

INDEPENDENT CONTRACTORS, VOLUNTEERS, & EMPLOYEE STATUS

Revised March 2011

SECTION: 4

A. INDEPENDENT CONTRACTORS

Independent contractors are not City employees. Independent contractors should have general liability insurance appropriate for their business, a business license appropriate for the services rendered, and appropriate worker's compensation coverage or a worker's compensation Statutory Exclusion (waiver) policy, whichever is applicable. The Fair Labor Standards Act (FLSA) and the Internal Revenue Service (IRS) specify that independent contractors should also:

1. Offer their services to the general consumer base rather than exclusively to Tooele City;
2. Have an opportunity for profit/loss;
3. Cover their own overhead and related operational expenses; and,
4. Have a written agreement for results rather than specifying how the work is to be done and while doing so the independent contractor should be independent of Tooele City in all that pertains to the execution of the work.

B. VOLUNTEERS

Utah State Law, Section 67-20 regulates the authorized use of volunteer government workers:

1. A volunteer is an individual, who performs hours of service for civic, charitable, or humanitarian reasons and performs these services without promise, expectation, or receipt of compensation for services rendered. Members of advisory, review, and appeal boards, or similar bodies, volunteers in police services, and firefighters are examples of volunteers.
2. At the City's discretion, volunteers may be reimbursed for expenses, provided reasonable benefits, or a nominal fee (as defined by FLSA guidelines, nominal fee may not exceed 20% of what would be paid to a City employee providing the same or similar service) and/or stipend to perform the services for which the individual volunteered.
3. Volunteers as permitted by law receive workers' compensation benefits, which is the exclusive remedy for all injuries and occupational diseases as provided under title 34A, Chapter 2, Worker's Compensation Act, and Chapter 3, Utah Occupational Disease Act; and at the City's discretion may be included for liability protection and indemnification normally afforded City employees.
4. Additional guidelines for use of volunteers are available from the Human Resource Department.

INDEPENDENT CONTRACTORS, VOLUNTEERS, & EMPLOYEE STATUS

Revised March 2011

SECTION: 4

C. EMPLOYMENT STATUS

1. Regular – Work assignment is expected, but not guaranteed, to exist for a period of more than one (1) year and includes funding for employee benefits. Regular employees may also be further classified as:
 - a. Employee Completing Orientation Period – A newly hired regular status employee who has not yet successfully completed twelve (12) months of service from their date of hire. The employee orientation period may be extended for up to 6 calendar months at the supervisor’s discretion. The supervisor should document reasons for any extension. The employee may be dismissed at any time during the orientation period or extension except for reasons prohibited by law;
 - b. Sworn Police Officers – Employees that are assigned to positions requiring Police Officer certification from Utah Peace Officer Standards and Training (POST);
 - c. Sworn Police Officer Completing Orientation Period – An officer who has not yet successfully completed twelve (12) months of service after completion of their departmental field officer training program as a certified officer by the State of Utah. The employee orientation period may be extended for up to six (6) months at the supervisor’s discretion. The supervisor should document reasons for any extension. The employee may be dismissed at any time during the orientation period or extension except for reasons prohibited by law; or,
 - d. Sergeant Promotional Orientation Period – The Tooele City Police Department includes a twelve (12) month orientation period as the final step in the promotional process to the position of sergeant as a safeguard against the advancement of officers beyond their capability. This promotional orientation period may be extended for up to six (6) months at the supervisor’s discretion. The supervisor should document reasons for any extension and discuss them with the employee. The employee may be returned to his/her former rank and grade (example police officer III - not necessarily same specialty assignment) within the second half of the twelve (12) month orientation period, when in the judgment of the supervisor, the employee’s performance is not such to merit continuation in the higher level position. Such action is not considered disciplinary and does not eliminate the employee from consideration for later advancement. No new orientation period is required. The employee retains all of his/her seniority in his/her former position.
2. Temporary – Work assignment is expected to be of a short-term duration, generally lasting no more than 12 months during a fiscal year - although some temporary assignments may be longer. Temporary employees have no expectation of continued employment.

INDEPENDENT CONTRACTORS, VOLUNTEERS, & EMPLOYEE STATUS

Revised March 2011

SECTION: 4

3. Seasonal – Work assignment is expected to recur on an annual basis but the hours are likely to fluctuate based on seasonal needs and include the possibility of having prolonged periods with a complete lack of work. Seasonal employees have no expectation of continued employment.
4. Elected Official – Elected by the citizens of Tooele City through a formal public vote pursuant to Utah election law and Tooele City Charter.
5. Appointed -
 - a. Department Head/Special Appointment - A department head or other employee in a position which is filled through appointment by the Mayor with approval from the City Council. Appointed employees have no expectation of continued employment and serve at the pleasure of the current Mayor unless specified otherwise in the Tooele City Charter or Utah law.
 - b. City Council Appointment – An employee in a position which is filled through appointment by the City Council majority. Council appointed employees have no expectation of continued employment and serve at the pleasure of the City Council.
 - c. Assistant Chief (Captain) or Lieutenant (Division Commander) - Sworn police officers who are appointed by the Chief of Police to the position of Assistant Chief (Captain) or Lieutenant (Division Commander) are classified as Regular employees on the official City personnel record and are not considered as appointed employees for purposes of these Tooele City Personnel Policies & Procedures. They are, however, subject to the Police Department Policies & Procedures, as amended, regarding appointment to and revocation from these positions.

D. SCHEDULE STATUS

1. Full-time - Scheduled to work at least 32 hours per week on a regular basis.
2. Part-time regular - Scheduled to work fewer than 32 hours per week on a regular basis. Part-time employees are further categorized as:
 - a. 20 to 31 hours per week; or,
 - b. Less than 20 hours per week.
3. On-Call –No set schedule and works only when needed. Note: Some employees are required to “be on-call” for after hour business needs. Such employees, although referred to as an employee on-call, are not covered by this schedule status definition.