & Medical Leave Policy.
5. Saturdays, Sundays, other regular days off, and legal holidays occurring while an employee is ill are not deducted from his/her compensated illness leave credit.
6. Employees separating from county service shall not be compensated for any unused sick leave accumulated prior to the termination date.
7. Employees retiring pursuant to the provisions of the Utah Retirement Act shall receive 50 percent of their daily rate of compensation for the number of days accumulated credit.
8. In cases where an employee leaves one department and transfers to another, arrangements must be made for transfer of accrued leave credit to the new department.
9. Elected officials and department heads are charged with the responsibility to approve or disapprove leave requests and may require the employee to provide evidence of illness or injury.
10. Record of accrued compensated illness leave will be kept by the county auditor's office. Utilization of this leave shall be documented on the employees time sheet for the day which the leave was taken.

11. Additional compensated sick leave may be granted or advanced to an employee by the _____ county commission at its discretion if the following conditions are met:
 - a. The department head or elected official under whom the employee is serving provides sufficient unencumbered funds to continue the compensated sick leave credit for the employee and still efficiently operate its office.
 - b. The Board of County Commissioners determines that it is in the best interest of the department and Millard County, that said employee be granted additional sick leave.
12. Eligible employees may donate accrued sick leave to another employee upon the approval of his/her immediate supervisor or department head. Sick leave days donated are not reimbursable. Before an employee can receive sick leave from another employee, the receiving employee must have used all of their available sick leave, comp time, and vacation time. Employees receiving pay as a result of time donated will be considered to be on leave without pay status and will be subject to the conditions of such. (See paragraph AJ@ of this section).

E. Funeral Leave: When a death occurs within the "immediate" family, to a relative or close _____ friend, the number of hours or days to be allowed off with pay shall be determined by the _____ supervisor according to the following policy.

1. "Immediate family" normally means spouse, child, 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. For members of the immediate family, employees shall be granted leave with pay from the day of the death through the day of the funeral. Employees desiring extended funeral leave may be required to use comp-time, vacation, or leave without pay, if extended leave is granted. Deaths which occur during use of vacation shall be treated as described in this paragraph and not be _____ charged to vacation.
2. For other family relations and friends; comp-time, vacation, or leave without pay may be taken when agreed upon by the department head/elected official.

F. Holiday Leave:

1. The following days have been designated by the county to be paid holidays:

New Year's Day
Human Rights Day

January 1st

3rd Monday

	in January	
President's Day		3 rd Monday
	in February	
Memorial Day		Last
	Monday of May	
Independence Day		July 4 th
Pioneer Day		July
	24 th	
Labor Day		1 st
	Monday in September	
Columbus Day		2 nd
Monday of October		
Veteran's Day		
	November 11 th	
Thanksgiving Day		4 th Thursday
	of November	
Christmas Day		December
	25 th	

2. 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 a Saturday, the preceding Friday shall be observed as the holiday. However, those offices required by law will remain open for business.

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

G. Holiday Pay: Regular full-time employees who are required to work on a designated holiday will receive regular pay plus eight (8) hours holiday pay. EMT=s who are called out on a designated holiday as described in Paragraph F-1 will receive twice the normal compensation for responses and cancellations. This policy will not apply to community first responders, affiliated agencies, training, stand-by, special events, or other non-response duties.

H. Court or Jury Leave: A regular full-time employee who, in obedience to a subpoena or direction by proper authority, appears as a witness or juror for the Federal Government, the State of Utah, a political subdivision thereof, or the county, shall be entitled to leave with pay. However, the regular court compensation fees shall be signed over to the county.

I. Maternity Leave:

1. An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her attending physician deems continued employment to be hazardous to her health.
2. Paid sick leave and/or family & medical leave, which is available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
3. Maternity leave shall be treated as any other illness. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave or family & medical leave is granted.
4. Employees who have exhausted all accumulated sick leave shall be granted leave 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).

J. Military Leave: Leave shall be granted in compliance with the provisions of the Uniformed Services Employment and Reemployment Act (USERRA) of 1994. Extended military leave is six (6) months or more, not to exceed five (5) years unless approved by the county. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than 15 days.

1. Short-term military leave is authorized for employees pursuant to the following conditions:
 - a. Employees are entitled to fifteen (15) working days of military leave per year without loss of regular pay. Any employee requesting such leave must provide the department head/elected official with a copy of the military orders.
 - b. Employees who are members of reserve units of the military shall notify the department head/elected official at least six (6) months, if possible, in advance and shall indicate in writing their intention and anticipation with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee's personnel file.
 - c. Employees requesting short term military leave may go on leave without pay status prior to using accrued vacation and comp-time and will be subject to the conditions of leave without pay status.
2. Extended military leave without pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provision of the Universal Military Training and Service Act.

K. Leave Without Pay (LWOP): Leave of absence without pay for reasons other

than personal or family illness, injury or other qualifying event as defined by 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 educational 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 or violation of an agreement or understanding entered into by him/her relative thereto, or upon termination by the county, shall be just cause for discharge and the removal of his/her name from any eligible list or lists on which it may appear.
2. Prior to being granted leave of absence without pay status, all personal leave and compensatory time must first 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 to 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 and their dependents covered under the regular group health and dental plan may continue coverage at their own expense while on leave without pay in accordance with COBRA, provided that the reason for the leave is a qualifying event of COBRA (See paragraph AA of this section).
5. No benefits shall be provided nor shall personal leave accrue while on leave without pay. However, in cases where an employee is receiving donated time, Utah Retirement Systems requires pension benefits be paid.

L. Administrative Leave: In cases of training, special educational pursuits, hardships, or other cases not provided for in these policies, the elected official or board of county commissioners may grant short-term leaves at full or partial pay, or without pay. The denial of such requests are at the discretion of the elected official/commission and are not subject to appeal.

