

**RESOLUTION NO. R-09 -2015**

**A RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH,  
AMENDING THE EAGLE MOUNTAIN CITY  
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Eagle Mountain City Personnel Policies and Procedures Manual establishes and details certain rights and responsibilities of City employees;

WHEREAS, the City Council of Eagle Mountain City, Utah, finds that it is in the public interest and in the interest of the management of the City to revise the Eagle Mountain City Personnel Policies and Procedures Manual with respect to employees' use of media, including social media;

NOW THEREFORE, be it resolved by the City Council of Eagle Mountain City, that *Section V: Employee Code of Personal Conduct - Media Request* of the Eagle Mountain City Personnel Policies and Procedures Manual is hereby amended as set forth on Exhibit 1, and the Eagle Mountain City Personnel Policies and Procedures Manual is ratified in all other respects without amendment.


This Resolution shall take effect upon its enactment by the City Council.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 19<sup>th</sup> day of May, 2015.

EAGLE MOUNTAIN CITY, UTAH

ATTEST

  
\_\_\_\_\_  
Chris Pengra, Mayor

  
\_\_\_\_\_  
Fionnuala B. Kofoed, MMC  
City Recorder



## CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 19<sup>th</sup> day of May, 2015.

Those voting aye:

- ✓ Adam Bradley
- ✓ Donna Burnham
- ✓ Ryan Ireland
- ✓ Richard Steinkopf
- ✓ Tom Westmoreland

Those voting nay:

- Adam Bradley
- Donna Burnham
- Ryan Ireland
- Richard Steinkopf
- Tom Westmoreland



---

Fionnuala Kofoed, MMC

City Recorder

# EXHIBIT 1

**USE OF MEDIA / MEDIA REQUESTS.** Employees may be subject to disciplinary action, up to and including termination of employment, if an employee either directly uses any form of media (print, broadcast, digital, and online services such as Facebook, MySpace, Twitter, blogs, etc.) or the employee provides information or content for use in any form of media that:

- (1) creates a harassing, demeaning, or hostile work environment for any employee;
- (2) indicates or implies that the employee has or may in the future discriminate against another employee in the context of their employment based on a classification protected by state or federal equal protection laws, including, but not limited to, race, sex, religion, national origin, physical disability or age;
- (3) disrupts the smooth and orderly flow of City work;
- (4) discloses non-public information related to the City or its operations;
- (5) discloses non-public information about any person or entity that has contracted with or provided information to the City;
- (6) places in doubt the honesty, reliability, trustworthiness, or sound judgment of the employee;
- (7) attacks, demeans or disparages another employee, the Mayor, or the City Council related to any City issue or matter in a manner that is threatening, abusive or unprofessional;
- (8) establishes or suggests that the employee has violated or may violate any policy of the City, including, but not limited to, use of illegal drugs or other unlawful activity;
- (9) establishes or suggests that the employee is not making efficient use of the employee's time while the employee is at work; or
- (10) harms the goodwill and reputation of the City among the community at large.

All requests from the media shall be directed to and managed by the Public Information Director. The Public Information Director will then notify the Mayor regarding all such requests from the media. In the event the Public Information Director is unavailable,

media requests will be directed to and managed by the City Administrator or, in his absence, the Assistant City Administrator.

Unless specifically authorized by the Mayor, City Administrator or Public Information Officer, employees shall not publish or otherwise provide information for use in any form of media in a manner that suggests or implies that it is an official position or policy of the City. Employees are encouraged to either refrain from publishing information that may violate this policy or request guidance from the City Administrator prior to publishing any information that may violate this policy. Depending on the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of this policy and to hinder an investigation into the matter.

## Table of Contents

PREFACE.....	1
INTRODUCTION .....	2
SECTION I: EQUAL EMPLOYMENT OPPORTUNITY .....	3
GENERAL POLICY .....	3
SUPERVISOR RESPONSIBILITIES.....	3
EMPLOYEE RESPONSIBILITIES.....	3
SECTION II: EMPLOYMENT CLASSIFICATIONS / COMPENSATION.....	4
GENERAL POLICY .....	4
EMPLOYMENT CLASSIFICATIONS.....	4
EMPLOYMENT STATUS .....	5
WORKWEEK/WORK PERIOD.....	5
WORK DAYS.....	5
WORK HOURS.....	5
ATTENDANCE .....	5
BREAKS AND LUNCH PERIODS .....	5
COMPENSATORY TIME OFF.....	6
OVERTIME PAY/SPECIAL SITUATIONS.....	6
WORK RECORDS.....	7
AFTER-HOUR ON-CALL/CALL-OUT.....	8
SUNDAY PREMIUM PAY.....	8
SAFE HARBOR PROVISION.....	9
SECTION III: SALARY PLANNING.....	10
GENERAL POLICY .....	10
NEW EMPLOYEES' PAY .....	10
MERIT INCREASE .....	10
SELECTIVE SALARY ADJUSTMENT.....	11
LONGEVITY INCREASE.....	11
COST OF LIVING ADJUSTMENTS.....	11
PROMOTION.....	11
ORDER OF SALARY CALCULATION .....	11
RECLASSIFICATION.....	11
DEMOTION .....	12
SECTION IV: BENEFITS .....	13
BENEFITS.....	13
WORKERS' COMPENSATION.....	13
INSURANCE.....	14
STATE AND FEDERAL UNEMPLOYMENT.....	14
CONTINUING EDUCATION.....	14

INVESTMENT ACCOUNT .....	15
RETIREMENT SYSTEM .....	15
<b>SECTION V: EMPLOYEE CODE OF PERSONAL CONDUCT .....</b>	<b>16</b>
PROFESSIONALISM.....	16
PRIVILEGED INFORMATION.....	16
CONFIDENTIALITY .....	16
GIFTS AND GRATUITIES .....	16
ATTENDANCE .....	16
APPEARANCE .....	17
SMOKING.....	18
PERSONAL USE OF CITY EQUIPMENT AND FACILITIES.....	18
CREDIT CARDS.....	22
OUTSIDE ACTIVITIES .....	23
POLITICAL ACTIVITY.....	23
SECONDARY EMPLOYMENT.....	24
INFORMATION REPORTING.....	25
USE OF MEDIA / MEDIA REQUESTS .....	25
SECURING CITY OFFICES .....	26
<b>SECTION VI: SEXUAL/GENDER HARASSMENT .....</b>	<b>27</b>
GENERAL POLICY .....	27
PROHIBITED CONDUCT.....	27
TYPES OF CORRECTIVE ACTION.....	28
DISCIPLINARY ACTION .....	30
VICTIM PROTECTION.....	30
<b>SECTION VII: GENERAL SAFETY .....</b>	<b>32</b>
GENERAL POLICY .....	32
PROPER USE OF CITY EQUIPMENT AND TOOLS.....	33
<b>SECTION VIII: ALCOHOL AND DRUG-FREE WORKPLACE .....</b>	<b>34</b>
GENERAL POLICY .....	34
EMPLOYEE RESPONSIBILITIES.....	34
DISCIPLINARY ACTION .....	34
<b>SECTION IX: DRUG AND ALCOHOL TESTING .....</b>	<b>35</b>
GENERAL STATEMENT.....	35
POLICY.....	36
<b>SECTION X: UTAH OSHA REQUIREMENTS.....</b>	<b>44</b>
GENERAL POLICY .....	44
POSTING UOSHA NOTICES.....	44
INSPECTION PROCEDURES .....	44
ACCIDENT REPORTING PROCEDURES.....	45
<b>SECTION XI: CONFINED SPACE ENTRY .....</b>	<b>46</b>

GENERAL POLICY .....	46
SECTION XII: FAMILY AND MEDICAL LEAVE ACT .....	47
GENERAL POLICY .....	47
ELIGIBILITY .....	47
LEAVE OPTIONS .....	48
NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS .....	48
BENEFITS AND EMPLOYMENT STATUS .....	48
SECTION XIII: LEAVES OF ABSENCE .....	50
ABSENT WITHOUT LEAVE .....	50
ANNUAL VACATION LEAVE .....	50
HOLIDAY LEAVE .....	51
PERSONAL LEAVE .....	52
SICK LEAVE .....	51
DONATION OF LEAVE .....	52
MATERNITY LEAVE .....	54
INJURY LEAVE .....	53
EMERGENCY LEAVE .....	53
MILITARY LEAVE .....	53
JURY LEAVE .....	55
FUNERAL LEAVE .....	54
ADMINISTRATIVE LEAVE WITH PAY .....	54
LEAVE WITHOUT PAY .....	54
DOCUMENTATION OF LEAVE .....	55
SECTION XIV: GRIEVANCE PROCEDURES .....	56
GENERAL POLICY .....	56
CONFIDENTIALITY .....	57
FILING .....	57
SECTION XV: DISASTER RESPONSE PLANNING .....	58
GENERAL POLICY .....	58
SECTION XVI: EMPLOYEE HIRING .....	59
EMPLOYMENT .....	59
RECRUITMENT .....	59
SELECTION .....	59
PLACEMENT .....	61
VOLUNTEERS .....	63
SECTION XVII: DISCIPLINARY ACTION .....	65
GENERAL POLICY .....	65
TYPES OF DISCIPLINARY .....	65
CAUSES FOR DISCIPLINARY ACTION .....	67
CONDUCTING AN INVESTIGATION .....	70
IMPOSING DISCIPLINARY ACTION .....	70



APPEAL PROCEDURES .....	70
SECTION XVIII: TERMINATION OF EMPLOYMENT .....	73
TYPES OF TERMINATION .....	73
REQUIRED NOTICE PRIOR TO TERMINATION.....	73
TERMINATION PROCEDURES.....	74
COBRA.....	76
SECTION XIX: REIMBURSABLE EXPENSES.....	77
GENERAL POLICY .....	77
TRAINING AND CONFERENCES.....	77
TRAVEL POLICY .....	77
SECTION XX: RECORD KEEPING .....	81
GENERAL POLICY .....	81
CONFIDENTIALITY .....	81
PERSONNEL FILES REQUIREMENTS.....	81
OTHER FILES REQUIREMENTS .....	82
MAINTAINING SEXUAL HARASSMENT COMPLAINT FILES .....	83
MEDICAL INFORMATION .....	83
SALARY/WAGE REQUIREMENTS .....	83
OTHER REQUIREMENTS .....	84
SECTION XXI: PAYROLL ADMINISTRATION .....	85
PAY PERIODS.....	85
PAY DAYS .....	85
MINIMUM WAGE/SALARY .....	85
PAY DEDUCTIONS.....	85



## **PREFACE**

It is the policy of Eagle Mountain City (City) to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the City and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS.

It is also the policy of the City to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age or disability. To this end, the City will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, or veteran status, and will ensure that applicants and employees are treated without unlawful regard to these characteristics.

Additionally, it is the policy of the City to strive for safety in all activities and operations and to carry out the commitment of compliance with health and safety laws applicable to the City by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The City reserves the right to change any of its policies and/or procedures set forth in this Manual (defined below) at any time for any reason. Therefore, if you have suggestions or comments concerning the content of this Manual, please submit them, in writing, to the Mayor for review and consideration.

## INTRODUCTION

Welcome to employment with Eagle Mountain City! We are pleased to have you as part of the team serving City residents.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. The 2013 Eagle Mountain Policies and Procedures Manual (“Manual”) also aids in consistently achieving fair and equitable interpretation of policy. Employees are expected to uniformly follow and administer the policies and procedures set forth in this Manual to the best of their abilities and understanding.

As an employee of the City, you are expected to read, understand, and follow the policies and procedures contained in this Manual. No employee, officer, agent, or other representative of the City has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Manual.

It is the obligation of all employees of the City to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, separation from employment, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, national origin, age, or disability.

If there are questions pertaining to policies contained herein, please do not hesitate to contact the Human Resources Director. We wish you the best of luck and success in your position and hope that your employment relationship with the City will be a rewarding experience.

Sincerely,

Mayor and City Council  
Eagle Mountain City

## **SECTION I: EQUAL EMPLOYMENT OPPORTUNITY**

***GENERAL POLICY.*** It is the policy of the City to comply with Equal Employment Opportunity (EEO) standards in all phases of personnel administration, job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to race, color, religion, sex, age, physical or mental disability, national origin, or veteran status. The City is an equal opportunity employer. The City prohibits any form of unlawful employee discrimination or harassment based on the foregoing factors. The Mayor, or designee, will ensure that the City is in compliance with all EEO standards.

***SUPERVISOR RESPONSIBILITIES.*** The Mayor, or designee, will ensure that the City is in compliance with all of the personnel policies and procedures in this Manual. Additionally, the Mayor, or designee, will ensure that each employee receives a copy of this Manual (either in print form or electronic form) and that the employee signs and dates a Policy Statement and Acknowledgment Form acknowledging receipt of the Manual. The Mayor, or designee, will then cause the signed and dated Policy Statement and Acknowledgment Form to be placed in the employee's personnel file.

***EMPLOYEE RESPONSIBILITIES.*** Employees are responsible for informing themselves about the policies, practices, and benefits set forth in this Manual by reading them and, if necessary, asking that they be explained to them. As set forth above, all employees are required to sign and date a Policy Statement and Acknowledgment Form stating receipt of this Manual (either in print form or electronic form).

## **SECTION II: EMPLOYMENT CLASSIFICATIONS / COMPENSATION**

**GENERAL POLICY.** The City will pay at least minimum wage and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act of 1938 (FLSA). The City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and is performed under similar working conditions, in accordance with the FLSA and the Equal Pay Act of 1963.

**EMPLOYMENT CLASSIFICATIONS.** City employees are classified as follows:

- A. Full-time: Full-time employees are employees hired to work the City's normal, full-time, forty-hour workweek on a regular basis. Full-time employees are eligible for all City benefits. All full-time, employees are expected to work a minimum of 40 hours per week, 80 hours per pay period. For nonexempt employees, any hours less than 40 per week must be made up with vacation, sick, personal, or holiday leave or compensatory time within the applicable pay period.
- B. Part-time: Part-time employees are nonpublic safety employees hired to work less than 30 hours a week on a regular basis. Part-time employees are not eligible for City benefits.
- C. Temporary/Seasonal: Temporary/seasonal employees are employees hired to work until the completion of a specific assignment, task, or time period, or employees hired to work less than 20 hours per week on a regular basis. A temporary/seasonal employee may be offered and may accept a new temporary assignment with the City and thus still retain temporary/seasonal status. Intern and training positions are considered temporary/seasonal. Individuals working for temporary employment agencies are employees of the respective agency and not of the City.
- D. Elected Officials: All elected officials, except a full-time Mayor, shall be classified as part-time.

