

CHAPTER 4 – EMPLOYMENT STATUS

4.1 Appointed Positions.

4.1.1 The following positions are exempt positions that are appointed by the Mayor with the consent of the City Council: City Manager, City Attorney, City Engineer, Public Works Director, Finance Director, Police Chief, Fire Chief, Economic Development Director, Library Director, Leisure Services/Events Director. These positions are eligible for exemption under the Utah Retirement System. The following are non-exempt positions appointed by the Mayor with the consent of the City Council; City Recorder, and City Treasurer.

Amended by Resolution Numbers. 11-0309-1, 13-1023-1 and 18-0214-2.

4.1.2 Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this handbook, with the following exception:

- A. Unless state law requires otherwise and with the exception of the City Recorder and the City Treasurer, all appointed positions shall serve at the pleasure of the governing body of the City and may be dismissed by a majority vote of the governing body at any time with or without cause provided at least five (5) members of the governing body and the City Manager, are present at the time the ballot is taken however, and notwithstanding the foregoing, the above-named officers shall not be removed from office other than for cause, during or within the period of forty-five (45) days succeeding the date any member of the governing body takes office following any general municipal election held in the City at which a member of the City Council is elected; the purpose of this provision is to allow any newly-elected members of the City Council or a reorganized City Council after taking office to directly observe the actions and ability of the above-named officers in the performance of their office and duties. After the expiration of said forty-five (45) day period, the provisions of this paragraph regarding removal by the governing body shall apply and be effective.

Amended by Resolution Numbers 11-0309-1 and 13-1023-1

4.1.3 The following positions are exempt: Assistant City Attorney, Senior Engineer, Project Engineer, Chief Building Official, Fleet Manager, Golf Division Manager, Parks Division Manager, Police Lieutenant, Fire Marshall, Streets Superintendent, Water Superintendent, Wastewater Superintendent, and Airport Manager.

Enacted by Resolution 13-1023-1 Amended by Ordinance 0909-15 and 0608-2016

4.2 Probationary Employees.

- 4.2.1 All new employees are required to serve at least a six (6) month probationary period. This period is designed to acquaint the new employee with his/her position and to allow the Department Head to evaluate fairly the employee's ability and aptitude to do the job. If an employee's performance is not satisfactory, he/she may be terminated at any time, without right of appeal, during this period.

Amended by Cedar City Ordinance No. 0608-2016

4.3 Regular Full-time Employees.

- 4.3.1 Regular full-time employees are those employees who are scheduled to work 40 hours per week for the City and have worked for the City at least six months. Regular full-time employees must have successfully completed their probationary period.

- 4.3.2 Unless specifically stated elsewhere in this policy, Tier 1 and Tier 2 elected officials are considered full-time employees only for administering Utah Retirement programs.

Amended by Cedar City Ordinance No. 0608-2016 and 18-0214-2.

4.4 Regular Part-time Employees.

- 4.4.1 Regular part-time employees are those employees who are scheduled to work less than forty hours per week for the city and have worked for the City at least six months, having successfully completed their probationary period. Employees will be eligible for sick leave, vacation, holiday and retirement benefits proportionate to hours worked. Only employees working thirty (30) hours per week or more shall be eligible for insurance benefits.

Amended by Cedar City Resolution No. 14-0827-1.

4.5 Part Time, Seasonal, and Variable Hour Employees.

4.5.1 Part time employees shall mean an employee that provides twenty eight (28) hours of service per week or less.¹

Seasonal employee shall mean an employee that is employed for a maximum of twenty six (26) weeks during a twelve (12) month period.

Variable hour employee shall mean an employee that is not a full time employee, part time employee, or seasonal employee; and that by designation or practice works variable hours.

4.5.2 Unless otherwise specifically stated elsewhere in this policy, part time employees, seasonal employees, and variable hour employees shall not qualify for benefits provided for in this policy and are not eligible for due process and procedural protections provided for in this policy.

Amended by Resolution Number 13-1023-1

4.6 Promotions.

4.6.1 A promotion is where an employee who, through a recruitment, is promoted into a new position with a point value at least .75 point more than their current position. A promoted employee shall receive at least the minimum of the new salary range unless an incumbent is below the minimum of the range. Then a promoted employee will receive the salary range of the lowest incumbent. If the employee is within the salary range of the new position they shall receive at least a 2.5% percent increase over his/her former salary.

Amended by Ordinance 0909-15

4.6.2 If a non-exempt employee is promoted to an exempt position any accrued compensatory time will be paid out at the employee's non-exempt salary.

Enacted by Ordinance 0909-15

4.7 Transfers.

¹ Until the City is required to comply with the affordable care act part time workers shall be those City employees who work thirty two (32) hours or less per week. Once the City is required to comply with the provisions of the affordable care act the definition of part time workers limiting part time workers to twenty eight (28) hours per week will automatically become a part of the policy.

4.7.1 A transfer, for purposes of this section, is defined as a City initiated move of an employee and should not be confused with the managerial function of moving personnel from one division or office to another within the same department by promotion, demotion or reassignment.

Amended by Ordinance 0909-15

4.7.2 Transfers must be cleared with Department Heads and City Manager. A transferring employee must be qualified for the job to which he/she is being transferred. A transferred employee shall retain all accumulated sick leave and annual leave. A transferred employee shall not be required to serve a new probationary period. A transferred employee shall be paid at the salary provided for the new job classification.

Amended by Ordinance 0909-15

4.8 Reassignment.

4.8.1 A reassignment, for purposes of this section is defined as a city initiated move of an employee within the same department or division with the same equivalent job classification and does not change pay.

Enacted by Ordinance 0909-15

4.9 Personnel Action Form

4.9.1 Personnel Action Form. In order to document all personnel actions (employment status, address change, name change, etc.) a Personnel Action Form will be completed by the employee's supervisor. Prior to becoming effective, the Supervisor will forward the form to Human Resources for review.

Amended by Ordinance 0909-15