



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, September 14, 2023 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Laursen)
2. Call to Order and Roll Call (Chair)
3. Approval of the August 24, 2023, City Council Meeting Minutes and the Current Agenda (Chair)
4. Planning Commission Report
5. Public Comment Period¹ (Chair)
6. **Presentation:** Nibley City Youth Council
7. **Discussion and Consideration:** Ordinance 23-32—Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A) (Second Reading)
8. **Discussion and Consideration:** Resolution 23-11—Supporting the Board Apportionment of the Cache Valley Transit District in Compliance With Utah Code 17B-2a-807 (Second Reading)
9. **Discussion:** Cache County School District
10. **Discussion & Consideration:** Sunrise Meadows Phase 7 & 8 Streetlights
11. **Discussion & Consideration:** Resolution 23-12 — Amending the Nibley City Employee Guidebook; On-Call Response (First Reading)
12. Council and Staff Report

Adjourn to Closed Session

13. **Discussion & Consideration:** Discussion of Pending Litigation the Purchase, Exchange, or Lease of Real Property Pursuant to Utah Code 52-4-205

Return to Regular Session

14. **Consideration:** Continuing Nibley City's request to Utah Ombudsman to issue an advisory opinion on dedication of 2600 South

Adjourn

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.



Agenda Item #6

Description	Presentation: Nibley City Youth Council will be giving a brief overview of what they have been doing over the last year, and what they hope to do this year. They have also been asked to bring ideas to spend the Public Art money that has been budgeted.
Presenter	Nibley City Youth Council
Staff Recommendation	NA
Reviewed By	NA

Background:
NA

Agenda Item #7

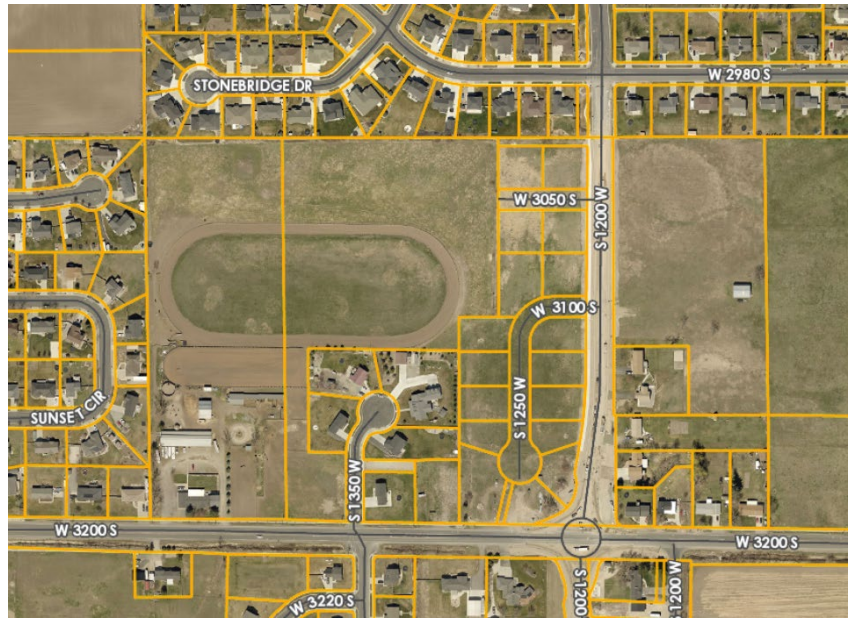
Description	Discussion and Consideration: Ordinance 23-32 – Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A) (first reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Approval of Ordinance 23-32 – Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A) with the amendment that the zoning be assigned as Residential (R-2)
Staff Recommendation	Approval of Ordinance 23-32 – Rezone Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S from Agricultural (A) to Residential (R-2A)
Reviewed By	City Planner, Planning Commission, City Manager, City Engineer

Background:

Josh Low, representative of Hidden Valley Estates LLC, property owner of Parcel 03-0017-0019 & 03-0017-0020, located at 1405 W 3200 S has applied to Rezone the properties from Agricultural (A) to Residential (R-2A).

Site Context

The two properties together total 19.49 acres. There is a single family residence located in the south western corner of lot 03-017-020. The rest of the property has been historically used as an equine facility with outbuildings, stalls, racetrack, pasture and other training facilities and equipment. The property is bordered by Maple Valley Estates to the west (R2), Hideaway Estates to Southwest (R2), Stonebridge to the North and Heritage Crossing to the east (both R2A). Each of these bordering subdivisions are detached single-family developments. Malouf Industries is located to the North West. The properties could be serviced by two arterial roadways, 1200 West to the East and 3200 South to the South. These two corridors also provide access for the properties to both water and sewer facilities. The north end of the property has been master planned for a storm water drainage corridor and a trail.