Employees will be notified of their initial employment classification during their orientation and will be notified of any changes in their classification. Please direct any questions regarding your employment classification status to the Human Resources Director.

**EMPLOYMENT STATUS.** To facilitate provisions of the FLSA, employees are classified as either exempt or nonexempt, with respect to eligibility for overtime payment. The classifications are defined as follows:

- A. Exempt. Positions of a managerial, administrative, or professional nature, as defined by the FLSA, shall be exempt from mandatory overtime payment.

- B. Nonexempt. Positions of a clerical, technical, or service nature, as defined by the FLSA, which are covered by provisions for minimum wage and mandatory overtime payment.
- C. Public Safety. Position designated as public safety by the Mayor, or designee

***WORKWEEK/WORK PERIOD.***

- A. The workweek for employees not engaged in public safety activities begins on Sunday at 12:00:01 a.m. and ends on Saturday at 11:59:59 p.m.

***WORK DAYS.***

- A. Office and Clerical: Monday – Friday, 7:30 a.m. to 6:30 p.m.. Employees work 4-day, 10-hour shifts, or 5-day, 8 hour shifts, Monday – Friday.
- B. Public Works: Monday – Friday, 7:00 a.m. to 5:30 p.m.
- C. Part Time: As directed by the Mayor, or designee
- D. Public Safety: Employees engaged in public safety activities, such as law enforcement and fire protection departments, as directed by the Mayor, or designee

***WORK HOURS.***

- A. Full-time office and clerical positions (as assigned by Mayor, designee or supervisor).
- B. Full-time public works positions: 7:00 a.m. – 5:30 p.m. including a one-half (1/2) hour unpaid lunch period – these are employees engaged in “utility installation/maintenance” activities and other positions as directed by Mayor or designee
- C. Part time as directed by the Mayor, or designee
- D. Employees engaged in public safety activities, such as law enforcement and fire protection, as directed by the Mayor or designee

***ATTENDANCE.*** Employees shall be in attendance at their work stations during normal working hours. Refer to the section entitled Employee Code of Conduct, for specific policies regarding absences and tardiness

***BREAKS AND LUNCH PERIODS.***

- A. Full time:

- (1) Breaks: Two (2) fifteen (15) minute paid breaks are allowed during a standard workday. One break, if taken, must be taken during the first half of the work day, and the second break, if taken, must be taken during the second half of the work day. Breaks cannot be used in conjunction with an extended lunch period or unused breaks to shorten an employee's work day.
  - (2) Lunch: One-half (1/2) hour unpaid lunch period during a standard workday.
- B. Part time as directed by the Mayor or designee.
  - C. Employee breaks and lunch periods will be taken at the discretion of the Mayor, or designee, to ensure continuity in the flow of work.
  - D. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be paid for the extra time worked.
  - E. Employees engaged in public safety activities, such as police and fire departments, as directed by the Mayor, or designee.

### ***COMPENSATORY TIME OFF.***

- A. Only nonexempt employees may receive compensatory time off in lieu of overtime pay. The City's policy is to pay such employees working overtime unless the employee's supervisor approves compensatory time in advance. The, employee's supervisor reserves the right to schedule when an employee's accrued compensatory time off will be used. Written employee requests to use their accumulated leave, including compensation time during specific dates and times must be approved by the employee's supervisor, who shall honor the requests unless granting the compensation time off would create substantial hardship to the City.
- B. Overtime will be paid after employees have accumulated specific maximum amounts of compensatory time off during any work period as follows:
  - (1) For employees not engaged in public safety activities, not more than forty (40) hours of compensatory time off may accrue.
- C. Compensatory time off will be accumulated at the rate of one and one-half (1.5) times the regular hourly rate.

### ***OVERTIME PAY/SPECIAL SITUATIONS.***

- A. For nonexempt employees not engaged in public safety activities overtime pay applies for over forty (40) hours worked in a workweek and shall be compensated at the rate of one and one-half (1.5) times the regular hourly rate of the employee.

- B. For employees not engaged in public safety activities; if a holiday, vacation, or sick day falls within a workweek, the employee must actually work forty (40) hours over and above these hours before overtime applies. If an employee works on a holiday because of an emergency situation or is regularly scheduled by their supervisor to work on a holiday, such employee will:
- (1) Receive regular holiday pay, plus regular hourly pay for the time actually worked, plus a \$50 holiday premium pay; or (2) With approval of the Mayor, or designee, be allowed to take a day off in lieu of the regular holiday pay at a later date, provided such in-lieu-of date is within 30 days of such holiday.
- C. Overtime shall be approved by the Mayor, or designee, before it is worked, except for public safety activities, such as law enforcement officers and firefighters. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of this policy may result in disciplinary action, up to and including termination.
- (1) Public safety employees, such as law enforcement officers and firefighters, may work overtime without prior authorization only in emergency situations.
  - (2) Public safety employees, such as law enforcement officers and firefighters, who work overtime in emergency situations shall notify the Police/Fire Chief as soon as possible of the amount of overtime worked.
  - (3) Work time for non-exempt employees could include checking and responding to work-related messages. To avoid unnecessary overtime, non-exempt employees shall not use City-owned wireless devices after hours without advanced permission from the Department Head or City Administrator, unless the employee is in an on-call status.
- D. If the Mayor or City Council has declared a “disaster emergency,” employees who are called in to assist during the designated disaster period, regardless of the number of actual hours worked prior to the designated disaster period, will be paid at the rate of one and one-half (1.5) times the regular hourly rate of the employee for emergency hours worked outside of, or in addition to, their normal schedule. Hours worked under the condition described in this paragraph shall be paid and cannot be accrued as compensation time. During designated disaster periods, exempt employees may be eligible for overtime pay as approved by the Mayor.

### ***WORK RECORDS.***



- A. All non-exempt employees of Eagle Mountain City are required to maintain an accurate and legible record of all their hours worked for Eagle Mountain City on time cards.
- B. All non-exempt employees of the City shall complete and sign, as verification of accuracy, a time sheet, showing all hours worked, including approved overtime.
- C. All exempt employees shall complete and sign, as verification of accuracy, a work period record, showing any type of leave taken during such work period.
- D. Completed time sheets will be submitted to the employee's supervisor for approval. The time sheets should then be forward to the Human Resources Director for review and payment. Falsification of time sheets or failure of the employee to timely submit time sheets to the employee's supervisor will result in disciplinary action up to and including termination.

***AFTER-HOUR ON-CALL/CALL-OUT.***

**A. On-Call.**

- (1) One (1) employee from the Energy Department (natural gas, electrical, meter reader) and the Public Works divisions (water, sewer, parks, streets, and engineering) will be on call for after-hours emergencies. These employees will be on call for an assigned period of time (generally Monday through Sunday, with the exception of meter readers who will be on call from Wednesday through Sunday during shutoff week only). During the period these employees are on call, they will be required to answer their cellular phone at any time and must remain within a 45-minute response time of the City for that period of time. In the event of an emergency, the on-call employee will be the first contact and will be notified through a call placed to their cellular phone.
- (2) The on-call employee will receive additional compensation of one (1) hour of straight time for each day they are on call seven (7) hours for a period of one week. If the on-call employee is called out for an emergency after normal working hours, such hours will be paid at an overtime rate, 1.5 times their hourly rate, with a two-hour minimum.

**B. Call-Out**

- (1) In the event that additional assistance is required beyond that which can be provided by the first contact on-call employee, other employees with technical expertise may be called out with the other on-call employees.
- (2) If an employee who is not the first contact is called out to provide additional assistance for an after-hour emergency, they will be

compensated at the overtime rate of 1.5 times their hourly rate, with two hours minimum.

***SUNDAY PREMIUM PAY.*** Employees that are regularly scheduled by their supervisor to work on Sunday will be paid a \$50 Sunday premium pay with the exception of public safety/fire personnel.

***SAFE HARBOR PROVISION***

- A. If an employee believes that they have not been appropriately compensated, or are subject to inappropriate deductions from their salary, the employee shall utilize the City's grievance procedure to resolve this matter.
  - (1) During the grievance process, if it is determined that the City was not appropriately compensating the employee, or was otherwise making inappropriate deductions from an employee's salary, the City shall reimburse the employee for all compensation not paid or improperly deducted.
  - (2) If it is determined during the grievance process that the City failed to appropriately compensate the employee, or made improper deductions from an exempt employee's salary, the City shall take steps to correct the problems leading to the grievance.

## SECTION III: SALARY PLANNING

**GENERAL POLICY.** The City is committed to maintaining wage ranges which are competitive with other Wasatch Front cities.

Every three years, the Mayor, or designee, shall conduct a wage and benefits survey of cities of comparable size or cities that provide similar services to ensure that the City is offering competitive pay ranges. Annually, the Mayor, or designee, may conduct a wage and benefits survey of cities of comparable size or cities that provide similar services to ensure that the City is offering competitive pay ranges. Based on the market and classification analysis, the Mayor will review wage ranges and benefits and may recommend changes as appropriate. The Mayor may make recommendations for market adjustments for specific job classifications or for the City as a whole.

Since City positions are not always equivalent with positions in cities of comparable size or cities that provide similar services, a classification analysis may also be done on each City position in conjunction with the market survey. The wage and benefit survey and classification analysis consider such factors as:

- A. Education and experience requirements;
- B. Supervisory and financial responsibilities;
- C. Level of risk in the position and the analytical requirements of the position;
- D. Prevailing rates of pay for similar employment in both public and private organizations;
- E. Cost of living factors;
- F. Other benefits received by employees; and
- G. The financial policy and economic conditions of the City.

**NEW EMPLOYEES' PAY.** Pay for newly-hired employees shall normally be set at the minimum of the pay range assigned to a job classification. However, the Mayor may authorize pay for approved new hires as warranted by job qualification and experience within the range, subject to budget limitations.

**MERIT INCREASE.** The City strives to recognize good performance and to give employees appropriate suggestions for improvement when necessary. Consistent with this objective, an employee's performance will be evaluated by their supervisor and the employee will receive a written evaluation at least annually. These written evaluations will be used in deciding the employee's merit increases each year.

Any merit increases employees receive will be based on their supervisor's evaluation and subject to budget limitations.

***SELECTIVE SALARY ADJUSTMENT.***

- A. The Mayor, or designee, may recommend a selective salary adjustment in order to mitigate an inequity in pay ranges.
- B. The Mayor, or designee, shall submit a written rationale supporting the recommendation to the City Council if the salary adjustment is above the budgeted amount.

***LONGEVITY INCREASE.*** The City may grant a longevity increase, subject to budget limitations.

***COST OF LIVING ADJUSTMENTS.*** The City may grant a cost-of-living adjustment (COLA), subject to budget limitations. The COLA shall not exceed the new range maximum.

***PROMOTION.***

- A. At the discretion of the Mayor or designee, a salary increase may be granted to an employee receiving a promotion. Such new salary shall be at least the minimum of the new range.
- B. The Mayor, or designee, may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the budget limitations.

***ORDER OF SALARY CALCULATION.*** Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

- A. Cost of living adjustment.
- B. Merit.
- C. Selective adjustment.
- D. Promotion.
- E. Longevity.

***RECLASSIFICATION.***

- A. If the Mayor, or designee, reclassifies a position to a higher level, the Mayor, or designee, shall adjust the incumbent's salary to at least the minimum of the new range, based upon increased responsibility.

- B. A reclassification increase is subject to budget limitations.
- C. If the Mayor, or designee, reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, or provided the individual meets longevity status criteria, the longevity scale maximum, the incumbent is ineligible to receive a salary increase until the salary range or longevity scale increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases.

***DEMOTION.*** If an employee is demoted, either voluntarily or involuntarily, the Mayor may treat the employee's salary according to paragraph C in the Reclassification Section above or reduce the salary to the applicable pay range.

## SECTION IV: BENEFITS

***BENEFITS.*** Employees are eligible for employee benefits as described in this section.

### ***WORKERS' COMPENSATION.***

- A. All employees are covered by Workers' Compensation which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving Workers' Compensation payments. For exact compensation coverage, check the Workers' Compensation contract on file with the City.
- B. Employees may use accrued vacation or sick leave to make up the difference between Workers' Compensation benefits and their base pay.
- C. An employee who sustains a bona fide, on-the-job injury may seek medical attention from a hospital or WorkCare, as appropriate. They must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report should be sent within seven (7) days to the insurance carrier, the Industrial Commission, and to the injured worker (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- D. Reporting the accident or illness is critical to qualification for payment under Workers' Compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the Mayor, or designee, immediately. After the required report (copies of this form may be obtained by contacting the Human Resource Director) is filled out, a copy must be sent to the insurance carrier and a copy must be sent to the Industrial Commission within seven (7) days of the date of injury.
- E. While on leave because of a bona fide, on-the-job injury or illness, an employee must contact their supervisor or the Mayor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or disciplinary action, up to and including termination.
- F. All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed may result in disciplinary action, up to and including termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.
- G. At the time of final release or settlement of a Workers' Compensation claim, if no vacancy exists and, if a reasonable effort, which has proven to be unsuccessful,

has been made to place the employee in another position, they may be terminated and paid any accrued benefits due to them.

### ***INSURANCE.***

- A. Disability Insurance. The City provides disability insurance for benefit-qualified employees in lieu of the coverage typically provided by the social security system.
- B. Medical Health Insurance: The City provides health insurance for benefit-qualified employees. Subject to budget limitation, the City generally pays the full cost of single, double, or family coverage for the least expensive medical option offered by the City. Any full-time and part-time employee may carry a more expensive medical option by paying the difference in cost.
- C. Option for City to Make Additional Contributions to Employee Retirement Account. If an employee has health benefits through another health insurance plan and the benefits and evidence of such insurance are acceptable to the Mayor or designee, then upon written request by such employee, the City may at its option make an additional contribution into such employee's 401(k) or 457 retirement account maintained by the Utah State Retirement System in an amount equal to the premium of the City-sponsored health insurance plan for single coverage.
- D. Life Insurance. The City provides a basic life insurance policy for benefit-qualified employees free of charge.
- E. Insurance Termination and Conversion.
  - (1) Termination. When an employee is separated from employment with the City, the City will cease making contributions to the employee's insurance plans.
  - (2) Conversion. The City shall comply with the requirements of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985.