M. Family & Medical Leave: The county will comply with all applicable requirements of the Family & Medical Leave Act of 1993 (FMLA).

1. Eligibility: All employees who have worked for the county for at least 12

months (which need not be a consecutive 12 month period) and have worked for the county at least 1250 hours in the previous consecutive 12 month period qualify for family & medical leave.

2. Eligible employees may receive up to 12 weeks of unpaid, job protected leave, in the 12 month period measured forward from the first day of FMLA leave, for the following reasons:

- a. To care for a child upon birth or upon placement for adoption or foster care
- b. To care for a parent, spouse, or child with a serious health condition
- c. When an employee is unable to work because of a serious health condition
- d. When an employee is unable to perform any one of the essential functions of their position within the meaning of the Americans with Disabilities Act, due to a serious health condition

A serious health

condition is defined as "any illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider (i.e. doctors, podiatrists, dentists, clinical psychologists, optometrists,

chiropractors, nurse practitioners, nurse midwives, clinical social worker, and Christian Scientist practitioners). Also, a single event or occasion which results in a regimen of continuing treatment under the supervision of the health care provider, such as a regimen of medication or physical therapy qualifies. Excluded from coverage are voluntary or cosmetic treatments, unless such treatments are inpatient, and preventive physical examinations.

3. Notice & Verification: Employees who want to take FMLA leave ordinarily must provide the county with at least 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 practicable. 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 15 days after the request or as soon thereafter as is reasonably possible. The county may also require a second or third opinion (at the county's expense), periodic recertifications of the serious health condition (as frequently as every 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 delay leave to employees who do not provide proper advance leave notice or medical certification within

the established time frame for up to 30 days after notice was provided.

4. County Communication Requirements: Upon receiving notice of an employee's need for FMLA leave, the county must provide the employee with a detailed notice specifying the employee's rights and obligations in connection with the law and county policy and explain any consequences of a failure to meet these obligations. The county notice shall

include:

- a. A statement that the leave will be counted against the employee's annual FMLA leave entitlement
- b. Requirements for the employee to furnish medical certification of a serious health condition and the consequences for failing to do so
- c. The requirement for the employee to use accrued paid leave
- d. Any requirements for the employee to make or participate in the payment of insurance premiums and the methods for doing so
- e. Any requirement of the employee to present a fitness-for-duty certificate in order to return to work
- f. The employee reinstatement rights to the same or equivalent job
- g. The employee's status as a "key employee" and the conditions under which reinstatement may be denied
- h. The employee's potential liability for health insurance premiums paid by the county during the leave if the employee does not return to work
- i. Whether periodic status reports will be required

5. Method of Leave Usage: For the purpose of family leave, the leave may be taken intermittently or on a reduced leave schedule only upon approval of the county. For medical leave, the leave may be taken intermittently or on a reduced leave schedule if medically necessary. In such a case, the employee shall consult with the department head/elected official and make a reasonable effort to schedule leave so as not to unduly disrupt the operations of the county.

6. Employee Entitlements: Employees taking qualified FMLA leave are entitled to receive health and dental benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. In addition, the county shall reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms as previously provided. The county's obligation under FMLA to reinstate an employee returning from leave ceases once the employee has used up their 12-week entitlement and continues on another

form of leave, paid or unpaid. Also, the county may deny reinstatement if it can be demonstrated that the employee would not otherwise have been employed at the time the reinstatement request is made, such as when an employee's position is eliminated due to a layoff.

7. **Accrued Benefit Impact:** Employees use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must first use any accrued paid vacation, compensatory time, and sick leave during a FMLA leave. In calculating the number of leave days used as part of the 12 week FMLA limit, all paid leave shall be included.

8. **Defining 12 month period:** The county has designated the leave year to be the twelve (12) month period following the first day of FMLA leave. The county may change methods when determined to be in the best interest of the county in terms of administration. However, 60 days notice must be given to employees of intent to change and employees must retain the full benefit of 12 weeks of leave.

9. **Temporary Work Assignments:** Where medical necessity dictates the need to use scheduled intermittent leave or a reduced work schedule, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of leave than the employee's regular position. In addition, the county may transfer an employee to a part-time job with the same hourly rate of pay and benefits as long as the employee is not required to take more leave than is medically necessary.

10. **Record Keeping Requirements:** Records retention for FMLA purposes must be maintained in accord with record keeping requirements of the Fair Labor Standards Act (FLSA). Records must be kept for a minimum of three years which includes the following information:

- a. Basic payroll records
- b. Dates that FMLA leave is taken
- c. Hours of FMLA leave
- d. Copies of employee notification given to employer
- e. Copies of employer notices regarding employee rights and obligations
- f. Copies of county policies and procedures describing benefits and leave provisions
- g. Premium payments of employee benefits
- h. Documents pertaining to disputes regarding designation of FMLA leave.

All records relating to medical information must be kept in separate, confidential medical files.

N. Retirement: The county is a participant in the public safety and public employee retirement programs of Utah Retirement Systems (URS). The county endorses the concept that performance and not age should be the standard for retaining qualified employees. There shall be no set retirement age from county employment. Contributions into the retirement system shall be made in accordance with the membership eligibility requirements of the URS.

1. Employees, at their discretion, may choose to retire anytime after they are eligible under 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 Employees: For those who opt not to participate in the URS, 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.

4. Any employee who retires from Millard County and desires to return to work for the county shall be subject to the same application processes and procedures of a new applicant. If a retired employee is hired he/she shall be employed at the starting step on the Step and Grade scale as any new employee.

O. Unemployment Insurance: The county participates 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, unless subsequently determined by Utah Department of Workforce Services.