General Plan Guidance

The Future Land Use Map designates this property as “medium-density residential”. Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Residential Development and Housing Goal 1: Ensure that new residential development is compatible with existing development and protects Nibley’s rural character and natural resources.*
- *Residential Development and Housing Goal 2: Preserve existing housing and neighborhoods where appropriate.*

Based upon the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff has determined that this application is in support of the General Plan.

Applicant Statement:

What is the need for the proposed zone change?

We are wanting to do two things: 1) place the "Gibbs" home in a smaller parcel so that we can sell it. 2) our intentions are to develop this parcel in a similar way to Heritage Crossing and surrounding area.

What will the public benefit be if the zone change is granted?

More affordable lots and great area for home owners.

How does the proposal comply with the goals and policies of the Nibley City General Plan?

It's the same general residential lots that are in the surrounding area.

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

It's similar to other development that is in the area.

What public infrastructure is in place to serve the type and intensity of the proposed use?

If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

Public infrastructure is in place and developer would pay cost, if necessary, to extend.

Agenda Item #8

Description	Discussion and Consideration: Resolution 23-11 – Supporting the Board Apportionment of the Cache Valley Transit District in Compliance with Utah Code 17B-2a-807 (First Reading)
Presenter	Justin Maughan, City Manager
Planning Commission Recommendation	
Staff Recommendation	Approve Resolution
Reviewed By	Mayor, City Manager

Background: no additional background

Previous Background: In the 2023 general legislative session, the Utah legislature changed Utah Code 17B-2a-807 which governs the small transit district board apportionment. The change specifies that the transit district board must contain between 5 to 9 members. The current board of 18 members from across the County have proposed a resolution that will bring the number of members down to 9. Previously, Nibley City had a board seat dedicated to Nibley. This resolution will change that so that the City will share a seat with Hyrum and Millville.

Agenda Item #9

Description	Discussion: Cache County School District representatives will be present to discuss the need for a bond, possibly at the next election, as well as possible construction of a middle school in Nibley.
Presenter	Justin Maughan, City Manager
Planning Commission Recommendation	NA
Staff Recommendation	NA
Reviewed By	NA

Background:

The Cache County School district has been planning and preparing for the growth seen in the Valley. City staff have had brief discussions with District staff about what the ramifications might be for Nibley City. During the last meeting, it was expressed that the greatest need, and likely the next project for the South end of Cache Valley will be an additional middle school. Preliminarily, it was expressed that a potential location for that school would be next to Heritage Elementary, as the District already owns the property. They also indicated that if that happened, it would be likely that Heritage, would loose the dual immersion program, and that all due immersion programs would be moved to Spring Creek. Currently Spring Creek is a middle school, but it would be adjusted to be a large elementary at that time.

Agenda Item #10

Description	Discussion & Consideration: Sunrise Meadows Phase 7 and 8 Streetlights
Presenter	Justin Maughan, City Manager
Planning Commission Recommendation	NA
Staff Recommendation	
Reviewed By	

Background:

Sunrise Meadows Phases 7 and 8 are located just west of Firefly Park. Phase 7 started about the same time as Nibley City was purchasing the park property. At the time, there were a lot of concerns, and lack of knowledge about how to preserve the fireflies. It was determined during the final construction of phase 7, to not install a standard streetlight at that time (2017). Shortly after, during the beginning process of Phase 8 (2018), language was added in the Development Agreement that stated, "The Developer shall pay the City the cost of installing the streetlights, as assessed by Rocky Mountain Power, and the City will install the streetlights in the future to a design to have limited impact to the firefly population in Firefly Park." Review of Nibley City accounts show no record of the developer having paid the costs to the city for street lights.

Since that time, the lights have not been installed. Recently residents in the area have raised safety and security concerns about not having the lights installed. Staff has been working with Rocky Mountain Power and contractors to determine the cost to install the lights. The total to install the three lights would be \$14,627.

Staff has also been working with the Cache County Sheriff's office to increase patrols in the area. In addition, Mayor Jacobsen and City Manager Maughan have had numerous discussions about the safety of the park, and if there are other things that the City should be doing in the park. In reviewing the history of law enforcement calls, it was determined that there is no evidence that the park is any less safe than other parks in the City.

Staff are also working on a sign that would clearly indicate to residents, and law enforcement when the park is open and when the park is closed.

Agenda Item #11

Description	Discussion & Consideration: Resolution 23-12: Amending the Nibley City Employee Guidebook: Call Back Pay (first reading)
Presenter	Justin Maughan, City Manager
Planning Commission Recommendation	NA
Staff Recommendation	
Reviewed By	Justin Maughan, City Manger Larry Jacobsen, Mayor

Background: a discrepancy was recently discovered in the interpretation of how employees are paid when they are called back to work. This is generally a rare occurrence, with the exception of snowplowing and an occasional water leak. As staff reviewed the Guidebook, it was determined that it would be best to amend the section as it relates to On-Call Response pay, to be absolutely clear. The amendments are intended to clearly define Call Back Response and answer two main questions:

1. Should an employee be paid time-and-a-half, regardless of whether or not they worked a full 40 hours that week.
2. When does the time clock start? When the call was made and when the employee returned home, or just when the employee arrives to and leaves the required job site?