***STATE AND FEDERAL UNEMPLOYMENT.*** All employees are generally covered by the benefits of State and Federal Unemployment.

***CONTINUING EDUCATION.*** Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Mayor, or designee.

- A. Required by City. When the City requires an employee to attend any education or training course, conference, seminar, or certification course, the City will pay for all associated costs including tuition or registration fees, authorized travel, meals, and lodging and provide the necessary time off with pay.



B. Encouraged by City. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the Mayor, or designee, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses upon presentation of proper receipts up to a maximum of \$1,500 per the City's fiscal year, subject to budget availability (or as otherwise approved by the Mayor, or designee, as part of an employee's total compensation package). Proof of successful completion shall be submitted to the Mayor, or his designee, and shall include one of the following:

- (1) A certificate indicating successful course completion, if applicable.
- (2) A grade point average of 2.0 or higher on a 4.0 (A, B, C, D) scale.
- (3) A grade of pass on a pass/fail grading system.

***INVESTMENT ACCOUNT.*** The City does not participate with the social security system (specifically, the old-age survivor and disability insurance portion but participates in the hospital insurance portion). Subject to budget limitations, the City will match up to 6.2 percent of the employee's salary when an employee makes a contribution into their City-approved investment account.

***RETIREMENT SYSTEM.*** All City employees who are not temporary/seasonal employees who receive at least one benefits normally provided by the City are enrolled in the Utah State Retirement Systems (URS) Public Employees Non-Contributory Retirement Plan. (This is in addition to their investment account in lieu of Social Security coverage.) The City will contribute the required payments for the Public Employees Non-Contributory Retirement Plan. Full-time elected officials, taking office after June 30, 2011, are restricted to participation in the URS Tier 2 Defined Contribution Plan. Part-time elected officials are ineligible under Tier 2, so not statutory contributions are required.

## SECTION V: EMPLOYEE CODE OF PERSONAL CONDUCT

**PROFESSIONALISM.** The City is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees shall efficiently and effectively carry out the work items assigned, maintain good moral conduct, and do their part in maintaining good relationships with citizens, fellow employees, and any members of the public while working and representing the City.

**PRIVILEGED INFORMATION.** City employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any City plan or activity, this situation must be reported to the Mayor, or designee, immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act.

**CONFIDENTIALITY.** Fellow employees have an unquestionable right to expect all personal information about themselves, their illness, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office.

**GIFTS AND GRATUITIES.** City employees are prohibited from soliciting or accepting any gift, privilege, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with the City, or from any person within or outside the City employment whose interests may be affected by the employees' performance or nonperformance of official duties except under circumstances allowed by the Utah Public Offices and Employee Ethics Act, Utah Code Ann. § 67-16-1, et seq.

**ATTENDANCE.** Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. The following information defines excused absences, unexcused/unauthorized absences, excessive tardiness, and excessive absences:

- A. Excused Absences. Excused absences may include but not be limited to personal illness, illness in the immediate family, bad weather that prohibits attendance, and important personal business that cannot be resolved after working hours.
- B. Unexcused/Unauthorized Absences. Unexcused/unauthorized absences are not tolerated. Any unexcused/unauthorized absence for any length of time may result in disciplinary action up to and including termination. When an employee is going to be late or will not be able to report to work, the employee must notify his supervisor prior to the scheduled work time. If the employee is ill or has an

emergency, he should notify their supervisor as soon as possible on each day of absence

- C. Excessive Tardiness. Reoccurring and unapproved tardiness will not be tolerated. Employees are expected to be at work at the appointed time their shift begins. Department heads and supervisors are given flexibility to work with employees in establishing flexible shift assignments with approval of the Mayor, or designee, so long as service levels are not compromised. Reoccurring tardiness may result in disciplinary action, up to and including termination.
- D. The City expects its employees to be at work at their appointed times. The City also understands that employees may need to take time off for personal matters and, therefore, offers sick, personal and vacation leave in order for employees to attend to those matters. These leave options are benefits and privileges and approval of such may be subject to the needs of the City. Employees who excessively abuse these leave options may be subject to disciplinary action, including termination. If an employee's excessive absences are deemed by the supervisor and Mayor to be detrimental to the City and its ability to perform its services and responsibilities, which are detrimentally unattended to, disciplinary action may result up to and including termination.

***APPEARANCE.*** In order to promote professionalism and quality customer service, the City has established the following minimum dress and grooming standards for all employees.

- A. Office Personnel. The City expects office personnel to present a favorable impression during any contact or possible contact with the public. All such employees are expected to maintain a neat, clean, and professional personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished. Office personnel shall, at a minimum, dress in casual business attire. Casual business attire shall mean clothing that is not unreasonably loose, baggy, revealing, provocative, sheer, tight-fitting, frayed, holey, torn, cutoff shorts, Bermudas, or capris. Plastic or rubber-type sandals (generally referred to as flip flops) are not allowed. Hats are not allowed. Extreme and distracting hair styles/or colors and clothing are not allowed. All jewelry must be conservative and businesslike in nature so that its presence does not distract from the nature of public services and employment. Tongue studs and other visible body piercing (other than ear piercings) and visible tattoos are not allowed at work or when representing the City. The City reserves the right to request the removal or covering of such body piercings and the covering of visible tattoos during office hours or while representing the City.
- B. Building Inspectors, Public Works Field Personnel and Code Enforcement Officers. Building inspectors, public works field personnel, and code enforcement officers shall wear approved city uniforms during such time that they are regularly scheduled by the supervisor to work. Building inspectors, public

works field personnel, and code enforcement officers shall not wear such uniforms during such times that they are not regularly scheduled by the supervisor to work. Building inspectors, public works field personnel, and code enforcement officers shall arrive at work at such times that they are regularly scheduled by the supervisor to work with clean, well-maintained, unsoiled, approved uniforms. Building inspectors, public works field personnel, and code enforcement officers who fail to comply with these rules are subject to disciplinary action, up to and including termination.

- C. **Field Personnel.** The City expects all other field personnel to present a favorable impression during any contact or possible contact with the public. Standard of dress shall be appropriate for the work assignment. Field personnel shall, at a minimum, wear shirts/blouses that cover their shoulders. The City supplies appropriate shirts for most field positions. Jeans are appropriate, as is rugged footwear that can handle daily work assignment demands. Clothing is likely and expected to become soiled during a day's assignments. However, employees are expected to arrive at work each morning with clean, well-maintained, unsoiled clothing. Unmaintained, permanently soiled, ragged-looking clothing is not acceptable. Hats with minimal or no wording/symbols may be worn under these same guidelines. Extreme and distracting hair styles/colors and clothing are not allowed. Safety is paramount, and employees shall wear clothing that is considered safe for specific work assignments. Field employees are not allowed to wear earrings, necklaces, or nonmedical bracelets.

**SMOKING.** In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in City facilities. The City also prohibits smoking in City-owned vehicles. Employees smoking in any City facility or vehicle are subject to disciplinary action, up to and including termination. The use of e-cigarettes or other similar devices that provide a vapor of nicotine or other substance or simulate smoking are included in the definition of smoking in the Utah Clean Air Act. Accordingly, the use of e-cigarettes or any similar device will be treated the same as regular cigarettes, and anyone using e-cigarettes in a city owned building or vehicle will be subject to disciplinary action.

### ***PERSONAL USE OF CITY EQUIPMENT AND FACILITIES.***

- A. It is the policy of the City that all equipment issued to an employee by the City shall be used only for City purposes and shall not be used by the employee, nor shall the employee allow anyone else to use said equipment for personal or private uses. This general prohibition on the use of municipal equipment is subject to the following exceptions.
- B. **Computer Equipment.**
- (1) Personal use of City-owned computer systems is permitted only when all of the following criteria are satisfied.

- (a) The use offers an opportunity for the employee to increase the employee's job-related knowledge and skills.
  - (b) The employee is not compensated for the work performed, unless the employee has received prior written approval by the Mayor, or designee.
  - (c) The employee pays for the cost of consumables and other attendant expenses (for example, diskettes, paper, computer on-line/access charges, etc.).
  - (d) The employee uses such computer system on the employee's personal time.
  - (e) The employee does not use such computer system for permanent storage of data.
  - (f) Use does not conflict with the employee's City responsibilities or normal City business.
- (2) All data stored on, and software developed on, City-owned computer equipment is the property of the City and may be accessed, opened, read, archived, deleted, viewed/reviewed or monitored by the Mayor, or designee, at any time.
  - (3) Employees, except as prompted by the City-owned computer system, are not permitted to establish or change passwords or any encryption on City-owned computer system without the prior written consent of their supervisor. Employees shall not disclose computer passwords.

C. Communication Systems/Computer System.

- (1) The City provides e-mail, voicemail, on-line subscriber services, the internet, intranet, website (Communications Systems), computers, printers, monitors, hardware, software (Computer System) to certain of its employees for their use to transact City business. The term Communications Systems may include Computer System, and the term Computer System may include Communications Systems.
- (2) Although the City recognizes that there will be incidental nonwork-related use of Communication Systems or Computer System by its employees, these systems are intended to be used primarily for City purposes associated with the performance of each employee's job. Except as provided above, any use of the Communication Systems or Computer System for nonwork-related purposes beyond limited incidental use is prohibited. All use must comply with this Manual. Any use of the Communications Systems or Computer System that adversely affects the operation of the Communications Systems or

Computer System is prohibited. Employee will not be held responsible for unsolicited email that includes material (attachments, links, etc.) that would be considered prohibited pursuant to this Manual, provided the employee promptly deletes such email and does not forward such email to any other recipient.

- (3) The use of the Communication Systems or Computer System for the following purposes is prohibited:
- (a) Disparaging communications or jokes which are based on race, national origin, marital status, sex, sexual orientation, disability, age, religion, or any other characteristic protected under federal, state or local law.
  - (b) Communications that are lewd, vulgar, indecent, or obscene or which contain sexual innuendo, metaphor or simile.
  - (c) Communications that constitute libel, slander, or defamation.
  - (d) Downloading or sending or uploading of proprietary information, including copyrighted materials, trade secrets, proprietary financial information, or similar materials or media of unknown origin.
  - (e) Accessing, storing, viewing/reviewing, downloading, copying, or sending pornographic or sexually-explicit materials.
  - (f) Gambling, wagering, or engaging in a lottery.
  - (g) Gaming.
  - (h) Shopping for items of a personal nature or items not City related.
  - (i) Knowingly introducing into the Computer System any piece of code used or intended to spy, copy, corrupt or destroy data, processes or programs (commonly referred to as virus, Trojan horse, worm, etc.).
  - (j) Accessing chat rooms, message boards or any website not directly related to employee's duties.
  - (k) Tampering with the configuration of antivirus software utilized by the Computer System without the prior written approval of the Mayor or designee.
  - (l) Disabling or overloading the Computer System or related network or circumventing any system intended to protect the privacy or security of any user.

- (m) Installing or running any program or utility which reveals weaknesses in the security of the Computer System.
  - (n) Accessing unauthorized or confidential information (including, but not limited to, protected, controlled, or private information as defined in GRAMA) for which access has not been granted to such person.
- (4) No software or hardware may be downloaded or copied (from the internet or otherwise), or installed without the prior written approval of the Mayor or designee.
  - (5) Information created, sent or retrieved through the Communication Systems or Computer System is generally regarded as public information. Employee should not expect that such information is private. In order to assure the proper and authorized use of the Communication Systems or Computer System, the City reserves the right to access, open, read, archive, delete, view/review, or monitor all of these systems, including stored communications. Examples of instances in which accessing or monitoring may be used include, but are not limited to, determine whether there is personal use; to determine whether copyrighted materials or trade secrets may have been transmitted; to determine whether sexually-explicit materials have been accessed; or to investigate other communications which may be illegal or otherwise contrary to this Manual.
  - (6) Employees are expected to respect the confidentiality of messages sent to others. Employees may not access or review communications sent or received through any of the Communications Systems or Computer System that are not intended or distributed to them, except for the purpose of monitoring as described above.
  - (7) All employees or departments having computers shall turn them off daily at the end of the work shift. The exceptions, of course, are those computers used to monitor or run the SCADA system, weather system, the sewer plant or the water systems. The monitors on the computers should also be turned off.
  - (8) The City will terminate access to the Communications Systems or Computer System of any employee or other user of the Communications Systems or Computer System who violates these rules.
  - (9) Any employee who fails to comply with these rules is subject to disciplinary action, up to and including termination. In addition, violation of this Manual may subject employees to civil or criminal liability.



- D. FAX and Copying Machines. Any employee desiring to use City-owned FAX or copying machines for items of a personal nature may do so after paying for such use at the published rate.
- E. Municipal Vehicles. Policies regarding municipal vehicles are set forth in the Eagle Mountain City's Fleet Policy and Procedure Manual. A copy of this document is set forth in an addendum to this Manual.
- F. Telephone calls.
  - (1) Employees are expressly prohibited from making long distance telephone calls of a personal nature on City-owned telephones.
  - (2) All employees will use City-owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employee responsibilities.
- G. Mobile Communication Devices. It is the policy of the City to provide City-owned mobile communication devices to selected personnel for the convenience of the City and employees in the performance of their official duties. City-owned cellular phones are intended for City business. Employees are discouraged from using these devices for personal use. It is recognized that some incidental and minimal personal use may be required to save time and make the employee more efficient. Personal phone calls should be extremely limited in duration and frequency.
- H. Postage Meters. No employee shall be allowed to use City-owned postage metering machines at any time for posting and mailing of any material of a personal nature.

**CREDIT CARDS.** City credit cards shall be used for official business in accordance with the following procedures:

- A. Credit card use cannot in any fashion be used to avoid adopted Purchasing Policies. Employees shall use existing accounts with vendors.
- B. Credit card use shall be for bona fide emergencies (when time restraints do not allow for the Finance Department to issue a check) or making traveling reservations or when the amount of the purchase is unknown (such as a lunch meeting expense, etc.).
- C. The credit card shall only be used by the card holder or authorized representative, and the card holder is personally responsible for all purchases made on such credit card.
- D. Upon receiving a credit card receipt, employees shall record the following information on the receipt: the general ledger account number; a description of the deductible of the expense (which shall include information required by the IRS to

document the deductibility of such expense); and a signature. Employees shall submit the receipt to the Accounts Payable Clerk before the close of business on the next business day after the receipt of the credit card receipt that they work.

- E. Credit card shall not be used for personal purchases.
- F. Stolen or lost credit cards must be reported promptly to the Finance Department but, in no event, later than the close of business on the next business day after the card is lost or stolen.

***OUTSIDE ACTIVITIES.*** City employees shall not use City-owned property in support of outside interests and activities when such use would compromise the integrity of the City or interfere with the employee's duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to City business, public office, or service club, shall:

- A. Pursue the outside activity on the employee's own time.
- B. Pursue the outside activity away from City offices.
- C. Discourage any phone, mail or visitor contact related to the outside interest at City offices.
- D. Arrange for leave or compensatory time off in advance to pursue the outside interest during business hours.
- E. Except as allowed by policy, not use City-owned equipment or supplies for the outside interest.

***POLITICAL ACTIVITY.***

- A. An employee shall not be directly or indirectly approached, asked, or coerced to support a political activity, whether funds or anything else of value or time are involved.
- B. An employee shall not engage in political activity during work hours, unless on approved leave.
- C. An employee shall not use City-owned equipment, supplies or resources (for example, diskettes, paper, computer online and access charges, etc.) when engaged in political activity.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities, political opinion, or political affiliation.
- E. An employee shall not use the employee's title or position while engaging in political activity.

- F. The City shall comply with the requirements of Utah Code Ann. § 34-32-1.1.

### ***SECONDARY EMPLOYMENT.***

- A. City employment is primary.

- (1) Employment with the City shall be the employee's primary employment. City employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
- (2) Employees are required to provide written notification to the Mayor, or designee, using the City form, before starting any secondary or outside employment (or continuing secondary or outside employment after the effective date of this version of the Manual and on an annual basis thereafter). This notification should include the following information:
  - (a) The secondary employer's name, business name, and business address.
  - (b) A general overview of the type of business engaged in by the secondary employer.
  - (c) The specific duties engaged in by the employee at their secondary employment.

- B. City's approval process.

- (1) The Mayor, or designee, shall review the information contained in the form and determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:
  - (a) That the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.
  - (b) That the secondary employment could invoke a conflict of interest with their employment with the City.
- (2) This decision shall be communicated in writing to the employee. The employee:

- (a) Shall abide by that decision.
- (b) May voluntarily resign their employment with the City.

***INFORMATION REPORTING.***

- A. Employees have a responsibility to formally inform appropriate administrative officials if they become aware of or reasonably suspect the waste of public funds, property, manpower, or a violation of law.
- B. Employees shall refrain from spreading information which is hostile to City operations or have reason to know is malicious, false, or frivolous. Employees are not to disclose, or induce others to disclose, confidential information acquired due to their position. Employees are not allowed to use confidential information for gain or benefit.
- C. Employees have a duty to participate in an investigation, hearing, inquiry, or other form of administrative review by the City arising from a report of the existence of any waste of public funds, property, manpower, or violation of law.

***USE OF MEDIA / MEDIA REQUESTS.*** Employees may be subject to disciplinary action, up to and including termination of employment, if an employee either directly uses any form of media (print, broadcast, digital, and online services such as Facebook, MySpace, Twitter, blogs, etc.) or the employee provides information or content for use in any form of media that:

- (1) creates a harassing, demeaning, or hostile work environment for any employee;
- (2) indicates or implies that the employee has or may in the future discriminate against another employee in the context of their employment based on a classification protected by state or federal equal protection laws, including, but not limited to, race, sex, religion, national origin, physical disability or age;
- (3) disrupts the smooth and orderly flow of City work;
- (4) discloses non-public information related to the City or its operations;
- (5) discloses non-public information about any person or entity that has contracted with or provided information to the City;
- (6) places in doubt the honesty, reliability, trustworthiness, or sound judgment of the employee;
- (7) attacks, demeans or disparages another employee, the Mayor, or the City Council related to any City issue or matter in a manner that is threatening, abusive or unprofessional;

- (8) establishes or suggests that the employee has violated or may violate any policy of the City, including, but not limited to, use of illegal drugs or other unlawful activity;
- (9) establishes or suggests that the employee is not making efficient use of the employee's time while the employee is at work; or
- (10) harms the goodwill and reputation of the City among the community at large.

All requests from the media shall be directed to and managed by the Public Information Director. The Public Information Director will then notify the Mayor regarding all such requests from the media. In the event the Public Information Director is unavailable, media requests will be directed to and managed by the City Administrator or, in his absence, the Assistant City Administrator.

Unless specifically authorized by the Mayor, City Administrator or Public Information Officer, employees shall not publish or otherwise provide information for use in any form of media in a manner that suggests or implies that it is an official position or policy of the City. Employees are encouraged to either refrain from publishing information that may violate this policy or request guidance from the City Administrator prior to publishing any information that may violate this policy. Depending on the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of this policy and to hinder an investigation into the matter.

***SECURING CITY OFFICES.*** The last employee in the City Hall after operational hours is responsible for securing the building. Employees who believe that they are the last employee in the building shall announce using the paging feature on the phone that they are securing the building unless another employee contacts them. Any other employee in the building shall notify the employee making the announcement that they are remaining and will take responsibility for securing the building. If no other employee responds to the announcement the employee shall check each outside door to ensure that it is locked. Employees shall also close and lock all doors to the different suites. Prior to leaving the building employees shall set the security system.

## **SECTION VI: SEXUAL/GENDER HARASSMENT**

***GENERAL POLICY.*** It is the policy of the City that:

- A. The giving or withholding of tangible job benefits based on the granting of sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender based nature which is demeaning, ridiculing or derisive and results in a hostile abusive or unwelcome work environment constitutes sexual harassment.
- B. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action, up to and including termination.
- C. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
- D. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action, up to and including termination, against the accuser.
- E. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.
- F. Records and proceedings of sexual harassment claims, allegations, or investigations are confidential and shall be maintained separate and apart from the employee's personnel file. In the event that a complaint is substantiated, documents of disciplinary action shall be placed in the offending employee's personnel file.
- G. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.

### ***PROHIBITED CONDUCT.***

- A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender based nature, whether verbal, nonverbal, or physical is prohibited.
- B. Two major categories of sexual/gender harassment are:
  - (1) Quid Pro Quo, or the granting or conditioning of tangible job benefits or the granting of sexual favors.
  - (2) Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means.
    - (a) Level One: Sex role stereotyping.

- [1] Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
  - [2] Comments or written material reinforcing traditional historic perceptions regarding gender.
- (b) Level Two: Gender harassment/discrimination.
- [1] Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.
  - [2] Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.
- (c) Level Three: Targeted or individual harassment.
- [1] Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.
  - [2] Offensive conduct may be verbal, visual, or physical, including unwanted touching of a noncriminal nature.
- (d) Level Four: Criminal touching.
- [1] The intentional unwanted touching of the breasts, buttocks, or genitals of another.
  - [2] Forcible sexual abuse.

***TYPES OF CORRECTIVE ACTION.*** Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

A. Informal Action.

- (1) Employees who are experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above may, if they so desire, choose to address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will result in a formal complaint. Employees experiencing sexual harassment at this level are not required to use the informal process and may file a formal complaint if they so desire.
- (2) This notification may be:

- (a) Verbally, in person.
- (b) In writing, signed or unsigned.
- (c) Through a supervisor (or a higher-level supervisor if a supervisor is the employee engaging in the offensive behavior), verbally or in writing. The victim may:
  - [1] Ask the supervisor for assistance in determining what to say and how to approach the offending employee.
  - [2] Request the supervisor to accompany the victim when the victim gives the offending employee notice.
  - [3] Ask the supervisor to give notice to the offending employee, accompanied by the victim.
  - [4] Ask the supervisor alone to provide notice to the offending employee.

**B. Formal Action.**

- (1) Employees who are experiencing an unwelcome or hostile work environment which is clearly offensive or at Level Four as described above, or who have been subjected to quid pro quo type sexual harassment, should address that unwelcome behavior/conduct through the formal remedial process.
- (2) Formal complaints should be in writing and specify:
  - (a) The identity of the victim.
  - (b) The identity of the offending employee.
  - (c) The offensive behavior that the employee engaged in.
  - (d) The frequency of the offensive behavior.
  - (e) Damage the victim suffered as a result of the offensive behavior.
  - (f) How the victim would like the matter settled, or what the victim would like to see happen.
- (3) The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.
- (4) The victim should submit formal written complaints to their immediate supervisor. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to



the next highest supervisor, the department head, the Mayor, or designee.

- (5) All information regarding a formal action shall be held in strict confidence.

***DISCIPLINARY ACTION.*** Employees found guilty of sexual harassment may face disciplinary action, up to and including termination, based on all the circumstances of the case, as well as the offending employee's work history.

***VICTIM PROTECTION.***

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment.
- D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
  - (1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action, up to and including termination.
  - (2) Retaliation is an additional and separate disciplinary offense.
  - (3) Retaliation may consist of, but is not limited to, any of the following:
    - (a) Open hostility.
    - (b) Exclusion or ostracism.
    - (c) Special or more closely monitored attention to work performance.
    - (d) Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.
  - (4) Dating, sexual relationships, and/or romantic relationships between or among employees must not interfere with such employees' work. For purposes of this subsection, dating, sexual relationship, and/or romantic relationship include any form of physical intimacy and cohabitation. The City expects employees who become involved in such relationships to exercise discretion and maturity in the manner in which they relate to each other at work. Dating, sexual relationships, and/or romantic relationships between or among employees of different levels of authority within the City may affect the morale of

coworkers by creating actual or perceived favoritism and may create potential claims of discrimination or harassment. For these reasons, any party to such a relationship should not participate in formal or informal supervision, review, or evaluation of the other employee(s) in such relationship. The City reserves the right to alter work relationships of parties engaged in such relationships in order to limit their professional contact. Also, to avoid claims of sexual harassment or gender-based discrimination, except for employees who are married, an employee who is or becomes involved in such a relationship, must immediately notify the Mayor, or designee, in writing of such relationship, and the writing must be signed by all employees intending to be involved in such a relationship. The Mayor, or designee, will then meet with such employees to discuss the impact of such relationship on the operations of the City. For purposes of this subsection, a writing does not include an e-mail.

## SECTION VII: GENERAL SAFETY

**GENERAL POLICY.** The following general safety rules will apply in all agency workplaces. Each department may propose for approval by the Mayor, or designee, safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, orange vests, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor/manager.
- E. Defective equipment will be reported immediately to the supervisor, Mayor, or designee.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. In all work situations, safeguards required by State and Federal laws and regulations will be provided.
- H. Employees are to report all dangerous situations that they witness throughout the City, whether employees are on or off duty. Employees that discover dangerous situations around the City are to do what is feasible to secure the situation and report the problem to the appropriate department immediately. Some dangerous situations include but are not limited to: defective sidewalks, broken curbs, hanging limbs, loose handrails, open manholes, sunken basins and sewers, missing signs, physical assaults, threatening behavior, etc.
- I. Warning coworkers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
- J. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:
  - (1) Road repair.
  - (2) Construction areas.

- (3) Vehicle maintenance areas.
- (4) Swimming pools.
- (5) Animal control.
- (6) Power plants.
- (7) Sewers.

***PROPER USE OF CITY EQUIPMENT AND TOOLS.*** The use of City equipment or tools for private purposes is strictly prohibited. However, reasonable use of City tools and equipment to protect property and preserve life is authorized.

- A. Employees shall be required to attend training provided by the City; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by the City.
- B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles with the exception of those who operate fire apparatus and are exempted by state law. No individual shall be allowed to operate such vehicles unless they have a current commercial drivers license in their possession. This license is required pursuant to the Commercial Motor Vehicle Safety Act, signed into law on October 27, 1986. Employees must renew their commercial drivers license at four (4) year intervals.
- C. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.
- D. Mobile communication devices shall not be used in situations that constitute an immediate hazard.
- E. Employees on restricted or light duty that prohibit driving are prohibited from using City-owned vehicles or their own vehicles on City business.

## **SECTION VIII: ALCOHOL AND DRUG-FREE WORKPLACE**

**GENERAL POLICY.** The purpose of this policy is to implement the Federal Drug-Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

### **EMPLOYEE RESPONSIBILITIES.**

- A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
- B. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor within five (5) days after the conviction.
- C. No employee shall consume alcoholic beverages immediately before work, during work hours, while at work during breaks or lunches, or while on call for work.
- D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
- E. No employee shall represent the City in an official capacity while impaired by alcohol, illegal drugs, or medication.
- F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the City.
- G. If an employee is using prescription or nonprescription medication that may impair performance of duties, the employee shall report that fact to their supervisor.
- H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Mayor, or designee.

**DISCIPLINARY ACTION.** Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination.

## **SECTION IX: DRUG AND ALCOHOL TESTING**

### ***GENERAL STATEMENT.***

A. It is the policy of the City that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or the distribution, dispensation, possession, or use of alcohol in the workplace is expressly prohibited.

(1) In order to achieve a drug-free workplace, employees in, and applicants for, safety sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

(a) When an applicant has been extended a conditional offer of employment but before beginning work.

(b) When there is a reasonable suspicion to believe that the employee is in an impaired state.

(c) When the employee has been involved in an on duty accident or unsafe work practice.

(d) On a random basis.

(e) As a condition for return to duty after testing positive for controlled substances or alcohol.

(f) As part of follow-up procedures to employment related drug or alcohol violations.

(2) In order to achieve a drug-free workplace, applicants for any positions shall as a condition of employment, be required to participate in alcohol and controlled substance testing after the applicant has been extended a conditional offer of employment, but before beginning work.

B. Scope. This policy covers all employees of and applicants to the City.

C. Definitions.

(1) Alcohol. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.

(2) Controlled Substances. Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other substances

which may only be legally obtained and used pursuant to a physician's prescription.

- (3) On Duty Accident. Any accident involving the loss of life or the issuance of a moving traffic citation to the employee.
- (4) Positive Test. Any test result showing a blood alcohol content (BAC) of 0.02 or greater or the presence of any controlled substance in the test subject.
- (5) Refusal to Submit to Testing. Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that they are being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
- (6) Reasonable Suspicion. Knowledge sufficient to induce an ordinarily prudent and cautious man under the circumstances to believe that a prohibited activity is occurring.
- (7) Safety Sensitive Duties. Any duties requiring a Commercial Drivers License (CDL), firefighter duties or paramedic duties, law enforcement duties, any other duties or positions deemed safety sensitive.

## ***POLICY.***

### **A. Testing Notice.**

- (1) Before performing any alcohol or drug test authorized by this policy, the City, through its designated representative, shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.
- (2) City employees who, under City requirements, hold CDLs are required under rules established by the Federal Highway Administration to be subjected to preemployment, reasonable suspicion, random, postaccident, return-to-duty, and follow-up drug and alcohol testing.
  - (a) When conducting any of the above noted tests on CDL employees, the City shall provide the employee with the following notice:
    - [1] The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991

- [2] If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination.
- (3) City employees who are not required by the City to hold a CDL, but who are employed in safety sensitive positions, while not subject to testing under federal statute, are subject to preemployment, reasonable suspicion, random, postaccident, return-to-duty, and follow-up drug and alcohol testing under this policy.
  - (a) When conducting any of the above noted tests on Non-CDL safety sensitive employees, the City shall provide the employee with the following notice:
    - [1] The drug and/or alcohol test you are being required to take is required by the policies and procedures of the City.
    - [2] If you refuse to submit to the required testing you may be subject to disciplinary action, up to and including termination.

B. Prohibited Conduct.

- (1) Employees shall not use, be under the influence of (.02 BAC), or be in possession of alcohol while on duty, on City premises or while in City vehicles. City premises includes buildings, parking lots, grounds and vehicles owned by the City or personal vehicles being used for City business.
- (2) Employees shall not use, be under the influence of, be in possession of, or be in such a condition as to test positive for alcohol or controlled substances while on duty, on City premises or while in City vehicles. City premises includes buildings, parking lots, grounds and vehicles owned by the City or personal vehicles being used for City business.
- (3) Employees using, possessing, distributing, dispersing, or being at the workplace under the influence of alcohol or illegal or illegally obtained/used controlled substances shall be subject to questioning and disciplinary action, up to and including termination.
- (4) Any employee violating this policy may be subject to disciplinary action, up to and including termination.

C. Reasonable Suspicion Testing.

- (1) When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee performing or assigned to safety sensitive positions is using, is under the influence



or, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.

- (a) The supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulate observations concerning the appearance, behavior, speech or body odors of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.
  - [1] The required observations underlying reasonable suspicion testing must be made by a supervisor or City official who has received at least two (2) hours of training on the physical, behavioral, speech, and performance indicators of alcohol and drug use.
  - [2] Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or City-designated official within twenty four (24) hours or before the results of the test are announced, whichever is later.
  - [3] Reasonable suspicion testing may not be conducted by the same supervisor who makes the reasonable suspicion determination.
- (2) Special requirements associated with reasonable suspicion alcohol testing.
  - (a) Alcohol testing is authorized only if the observations set forth above are made during, just preceding, or just after the performance of safety sensitive functions.
  - (b) If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two (2) hours.
  - (c) If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.
- (3) Special requirements associated with reasonable suspicion drug testing. If a drug test is not administered within thirty two (32) hours

following the identification of reasonable suspicion, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and maintain documentation stating why the test was not administered within thirty two (32) hours.

- (4) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by the Mayor, or Designee.

D. Random Testing.

- (1) Employees assigned to, or performing, safety sensitive duties are subject to random drug/alcohol tests.
- (2) Random tests shall be both of the following:
  - (a) Unannounced.
  - (b) Reasonably spread throughout the year.
- (3) Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
- (4) Random Testing for CDL Drivers.
  - (a) CDL drivers may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.
  - (b) Drug tests may be performed at any time the driver is on duty.
- (5) Random Testing for Non-CDL Safety Sensitive Employees. Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.
- (6) Pool Testing - Consortiums.
  - (a) The City may join a consortium with testing pools large enough so that City's CDL drivers are always subject to random testing and the required annual testing rate shall be met by tests conducted of all drivers within the pool.
  - (b) If and when the City chooses to join a drug/alcohol testing consortium, the City shall designate a liaison to coordinate with the

testing consortium and obtain and maintain all of the following records and information:

- [1] How the random selection pool was assembled.
- [2] The method of selection and notification of drivers.
- [3] The location of collection sites.
- [4] Methods of reporting the test results on each driver.
- [5] Summary reports on the consortiums program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

E. Postaccident Testing.

- (1) Any surviving CDL driver involved in an accident resulting in a citation for a moving traffic violation or loss of human life, or surviving employee in a safety sensitive position involved in an accident involving the loss of human life, shall be tested as soon as practical for alcohol and controlled drugs.
  - (a) An employee who is subject to postaccident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.
  - (b) The results of tests conducted by Federal, State, or Local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet postaccident testing requirements.
  - (c) Time frames for testing and consequences of failure to test:
    - [1] Alcohol.
      - [a] If the test is not administered within two (2) hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two (2) hours.
      - [b] If the test is not administered within eight (8) hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and submit documentation stating why the test was not administered within eight (8) hours.

[2] Controlled Substances. If the test is not administered within thirty-two (32) hours following the accident, the supervisor shall cease attempts to administer a controlled substance test, and shall prepare and submit documentation stating why the test was not administered within thirty two (32) hours.

(2) Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties, which their supervisor deems dangerous to themselves or others until the results of the tests are received and the employee is released back to work by the Mayor.

F. Consequences of Positive Drug/Alcohol Test.

(1) Alcohol.

(a) If any alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a minimum, all of the following are met:

[1] The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.

[2] The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.

[3] The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.

(b) If an employee's test results shows an alcohol concentration of greater than 0.02, but less than 0.04, the employee shall not be permitted to perform any safety sensitive functions for at least twenty four (24) hours.

(2) Drug/Controlled Substances. If a drug test result shows that the employee has misused a controlled substance, the employee shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum, all of the following are met:

(a) The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.

(b) The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.

(c) The employee undergoes a return-to-duty test with a verified negative test result for controlled substances.

(3) General.

(a) Through any of these detection methods or on their initiative, if an employee tests positive or seeks rehabilitation treatment, the City will pay for an initial substance abuse evaluation.

(b) The City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:

[1] Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use leave in the following order: sick leave, personal leave, compensatory time, and annual vacation leave, until all leave is expended. The City will pay the employee's benefit package during the allotted treatment time, but not wage supplements during this time. Each incident will be reviewed on a case-by-case basis.

[2] If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to their former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

G. Follow-up Testing. Employees who have violated this policy and continue to work for the City shall be subject to follow up drug/alcohol testing for a period of not less than one (1) year and not to exceed sixty (60) months.

(1) Employees subject to follow up testing will be tested a minimum of six (6) times in the first (1st) twelve (12) months following their return to duty.

(2) Follow-up testing beyond one (1) year shall be based on a need assessment provided by a substance abuse professional.

H. General.

(1) The City maintains the right to conduct unannounced inspections of City-owned property, vehicles, work stations, equipment, desks, cabinets, etc.

- (2) The City maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
- (3) Failure to cooperate with these detection methods or inspections is grounds for disciplinary action, up to and including termination.
- (4) Employees may direct any questions regarding this policy to the Human Resource Director.

## SECTION X: UTAH OSHA REQUIREMENTS

**GENERAL POLICY.** It is the policy of the City to maintain an environment which is in compliance with all Federal and State worker safety laws and regulations and free from any recognizable hazard which is likely to cause death or serious injury to any employee.

**POSTING UOSHA NOTICES.** The City will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted).

**INSPECTION PROCEDURES.** All employees should follow the procedures listed below in the event an inspector from UOSHA presents themselves on the job site.

- A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- B. The employee will inform the inspector that the employee will contact their supervisor, Mayor, or designee, who will accompany the inspector during any inspection.
- C. The Mayor should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSHA inspector shows up on the job site.
- D. If the UOSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the Mayor, or designee, should ask the inspector to reveal their credentials and should examine them before allowing an inspection of the job site.
- E. The Mayor, or designee, should not refuse an inspection of the job site where the inspector does not have a warrant to inspect.
- F. If the credentials are appropriate, and before beginning the inspection, the Mayor or designee should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the Mayor, or designee, should request a copy of the complaint to inform the City concerning any safety problems. Under no circumstances should the information received on an employee complaint be used for disciplinary action against the complaining employee as this type of action is prohibited by law.
- G. The Mayor, or designee, should accompany the inspector during the entire inspection of the job site.
- H. The Mayor, or designee, should take notes throughout the entire inspection. The Mayor, or designee, should note every comment and observation made by those participating in the inspection. The Mayor, or designee, accompanying the inspector should not volunteer any unsolicited information.

## ***ACCIDENT REPORTING PROCEDURES.***

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify their supervisor, Mayor, or designee, who will ensure prompt and qualified medical attention is provided and all required UOSHA reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by their supervisor, Mayor, or designee, may be subject to disciplinary action, up to and including termination.
- B. The Mayor, or designee, will investigate the job related injury to determine the cause of the injury.
- C. The City shall contact UOSHA within the time required by UOSHA of the occurrence of any job related death, disabling, serious, or significant injury, and/or any occupational disease.
- D. The City shall file the required report with UOSHA within the time required by UOSHA after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSHA if they require only minor first-aid treatment.
- E. The City shall keep a copy of the UOSHA report in their UOSHA File.
- F. The City shall give the employee a copy of the UOSHA report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.
- G. If an employee later dies as a result of work related injury, the City shall file a report with UOSHA within the time required by UOSHA.



## **SECTION XI: CONFINED SPACE ENTRY**

***GENERAL POLICY.*** The City has a written confined space entry policy. Employees may obtain a copy of such policy from the Mayor, designee, or appropriate department head.

## **SECTION XII: FAMILY AND MEDICAL LEAVE ACT**

### ***GENERAL POLICY.***

- A. The Family and Medical Leave Act of 1993 (FMLA) requires the City to provide up to a total of twelve (12) workweeks of unpaid leave during any twelve (12) month period for eligible employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member. An employee's leave year will be calculated on a calendar-year basis.
- B. A single public agency is defined under Section 3(x) of the FLSA to include the City.
- C. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- D. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy when medically necessary. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree to that arrangement.
  - (1) Intermittent leave is leave that is not taken consecutively.
  - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per workweek or hours per work day.

### ***ELIGIBILITY.*** To be eligible for FMLA leave, an employee must:

- A. Have been employed for at least twelve (12) months by the City.
- B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with the City during the previous twelve (12) months.
- C. Be employed by the City, who employs at least fifty (50) people within a seventy-five (75) mile radius around the work site.
- D. Spouses who both work for the City are limited to 12 weeks of FMLA leave for the birth or adoption of a child or to care for a sick parent. However, if the FMLA leave is requested for either the husband's or the wife's own serious health condition, or the serious health condition of the couple's child, such single limit does not apply
- E. Experience any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or son, daughter or parent of the employee is on active duty (or has been notified of an impending

call or order to active duty) in the Armed Forces in support of a contingency operation.

Service member Family Leave applies to an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member and shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for a service member.

**LEAVE OPTIONS.** When taking FMLA leave for your own serious health condition, the City requires employees to use all accrued paid leave (sick leave, compensatory time, personal leave and vacation) before going on unpaid leave status. Prior to taking FMLA leave to care for a spouse or other family member, the City requires employees to use all accrued paid leave (sick leave, compensatory time, personal leave, and vacation) before going on unpaid leave status.

**NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS.** When an employee notifies the City of their request for FMLA leave, the City will provide the employee with an Employer Response to Employee Request for Family and Medical Leave Form (Form WH-381). The City may require the employee to provide advanced leave notice and medical certification. Employees who are required to provide medical certification will use a Certification of Physician or Practitioner Form (Form WH-380). Additionally, FMLA leave may be denied if the following requirements are not met:

- A. If the employee foresees the need for an FMLA-covered purpose, the employee must provide at least thirty (30) days' advance notice to the City. If the 30-day notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.
- B. The City may request that the employee provide the City with a medical certification by the health care provider of the employee or the employee's family member. If the City is not satisfied with the original certification, the City may require a second (2nd) or third (3rd) opinion, and they will both be at the City's expense.
- C. If the employee took the FMLA leave for his own serious medical condition, then they must obtain a medical certification that the employee is able to resume work.

***BENEFITS AND EMPLOYMENT STATUS.***

- A. During the FMLA leave, the City will maintain the employee's health benefits coverage under any group health plan that the employee has with the City. However, if the employee fails to return to work after FMLA leave, the City shall recover its share of health coverage premiums paid for such employee on unpaid FMLA leave, unless the employee's reason for not returning to work is (1) the continuation, recurrence, or onset of a serious health condition that entitles the

employee to FMLA leave or (2) other conditions beyond employee's control as outlined in 29 C.F.R. § 825.213(a).

- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

## **SECTION XIII: LEAVES OF ABSENCE**

### ***ABSENT WITHOUT LEAVE.***

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination.
- B. Any employee who is absent for three (3) or more consecutive work days without authorized leave shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the Mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

***ANNUAL VACATION LEAVE.*** The City grants paid vacations to its full-time and part-time employees.

- A. Full-time: Full-time employees accrue paid vacation based on the length of service since their hire date, as follows:
  - (1) For the first two (2) years of service 80 hours of annual vacation leave shall accrue at the rate of 3.08 hours bi-weekly.
  - (2) For subsequent years of service, 96.2 hours of annual vacation leave shall accrue at the rate of 3.7 hours bi-weekly.
- B. Part-time: Part-time employees may accrue paid vacation based on the number of hours the employee is regularly scheduled to work. When part-time employees take vacation they are paid for the number of hours they are normally scheduled to work. For example, an employee scheduled to work 20 hours a week accrues 1.54 hours bi weekly (assuming a regular work schedule) and when they take vacation days, they would be paid for the five (5) hours a day (based on 10-hour days) they are regularly scheduled to work.
- C. Temporary/Seasonal: Temporary/seasonal employees do not accrue paid vacation but may be allowed leave without pay, if approved in advance by an employee's supervisor.
- D. Pay in Lieu of Vacation: Employees may accrue vacation, but payments will not be made in lieu of taking vacation, except for accrued vacation at the time of separation from employment.
- E. Vacation Scheduling: Vacations may be taken as weekly periods, individual days or even hourly increments as long as the periods chosen meet with advanced departmental approval. For employees not working in public safety activities or except in emergency situations, vacation time should be requested in writing or via e-mail and scheduled with the employee's supervisor, preferably seven (7) days in advance. For employees engaged in public safety activities, vacation time

should be scheduled with the employee's supervisor the December of the previous year in which the vacation is scheduled. The City reserves the right to schedule vacation leave for an employee.

- F. **Accrued Vacation:** No more than two hundred forty (240) hours of vacation leave may be accrued. Any accrued vacation leave in excess of the two hundred forty (240) will be forfeited every January 1 of the year following the calendar year in which the two hundred forty (240) hours were accrued. Part-time employees may accrue vacation leave based on the percentage of hours worked (for example, an employee working 32 hours a week, or 80 percent of full-time hours, would be allowed to carry a vacation leave balance of 192 hours)
- G. Vacation usage will be tracked by the Mayor, or designee, using attendance forms.

***HOLIDAY LEAVE.***

- A. The City provides 10 paid holidays each calendar year to all full-time and part-time employees. Part-time employees receive holiday pay according to the number of hours the employee is regularly scheduled to work. If the holiday occurs on a part-time employee's regularly scheduled day off (or on a full-time employee's day off working a 4-10 work schedule), the employee may take their holiday on the nearest regularly scheduled work day in the same pay period, if approved by their supervisor. The ten (10) paid holidays consist of the following:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	December 24
Christmas Day	December 25

- B. **Shift Work Holidays:** Those employees on shift work may have to work on recognized holidays.
- C. General employees who are called back to work on City-recognized holidays will be paid for the holiday and for the hours worked.
- D. When a non-exempt employee is unable to take a holiday on the scheduled day, the holiday must be taken within 30 days of the scheduled holiday. When an exempt employee is unable to take a holiday on the scheduled day, the holiday must be taken within 90 days of the scheduled holiday.

**PERSONAL LEAVE.** The City grants full-time employees twenty (20) hours of personal leave each calendar year for personal business that cannot be taken care of outside regular business hours and for religious observances, ethnic holidays, and other events of personal significance. The City grants part-time employees personal leave according to the number of hours the employee is regularly scheduled to work. For example, a part-time employee scheduled to work 20 hours a week will be granted ten (10) personal hours each calendar year. At the discretion of an employee's supervisor, temporary/seasonal employees may also be granted time off for personal reasons without pay.

- A. Except in emergency situations, employees must give their immediate supervisor notice of intent to use personal hours at least seven (7) days before taking those hours. Supervisor shall consider work load priorities in determining whether to approve such requests; however, consideration is given to requests for holidays of religious significance where a reasonable accommodation is possible.
- B. Employees eligible for benefits and hired before July 1 of the year will receive twenty (20) hours of personal leave such calendar year. Employees hired after July 1 of the year, will receive ten (10) hours for such calendar year.
- C. Personal leave hours will normally be utilized as employees first two leave days of the year. Personal hours do not accrue beyond the end of the calendar year and are forfeited on January 1 of the year following the calendar year in which they were granted. There will be no payment for unused personal hours at the end of any calendar year or in the event of separation from employment.

**SICK LEAVE.** The City recognizes that the inability to work because of illness or injury may cause economic hardship. For this reason, the City provides paid sick leave to full-time employees for illness or injury for employees and immediate family, which is limited to spouse and dependents.

- A. Employee shall as soon as practicable notify their supervisor in the event that they are ill on the job or are sick and cannot come to work on a given day. If employees expect to be absent for more than three (3) work days as a result of an illness, injury, or disability, employee should submit a written request to their supervisor as far in advance of employee anticipated leave date as practical. In the event of extended or numerous sick days (absences 3 consecutive days or more), employee may be required by their supervisor to submit a medical statement from the attending physician. When employee absence is due to an emergency, employee or a member of the employee's immediate family should inform the employee's supervisor as soon as is practical.
- B. Full-time employees accrue sick leave at the rate of 3.7 hours per pay period. The employees will begin to accrue sick leave immediately upon being hired by the City.

- C. At the beginning of each calendar year, a portion of unused sick leave from the previous year shall be converted to additional personal leave hours (as described below).
- D. Sick leave shall not accrue if an employee is in a leave-without-pay status.
- E. Unused sick leave that is converted to additional personal leave hours must be used in the year they are converted. There is no carryover of such additional personal leave from year to year, and there will be no payment for such additional personal leave hours at the end of any calendar year or in the event of separation from employment.
- F. As an incentive for employees to miss fewer days of work, the City allows a portion of employee's sick leave to be converted to additional personal leave as follows:
  - (1) Full-time employee- any sick hours above 56.2 hours will be converted to personal time annually.
  - (2) Sick leave accrues from year to year. However, there will be no payment for unused, sick leave in the event of separation from employment.

***DONATION OF LEAVE.*** Recognizing that maternity leave or an unusually grave and unexpected illness or accident suffered by an employee or a dependent may require an employee to be off from work for an extended period of time, and that an employee may exhaust their accumulated leave, the City shall allow other employees to assist such employee by donating sick leave accumulated in donating employee's sick leave account balance. Donations may only be made to an employee who is on maternity leave or is recovering or whose dependent is recovering from an unusually grave and unexpected illness or injury that prohibits the employee from returning to work until a sufficient recovery is made.

- A. Donations may be made to an employee only after the receiving employee has exhausted all leave.
- B. The employee donating the sick leave gives up all rights and interest to that leave and may not reduce their own sick leave account balance below 96 hours. The donating employee must sign a form authorizing the donation.
- C. Donated sick leave is donated based on an hour-per-hour basis.
- D. An employee receiving donated sick leave may not receive more than 160 hours of donated leave for any single occurrence of maternity leave or unexpected illness or accident.



## ***MATERNITY LEAVE.***

- E. An employee who becomes pregnant, or whose legal or common law spouse becomes pregnant, may continue working, prior to the birth of the child, until such time as the employee can no longer satisfactorily perform the essential functions of their duties. The Mayor, or designee, may grant an employee annual vacation leave, sick leave, and/or leave without pay for this period of absence. Regulations governing annual vacation leave, sick leave, and leave without pay will apply.
- F. During a maternity leave period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and/or time toward their performance evaluation, if applicable, shall not accrue.
- G. The City may fill vacancies created by maternity leave with temporary or provisional appointments. At the expiration of the maternity leave, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of maternity leave shall be considered a voluntary resignation of their position and employment without notice.

***INJURY LEAVE.*** Any employee injured on the job, however slightly, must report the fact immediately to their supervisor and the Mayor. It shall be the duty of the supervisor, Mayor, or designee to obtain information regarding the accident or injury and to complete and submit such reports as are required. Unused sick leave or vacation leave may be granted in accordance with applicable rules and regulations. During injury leave periods, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue, unless an exception is granted by the Mayor. However, injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leave requires conformance with all workmen's compensation regulations.

***EMERGENCY LEAVE.*** The Mayor, or designee, may allow an employee reasonable time off, not to exceed three (3) working days with pay, in case of an emergency. Time will be charged to the employee's sick leave, annual vacation leave, or accrued compensatory time. The Mayor shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During an emergency leave period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, or time toward their yearly performance evaluation, if applicable, shall not accrue.

***MILITARY LEAVE.*** It is the policy of the City not to discriminate against persons because of their service in the Armed Forces Reserve, the National Guard, or other uniformed services. (See UTAH CODE ANN. § 39-3-1, et seq.). Employees who are ordered to active duty who are members of the Armed Forces Reserve, the National Guard, or other uniformed services shall be granted special compensation equal to the difference between the employee's salary paid by the Armed Forces Reserves, National Guard, or other uniformed services for active duty (but not annual or weekend encampment), and the employee's regular salary if the employee's regular salary is more

than the salary paid by the Armed Forces Reserves, National Guard, or other uniformed services for active duty. In addition, an employee shall be granted a leave of absence for active military service in any branch of the Armed Forces of the State of Utah or the United States and shall be, on timely request, be restored to the same position or to an equivalent position, which the person held immediately prior to the commencement of active military service, as provided in UTAH CODE ANN. § 39-3-1, et seq. Unless it is otherwise impossible or unreasonable an employee shall on receipt of his orders for active military service in the uniformed services, promptly give notice of such to his supervisor and Human Resources Director to leave the employment position to perform active military service in the uniformed services.

***JURY LEAVE.*** An employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any City litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to the City. Paid leave will not be granted when the employee is serving as their own witness in financial and related suits which they have initiated.

***FUNERAL LEAVE.*** The Mayor, or designee, shall grant an employee up to three (3) consecutive days of funeral leave with pay to attend the funeral of the employee's legal or common law spouse, child, step-child, daughter or son-in-law, parent, step-parent, grandchild, mother or father-in-law, sister or brother-in-law, grandparent, spouses' grandparent, brother or sister. Funeral leave shall not be charged against accrued annual vacation or sick leave.

***ADMINISTRATIVE LEAVE WITH PAY.***

- A. While performing authorized duties, an employee may be granted administrative leave with pay to perform authorized duties in connection with City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of the City.
- B. Pending possible disciplinary action, an employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

***LEAVE WITHOUT PAY.***

- A. The Mayor may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.

- B. Leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's vacation leave and sick leave shall not accrue.
- C. Leave without pay may be granted:
  - (1) For education purposes when the employee's course of study will be of direct benefit to the City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave without pay period
  - (2) To attend funerals not covered by the funeral leave policy
  - (3) To attend to an ill or injured member of the employee's immediate family when the absence is not covered by sick leave
- D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the Mayor may decide whether the leave without pay is warranted.

***DOCUMENTATION OF LEAVE.*** Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Mayor, or designee, as soon as possible. In some cases where official paperwork is not available, the Mayor, or their designate representative, may request that the employee supply additional information in writing to support the absence.

## **SECTION XIV: GRIEVANCE PROCEDURES**

### ***GENERAL POLICY.***

- A. Employees who perceive that they have a grievance against the City should exhaust the administrative procedure set forth in this section before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice. Issues addressable through the grievance process means those items that are not of a disciplinary nature and include:
- (1) Employee-supervisor relationships.
  - (2) Duty assignments not affecting job classification.
  - (3) Shift and job location assignments.
  - (4) Working conditions.
  - (5) Practices affecting granting of leave.
- B. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. If an employee fails to timely file a formal written grievance with the Human Resources Director, then the employee loses his rights to pursue the matter as a grievance, even if the employee is attempting to resolve the grievance informally. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
- (1) Name of the employee.
  - (2) Date the occurrence or action underlying the grievance occurred.
  - (3) Nature of the grievance.
  - (4) Historical information related to the grievance.
  - (5) Requested resolution.
  - (6) Signature of the employee filing the grievance and date filed.
- C. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event giving rise to the

grievance but in no event later than three (3) months after the occurrence or event giving rise to the grievance.

- D. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.
- E. If an administrator is unable to answer the grievance within the specified time period due to extenuating circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.
- F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
- G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:
  - (1) City Administrator.
  - (2) Mayor.
  - (3) Employee Appeal Board.

***CONFIDENTIALITY.*** Generally, records and documents regarding a grievance will be classified as a private document under the Government Records Access Management Act.

***FILING.***

- A. No document relating to a grievance shall be placed in the employee's personnel file.

## **SECTION XV: DISASTER RESPONSE PLANNING**

***GENERAL POLICY.*** The City has developed an Emergency Operation Plan. All employees are expected to adhere to the Emergency Operation Plan to the maximum extent possible and practicable.

## SECTION XVI: EMPLOYEE HIRING

**EMPLOYMENT.** Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.

**RECRUITMENT.** All recruitment shall be conducted in accordance with the City's equal opportunity guidelines.

- A. Internal Promotions. It is the City's policy to give first consideration to current employees desiring to fill an open job position.
- B. External Advertising.
  - (1) Only the Mayor, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
  - (2) Each Job Opening Notice should contain a statement indicating that the City is an equal opportunity employer.
  - (3) Job Opening Notices may be advertised in the appropriate media, and through any other channels the Mayor, or designee, deems appropriate.
  - (4) All Job Opening Notices must specify the name and the office of the person from whom Job Applications are to be obtained, the name and office of the person to whom completed applications are to be returned, and the deadline for filing an application.

### **SELECTION.**

- A. Nepotism. The City restricts and, in some cases, prohibits the hiring and promotion of a current employee's relatives to avoid actual or perceived conflicts of interest. The City will exercise sound business judgment in the placement of related employees in accordance with Utah Code Ann. §§ 52 3-1 through 4.

Employees may not participate in the hiring or supervision of their own relatives, except when specifically permitted under state law. No relative of any current City employee may be hired unless the head of each involved employing department agrees that it will not cause a conflict or other problem in either department. Department heads may place additional restrictions on the hiring or supervision of relatives specific to their own department.

- B. Employment of Minors. It is the policy of the City that no one under the age of sixteen (16) shall be hired for any position. Employees 16 and 17 years of age shall only be employed in compliance with applicable requirements and shall not be employed in any occupation which the Secretary of Labor "shall find and by order declare to be particularly hazardous or detrimental to their health and well-

being” as set forth in WH Publication 1330, entitled “Child Labor Requirements in Nonagricultural Occupations” or its successor.

- C. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other nonemployee applications. The Mayor, or designee, will review the former employee’s personnel records and the circumstances surrounding termination of previous employment with the City.
  - (1) Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.
  - (2) Applicants who are rehired shall be required to serve a probationary period.
  
- D. Job Applications. All interested job applicants shall complete a Job Application.
  - (1) All applications and resumes received for the job opening will be forwarded to the Mayor, or designee. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant’s file for at least two (2) years.
  - (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant’s signature. The job applicant shall provide a copy of required certified educational transcripts either with the application or upon hire.
  
- E. General Aptitude Test Battery (GATB). If the City deems it necessary, job applicants will be required to take the GATB. If the City deems the GATB is necessary, then it may be administered by the Utah Department of Workforce Services. When the City requires the GATB for job applicants, the City will ensure that reasonable accommodations are made for disability applicants
  
- F. Other Tests. Job Applicants may be required to take other tests which the City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When the City uses other ability tests, the City shall make reasonable accommodations for disabled applicants.
  
- G. Job Applicant Disqualification. An application may be rejected for, but not limited to, the following reasons. When the Job Applicant:
  - (1) Does not meet minimum qualifications established for the position.
  - (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of



employment, pending the results of a medical examination, has been extended to a job applicant).

- (3) Has falsified a material fact or failed to complete the application.
- (4) Has failed to timely file the application.
- (5) Has an unsatisfactory employment history or poor work references.
- (6) Has failed to attain a passing score, if an examination is required.

H. Interviewing.

- (1) The Mayor, or designee, will select applicants to interview from applicants who are not disqualified and who have passed the preliminary screening tests. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.
- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position. In addition, during the interview each interviewer completes an Interview Guide which is consistent with the City's Equal Employment Opportunity policy.

- I. Reference Checks. In order to facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. The City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using City's Telephone and Written Reference Check Questionnaires.

***PLACEMENT.***

- A. Job Offers. Except for job applicants (i.e., city attorney, city engineer, city treasurer, and city recorder) that require advice and consent of the City Council, after a job applicant is approved by the City, the Mayor, or designee, shall notify the successful job applicant of their conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the candidate signs the written conditional Job Offer Letter and returns it to the City by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description.

- (2) The employee's starting salary. Starting salary offers for exempt positions shall be figured for a specified period, such as a two (2) week period. Starting salary offers for nonexempt positions shall be figured at an hourly wage.
  - (3) The employee's job title.
  - (4) The employee's supervisor.
  - (5) Any relocation commitments, if applicable.
  - (6) Employment is at-will.
  - (7) The employee's starting date.
  - (8) The length of the employee's probationary period.
  - (9) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.
- B. Job Rejection Letters. Within five (5) working days after the job offer has been accepted, nonselected job applicants may be notified. The Mayor, or designee, may send a Job Rejection Letter to each job applicant who was not selected for a job opening.
- C. Medical Examinations. Once the City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by the City to determine a job applicant's ability to fulfill essential job related requirements. Only the Mayor, or designee, may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by the City. The prospective employee must sign a written release of this information to the City.
- D. Reinstatements. Employees who are reinstated into the City may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
- (1) Layoffs. Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are reemployed by the City within one (1) year after date of termination.
  - (2) Voluntary resignations. Employees who voluntarily terminate their employment with the City may maintain their original anniversary date, subject to Mayor's approval, if they are reemployed by the City within six (6) months after date of termination.
- E. Hiring New Employees.

- (1) Required for All Employees: The Mayor, or designee, is responsible for having new employees fill out all preemployment forms, benefit applications, enrollment forms and providing basic information on the City's policies and a copy of this Manual.
  - (2) Additional Requirement for All Part-time, Temporary, and Seasonal Employees Only: If applicable, the Mayor, or designee, is responsible for filling out a Part Time/Temporary/Seasonal Employment Agreement.
- F. Orientation. Newly-hired City employees shall complete all documentations required by law and receive an orientation.
- G. Probationary Period.
- (1) All new employees shall be subject to a six (6) month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
  - (2) Probationary periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to probationary employees so they understand work requirements.
  - (3) An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.
  - (4) Employees that apply for and are moved to another position either through transfer or promotion are subject to a new probationary period of six (6) months. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.

### ***VOLUNTEERS.***

- A. City employees shall not be a volunteer with respect to official City-sponsored events or functions, such as Pony Express Days.
- B. A City employee may volunteer to perform other types of services for the City or the City's benefit if such services are not the same type of services which the

employee is employed to perform for the City. For purposes of this subsection, the phrase "same type of services" means similar or identical services determined by City administration or designee after review of the volunteer status checklist submitted by the proposed volunteer. The decision of City Administrator or designee may not be appealed.

- C. Court Ordered Community Service Volunteer Labor is not authorized and shall not be accepted by the City unless specifically approved by the Mayor or designee on a case-by-case basis..
- D. The Mayor may establish the volunteer programs.
- E. The Mayor, or designee, shall develop guidelines for use of volunteers.
- F. Prior to accepting any volunteer services, the Mayor and the volunteer shall sign a Volunteer Agreement defining the nature and terms of the volunteer services.
- G. All volunteers for the municipality shall be recorded on a volunteer roster approved by the Mayor.
- H. A volunteer shall be provided the protections as an employee of City for:
  - (1) Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.
  - (2) Operating City owned vehicles or equipment only when the volunteer is properly licensed and authorized to do so.
  - (3) Liability insurance coverage offered employees.
- I. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with City.

## **SECTION XVII: DISCIPLINARY ACTION**

### ***GENERAL POLICY.***

- A. It is the policy of the City that management will inform its employees about what is expected at work, what constitutes employee misconduct, or failure to perform and what the employee's rights are, if disciplined.
- B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of the City. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, up to and including termination, may be imposed for misconduct or failure to perform.
- D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's personnel record.

### ***TYPES OF DISCIPLINARY ACTION.***

- A. Verbal Warning.
  - (1) Whenever grounds for disciplinary action exist, and the supervisor, Mayor, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
  - (2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.
  - (3) Whenever possible, documentation regarding the verbal warning shall be made and permanently placed in the employee's personnel file.
- B. Written Reprimand.
  - (1) Whenever grounds for disciplinary action exist, the supervisor, Mayor, or designee may reprimand an employee by issuing to the employee an Employee Written Reprimand Notification setting forth the reason(s).
  - (2) A copy of the Employee Written Reprimand Notification, signed by the department head, Mayor, or designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the department head, Mayor, or designee, will so state.
- C. Suspension.

- (1) Whenever grounds for disciplinary action exist, the Mayor, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in the section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the suspension, the Mayor, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
- (4) A copy of the Employee Suspension Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.
- (5) An employee on suspension shall be responsible for making full employee contributions to their employee medical insurance benefits.
- (6) An employee on suspension shall continue to be eligible to receive City retirement, health, dental, disability and life insurance programs subject to the employee's paying the employee portion of insurance premiums to continue coverage through the period of suspension.

D. Demotion.

- (1) Whenever grounds for disciplinary action exist, the Mayor, or designee may demote, or reduce in grade, an employee for cause or provide for reasonable accommodation in appropriate circumstances, which may include reduction in pay concurrent with demotion or reduction in grade.
- (2) When demoting an employee, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth the section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the demotion, the Mayor, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.
- (4) A copy of the Employee Demotion Notification, signed by the Mayor, or designee and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

E. Transfer.

- (1) The Mayor, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written Employee Transfer Notification.
- (2) A copy of the Employee Transfer Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

F. Termination.

- (1) Whenever grounds for disciplinary action exist, the Mayor, or designee, may terminate an employee for cause.
- (2) When terminating an employee for cause, the Mayor, or designee, shall follow the due process proceedings hereinafter set forth in the section, entitled, Imposing Disciplinary Action.
- (3) On or before the effective date of the termination for cause, the Mayor, or designee, shall furnish the employee with a written Employee Termination Notification setting forth the reason(s) for termination.
- (4) A copy of the Employee Termination Notification, signed by the Mayor, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Mayor, or designee, will so state.

***CAUSES FOR DISCIPLINARY ACTION.***

- A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
  - (2) Violation of the code of personal conduct.
  - (3) Conduct which endangers the peace and safety of others or poses a threat to the public interest.
  - (4) Unjustified interference with work of other City employees.
  - (5) Misconduct.
  - (6) Malfeasance.
  - (7) Misfeasance.

- (8) Nonfeasance.
- (9) Incompetence.
- (10) Negligence.
- (11) Insubordination.
- (12) Failure to perform or maintain skills.
- (13) Inadequate performance of duties.
- (14) Unauthorized absence or tardiness.
- (15) Falsification or unauthorized alteration of records.
- (16) Violation of City policies or executive orders.
- (17) Falsification of employment application.
- (18) Discrimination in hiring, assignment, or promotion.
- (19) Sexual harassment or filing a false sexual harassment claim.
- (20) Violation of this Manual.
- (21) Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- (22) Falsifying City Records.
- (23) Except for a supervisor submitting a time slip for an employee, knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of a time slip.
- (24) Unauthorized possession of firearms, weapons, or explosives on City-owned property (provided, however, for purposes of this subsection, police officers or an employee who has been issued a permit or temporary permit by the State of Utah to carry a concealed firearm are authorized to possess a firearm on City-owned property).
- (25) Carelessness which affects the safety of personnel.
- (26) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- (27) Theft or removal of any City property or the property of any employee from the work area premises without proper authorization.



- (28) Gambling, wagering, or engaging in a lottery while on City business.
- (29) Misusing, destroying, or damaging any City property or the property of any employee.
- (30) Deliberately restricting work output of themselves or others.
- (31) Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday.
- (32) Sleeping during working hours,
- (33) Fighting (verbal or physical) on City premises, or while on city business, or in a city uniform.
- (34) Any act which might endanger the safety or lives of others.
- (35) Failure to provide evidence of identity and employment eligibility within three (3) business days of the date employment begins, or receipt for the application of documents within three (3) business days of the date employment begins and production of actual documents within ninety (90) calendar days of the date employment begins.
- (36) Accessing, storing, or viewing/reviewing, downloading, copying, or sending child pornography or pornographic or sexually-explicit material on City-owned equipment, including, but not limited to, computers, cell phones, or facsimile machines.
- (37) Violation of the uniform policy.

### ***CONDUCTING AN INVESTIGATION.***

- A. The Mayor, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Mayor, or designee, may place an employee on paid administrative leave.
- C. Disciplinary action shall not be imposed until an informal predisciplinary hearing, with appropriate written notice, has been completed by the Mayor, or designee. The investigation shall include an opportunity for the employee to respond to the allegations.

## ***IMPOSING DISCIPLINARY ACTION.***

- A. The Mayor, or designee, shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to City's rules, policies, and procedures.
- C. The employee shall receive timely notice of the predisciplinary meeting, overview of allegations, and potential disciplinary action.
- D. Prior to imposing disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Mayor, or designee. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
- E. In determining the type and severity of the disciplinary action, the Mayor, or designee, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct or failure to perform; prior disciplinary action imposed; the severity of the misconduct or failure to perform; the employee's work record; the effect on City operations; and/or the potential of the misconduct or failure to perform to harm person(s) or property.
- F. For disciplinary action other than a verbal reprimand, the department head, Mayor, or designee, shall notify the employee, in writing, of the findings of the investigation/predisciplinary hearing. The written statement shall include:
  - (1) The grounds for disciplinary action, including a description of the specific misconduct or failure to perform for which the disciplinary action is being imposed.
  - (2) Any prior disciplinary action imposed.
  - (3) The disciplinary action to be imposed.
  - (4) The effective date and duration of the disciplinary action.
  - (5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.
- G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the Mayor.
- H. The Mayor, or designee, shall complete the employee's performance evaluation form and shall cause it to be permanently placed in the employee's personnel file.

## ***APPEAL PROCEDURES.***

- A. The following employees do not have appeal rights:
- (1) an officer appointed by the Mayor or other person or body exercising executive power in the municipality (City Administrator);
  - (2) a police chief of the City;
  - (3) a deputy police chief of the City;
  - (4) a fire chief of the City;
  - (5) a deputy or assistant fire chief of the City;
  - (6) a head of a municipal department;
  - (7) a deputy of a head of a municipal department;
  - (8) a probationary employee of the City;
  - (9) a part-time employee of the City; or
  - (10) a seasonal employee of the City.
- B. Employees have no verbal warning appeal rights.
- C. Employees have no written reprimand appeal rights.
- D. Employee Appeal Board. Employees have the right to first appeal the disciplinary process and action imposed by the Mayor, or designee, to an Employee Appeal Board as established by City ordinance (with the exceptions noted above):
- (1) If an employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee may, appeal the discharge, suspension without pay, or involuntary transfer to a board to be known as the Employee Appeal Board.
    - (a) An employee shall exhaust the employee's rights under that grievance procedure before appealing to the Employee Appeal Board.
  - (2) Each appeal shall be taken by filing written notice of the appeal with the City Recorder within ten (10) days after:
  - (3) Upon the filing of an appeal the City Recorder shall forthwith refer a copy of the appeal to the Employee Appeal Board.

- (4) Upon receipt of the referral from the City Recorder, the Employee Appeal Board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for the discharge, suspension, or transfer.
- (5) An employee who is the subject of the discharge, suspension, or transfer may:
  - (a) appear in person and be represented by counsel;
  - (b) have a public hearing;
  - (c) confront the witness whose testimony is to be considered; and
  - (d) examine the evidence to be considered by the Employee Appeal Board.
- (6) Each decision of the Employee Appeal Board shall be certified to the City Recorder within fifteen (15) days from the date the matter is referred to it, except as provided below.
  - (a) For good cause, the Employee Appeal Board may extend the fifteen (15) day period under to a maximum of sixty (60) days, if the employee and the City both consent.
  - (b) If it finds in favor of the employee, the Employee Appeal Board shall provide that the employee shall receive:
    - [1] the employee's salary for the period of time during which the employee is discharged or suspended without pay; or
    - [2] any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.
- (7) A final action or order of the appeal board may be appealed to the Court of Appeals by filing with that court a notice of appeal.
  - (a) Each notice of appeal under Subsection (6)(a) shall be filed within thirty (30) days after the issuance of the final action or order of the appeal board.
  - (b) The Court of Appeals' review shall be on the record of the appeal board and for the purpose of determining if the appeal board abused its discretion or exceeded its authority.

## SECTION XVIII: TERMINATION OF EMPLOYMENT

***TYPES OF TERMINATION.*** Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process property rights are not violated.

- A. Retirement. Voluntary termination at the end of an employee's career.
- B. Voluntary Resignation. When an employee wishes to leave the City, they will complete a Notice of Voluntary Resignation Form and present it to the Mayor, or designee.
- C. Resignation, in Lieu of an Involuntary Termination, Agreement. The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that they would like to voluntarily resign, the Mayor, or designee, may agree to a Resignation In Lieu Of An Involuntary Termination Agreement.
- D. Involuntary Termination. The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause.
- E. Reductions in Force/Layoffs. Whenever it is necessary to reduce the number of employees in the City because of lack of work or lack of funds, the City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.
- F. Medical. The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
- G. Death. If an employee of the City dies, their estate receives all pay due and any earned and payable benefits as of the date of death.
- H. All the types of termination described above shall sometimes be referred to in this Manual as "separation from employment."

### ***REQUIRED NOTICE PRIOR TO TERMINATION.***

- A. All employees, including at-will employees, must notify the City at least two (2) weeks before retiring or voluntarily resigning to be eligible:
  - (1) To receive pay for unused, accrued vacation leave.

- (2) For rehire.
- B. The City does not have a requirement to give any prior notice to an employee before terminating their employment with the City.
- C. Unused leaves of absence shall be paid as provided in Section XIII with respect to separation from employment.

***TERMINATION PROCEDURES.***

- A. A Notice of Voluntary Resignation Form, signed by the employee and the Mayor, or designee, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require the City to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for probationary employees and department heads) do not require the City to provide their terminating employees with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Mayor, or designee, may be utilized in negotiated terminations. A Resignation In Lieu of an Involuntary Termination Agreement does not require the City to provide their terminating employees with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
  - (1) Employees who desire retirement should notify the City three (3) months prior to anticipated retirement date.
  - (2) The City should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, the City should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
  - (3) The City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
  - (4) The City should give the employee ample time to review the retirement plan.
  - (5) The City should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
- E. The following steps should be taken for Reductions in Force/Layoffs:

- (1) Determine whether the City is required to follow statutory guidelines related to the reduction in force/layoff. If the City is required to follow statutory guidelines; policy, procedure and actual practice must comply with said guidelines.
- (2) If the City is facing a possible reduction in labor force, the City should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for City.
- (3) In the selection of employees for the City's reduction in force/layoff, the following guidelines should be considered:
  - (a) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
  - (b) Seniority should govern the selection when ability is equal.
  - (c) Temporary/seasonal and probationary employees should be laid off first.
  - (d) Full-time and part-time employees should be the last to be laid off, when possible, in inverse order of their length of service.
  - (e) Before any reduction in force/layoff, the City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
  - (f) The City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
  - (g) If the City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (4) Written reductions in force/layoffs notices should contain the following information:
  - (a) Statement that separation from employment is based on reduction in force/layoff.
  - (b) Anticipated date of layoff.
  - (c) Any options regarding employee placement in another position.

F. Outstanding Pay.

- (1) The City shall arrange for distribution of any paychecks with respect to employees separated from employment, including paying for unused leaves of absence as provided in Section XIII.
  - (2) Final payment is payable as follows:
    - (a) A Voluntary Resignation. Within one (1) workday of effective resignation date.
    - (b) An Involuntary Termination/Separation for Cause. Within one (1) workday of last day worked.
- G. The terminating employee must return any supplies, equipment, or uniforms which are the property of the City, to the City at termination.
- H. All terminating employees should complete an exit interview form with the Mayor, or designee. The exit interview form should be signed by the employee and the Mayor, or designee.

**COBRA.** Any employee, who is eligible for benefits, that is separated from employment is entitled to a continuation of insurance coverage and notice pursuant to COBRA or other applicable laws or regulations.



## SECTION XIX: REIMBURSABLE EXPENSES

**GENERAL POLICY.** With prior approval, legitimate expenses will be reimbursed by the City to the employee. Receipts should be required to reimburse the employee. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.

**TRAINING AND CONFERENCES.** If required to attend training seminars, conferences, briefings, or gather information; an employee will be compensated, in addition to paying any tuition or fees, at the rate of one and one-half (1.5) times their regular work day pay if hours worked exceed forty (40) hours in that week.

**TRAVEL POLICY.** The travel policy of the City of Eagle Mountain provides guidance for city personnel related to their attendance at conferences, conventions, seminars, and other training opportunities.

### PURPOSE

To provide guidelines whereby city personnel may travel to increase their knowledge and effectiveness, keep current on new developments, and infuse new and innovative practices and procedures into the City's various work functions.

### DEFINITION (S)

1. Local Area Travel: Local travel is defined as being less than one hundred miles one way with no overnight stay required.
2. Out-of Area Travel: Any travel by a City employee exceeding 100 miles one way.
3. Overnight Travel: Any travel requiring or necessitating an overnight stay away from the employee's home.
4. Out-of State Travel: Any travel requiring the employee to leave the State of Utah.

### GUIDELINES

1. Travel shall be limited by budget constraints and restricted to training that is appropriate and beneficial to the City and its business functions. Travel shall be done in as cost conscious and efficient a manner as reasonable.
2. City personnel may attend professional development training as approved by their Department Director and/or the City Administrator or their assigned designee.
3. The number of city personnel traveling to the same conference, convention, seminar, or training session shall be kept to a minimum. Special training needs requiring a group to attend shall be approved by the City Administrator.

4. City personnel attending a conference, convention, seminar, or training session shall share any and all pertinent information with other employees upon their return. Methods of imparting this information to others may range from a formal training session to an informal discussion in a department staff meeting.
5. Department Directors shall be responsible to see that personnel within their respective departments comply with the travel policies and procedures and stay within the approved travel appropriation.
6. Prior to traveling, a travel authorization form shall be completed and delivered to the City Finance Director or assigned designee. The authorization form must be signed by the employee and approved by the employee's Department Director and/or the City Administrator or their assigned designee.
7. Overnight travel and any associated expenditure of funds must be made according to the procedures outlined below:
  - A. *Housing.* The City will provide hotel accommodations at the government rate or single room conference rate. An itemized hotel bill must be submitted with the final travel authorization. Room service will fall under the per diem guidelines. City business phone calls will be covered but should be kept to a minimum. The individual will be responsible to pay for in-room movies and other hotel services. Multiple employees attending the same conference shall each have their own room, unless the employees expressly choose to share a room.
  - B. *Ground Transportation.* The City will pay the cost of necessary ground transportation. City personnel are expected to secure the least expensive means of appropriate transportation under the circumstances. Receipts must be submitted for reimbursement.

Hotel costs for travel occurring along the Wasatch Front will not be reimbursed unless approved in advance by the City Administrator.
  - C. *Airfare.* The City will pay the cost of the economy class airfare. Flight arrangements should be made so that arrival times allow for sufficient rest to fully participate in and benefit from the conference, convention, seminar, or training session. The employee's travel itinerary and other supporting cost documentation must be submitted for reimbursement.
  - D. *Mileage.* If a personal vehicle is used because no City vehicle is available, the employee will be reimbursed at the mileage rate established by the City. Mileage shall be calculated from the Eagle Mountain City Center offices. For a listing of approved round-trip mileage for frequent driving destinations, please see the travel authorization form. For all destinations not listed, a reasonable method of obtaining the actual mileage should be used and shall be verified by the Department Director. If an employee is paid a car allowance as part of his regular compensation all mileage

shall exclude 100 miles from the calculation (local travel is defined as being within a 50-mile radius; therefore travel within that 50-mile radius is excluded from reimbursement).

If airline service is available to the conference, convention, seminar, or training session and the employee elects to drive, the mileage reimbursement shall not exceed the cost of airfare, standard rental car, and other applicable costs (such as airport parking, etc.).

- E. *Meals.* The City allows a daily meal per diem for each day of business-related travel. Certain cities have been classified as “premium” cities and have a higher daily meal per diem. The full per diem may not be claimed if a meal is provided as part of a conference, convention, seminar, or training session. For a listing of destination cities and their applicable daily per diem rates please contact the Accounts Payable Office or go online at [www.gsa.gov/](http://www.gsa.gov/). A Department Director may choose to pay an amount lower than the daily per diem as circumstances dictate, but may not exceed it.
- F. *Entertainment.* The City will not pay for any entertainment expenses (i.e. golf, city tours, sporting events, cultural arts events, concerts, etc.) that are not included as part of the basic seminar/conference registration fee.
- 8. For business travel exceeding 100 miles one way that does not require an overnight stay, a *lunch per diem* is available. Please contact the Human Resources Office for the applicable per diem rate or go online at [www.gsa.gov/](http://www.gsa.gov/).
- 9. City personnel may receive a cash advance for travel expenses up to \$300. Amounts in excess of \$300 must be approved by the City Administrator.
- 10. If a city vehicle is unavailable and city personnel must use their own vehicles for business-related travel, the City will reimburse them at the established mileage reimbursement rate. In the event of an accident, the City insurance will offer secondary coverage for liability and property damage insurance deductibles after the personal insurance has been paid any claims.
- 11. Local area travel that has a multiple-day conference requiring more than one round trip to the conference site will not be considered local travel and will require authorization from the City Administrator.
- 12. Exact receipts are required for approved expenses. Receipts and mileage must be submitted on a Mileage and Expense Report obtainable from the Finance Department.
- 13. Local travel expenses between the employee’s home and assigned work location are not reimbursable. However, if employees are required by business necessity to travel from home to a site other than their assigned work location, the City will reimburse them for the difference between the mileage of their normal commute to their assigned work location and the total miles driven on business.

14. The City will reimburse city personnel for out-of-pocket expenses for gasoline and other necessary expenses when driving a city vehicle.
15. Costs incurred for traveling companions who are not city personnel will be considered ineligible expenses and will not be reimbursed. There is an exception for spouses of city personnel who are expected to participate in the event for which the travel is required. Such exceptions must first be approved by the City Administrator.

## **SECTION XX: RECORD KEEPING**

**GENERAL POLICY.** Federal law requires employers to keep detailed data about their employees.

**CONFIDENTIALITY.** Employee records are maintained in compliance with the law.

- A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
- B. The City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.
- C. Employees have the opportunity to review their own files in the presence of the Mayor, or designee, on City premises during regular business hours.

### ***PERSONNEL FILES REQUIREMENTS.***

#### **A. General.**

- (1) Personnel files are maintained on each employee and kept by the human resource department only. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.
- (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Mayor, or designee.
- (3) Employees, or their representative designated by a power of attorney, may examine the employee's personnel file upon request during normal working hours at the City. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the Mayor, or designee.

#### **B. Contents.**

- (1) An employment record; including the employee's job application, resume, interview forms, Employee's Withholding Allowance Certificate (Form W-4), etc.
- (2) A signed copy of the employee's acknowledgment of receiving a copy of this Manual; and the performance standard for the position the employee currently occupies.

- (3) Election form to disclose or keep confidential, the employee's home address and home telephone number.
  - (4) All personnel action forms, including:
    - (a) Performance evaluations.
    - (b) Promotions or transfers.
    - (c) Salary rate changes.
    - (d) Disciplinary action taken. The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form; the Mayor, or designee, will so state.
  - (5) Any information the employee wants included in response to any of the above actions.
  - (6) Records of citations for excellence or awards for good performance.
  - (7) Record of any other pertinent information having a bearing on the employee's status.
- C. Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the Mayor, or designee, to file in their personnel file.
- D. Giving References. City limits information given in a reference to the following.
- (1) Verification that the employee worked, full time or part time, for the City during a stated period.
  - (2) A description of the position held.
  - (3) Verification that the employee achieved a given salary range.

***OTHER FILES REQUIREMENTS.*** Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

- A. Job applications.
- B. Test papers completed by job applicants or candidates for any position.

- C. Results of any preemployment physical exam and mobility exams should be kept for a period of a least four (4) years.
- D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
- E. Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. These should also be signed by the employee.

***MAINTAINING SEXUAL HARASSMENT COMPLAINT FILES.***

- A. Information related to any sexual harassment complaint or proceeding shall be maintained in a separate and confidential sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file.
- B. Information contained in the sexual harassment complaint files shall be released only with the written authorization of the victim and the Mayor, or designee.
- C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

***MEDICAL INFORMATION.*** Information relating to medical information shall be maintained in a separate and confidential medical information file. Information in this file includes all written or orally-obtained information pertaining to medical issues, FMLA forms, medical and dental enrollment forms which contain health-related information, health statements, applications for additional life insurance, and any other medical information. Information regarding the results from fitness for duty evaluations shall be maintained in a separate file (file separate from personnel file and medical information file).

***SALARY/WAGE REQUIREMENTS.*** The FLSA requires the City to keep all of the following data on all employees for a period of at least three (3) years.

- A. Employee's sex.
- B. Time and day workweek begins.
- C. Hours worked each day and total hours worked each week.
- D. Total daily or weekly straight-time earnings.
- E. Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.
- F. Date of payment and pay period covered.
- G. Total overtime above regular compensation for workweek.

***OTHER REQUIREMENTS.*** There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions.
- C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.



## **SECTION XXI: PAYROLL ADMINISTRATION**

***PAY PERIODS.*** The FLSA requires wages be calculated on a weekly basis for employees not working in “public safety” activities. The FLSA requires wages be calculated on a recurring period of work that is not less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days for employees working in public safety activities. All employees shall be paid bi-weekly.

***PAY DAYS.*** All employees will be paid by check or direct deposit on a biweekly basis (26 times annually) usually on Thursday. If a scheduled pay day falls on a City-observed holiday employees will usually be paid on the day preceding the holiday.

***MINIMUM WAGE/SALARY.*** The FLSA requires that the City pay an employee at least the minimum wage as a gross wage/salary, minus the legally required pay deductions.

***PAY DEDUCTIONS.*** The City is permitted to make deductions authorized by their employees and in compliance with the FLSA. Improper deductions should be reported immediately to the affected employee’s supervisor. Further, the City shall comply with the requirements of Utah Code Ann. § 34-32-1.1.