A good amount of discussion took place between Staff, and a lot of research was conducted by HR about how other cities in the region are handling call-back pay or on call response pay. Cheryl obtained policy information from Hyrum, Hyde Park, Providence, No. Logan, Smithfield, Odgen, No. Odgen, Tremonton, and Cache County and found that there was a great deal of discrepancy regarding how this type of pay is accrued and compensated and no clear policy or trend was identified. Staff has determined that there would be very little effect on the payroll and compensation budget if the new policy were adopted.

The amendments proposed for consideration by the City Council are:

Section 1: M.
Section 4; Article II B.2

ORDINANCE 23-32

**REZONE PARCEL 03-0017-0019 & 03-0017-0020, LOCATED AT 1405 W 3200 S FROM
AGRICULTURAL (A) TO RESIDENTIAL (R-2A)**

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-0017-0019 & 03-0017-0020, more particularly described below, is hereby rezoned from Agricultural (A) to Residential (R-2A).

Parcel 03-0017-0019:

REMAINDER 12-23-85; REM 8/08 1350 WEST ST;

Legal Description BEG S 523.18 FT (518.76 FT BR) TO PT 599.28 FT N OF N LN 3200 S ST & N 89*02' W 300 FT TO TRUE POB FROM NE COR SW/4 SEC 20 T 11N R 1E TH N 89*02' W 116.5 FT TH S 99.28 FT TH N 89*02' W 437.68 FT TO E LN 60 FT R/W TH S 300 FT TO SW COR LT 7 HIDEAWAY ESTATES SUBD & TH S 88*42'07" E 108.91 FT TO W LN OF 1350 W ST TH S 0*15'24" E 199.73 FT TO N LN OF 3200 S ST TH W'LY ALG N LN OF ST TO W LN 60 FT R/W BEING S OF PT 621.18 FT W OF BEG TH N 1095.6 FT TO N LN OF SW/4 SD SEC 20 TH E 621.18 FT TO PT DUE N OF BEG TH S 518.76 FT TO BEG SUBJ TO 1 RD R/W ON NORTH (322/133) CONT 9.46 AC M/L

Parcel 03-017-0020:

BEG NE COR SW/4 SEC 20 T 11N R 1E & TH S 1118.04 FT BR 1122.46 FT MEAS TO N LN OF 3200 S ST TH N 89*02' W 1313 FT ALG ST TO SW COR NIELSEN PROP & TRUE POB TH N 382.28 FT BR N 0*22' W MEAS TH E 398.82 FT TO W LN OF 60 FT R/W TH S 382.28 FT TO N LN OF CO ROAD TH N 89*02' W 398.82 FT TO TRUE POB 3.5 AC ALSO BEG IN W LN OF 60 FT R/W AT PT N 382.28 FT OF PT 914.1 FT N 89*02' W ALG N LN OF 3200 S ST OF PT S 1118.04 FT BR 1122.46 FT MEAS FROM NE COR SD SW/4 SEC 20 & TH W 398.82 FT TH N 0*22' W 713.32 FT TH E 398.82 FT TH S ALG W LN OF SD 60 FT R/W TO BEG 6.53 AC SUBJ TO 1 RD R/W ON THE NORTH TOGETHER WITH 60 FT R/W SEE RECORD CONT 10.03 AC IN ALL

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

Nibley

850 N. 200 W.

08/03/2023 - 08/02/2123

Rezone, Code Change, or Master Plan Change Application

Plan Check

3851883

c6bcfbb0-323a-11ee-b5d2-99b9e6f17b60

Active

New

Application Review Status

Final-Review

Not Reviewed

08/03/2023

Fees		Payments		
Plan Check	\$500.00	08/03/2023	Online	\$650.00
Public Notice Fee	\$150.00	Total Paid		\$670.80
Subtotal	\$650.00			
Amount Paid	\$670.80			
Total Due	-\$20.80			

Application Form Data

(Empty fields are not included)

First Name

HIDDEN VALLEY ESTATES PROJECT LLC.

Address Street

850 N. 200 W.

City

Logan

State

UT

Zip Code

84321

Phone

435-764-5430

Email

joshlow@dwelrg.com

Is the property owner representative different from the listed property owner

no

Request Type:

Rezone

Project Address Street

1405 W 3200 S Nibley, UT 84321

Tax I.D. Number(s)

03-017-0020 and 03-017-0019

Project Size (Acres)

19.49

Current Zoning (check all that apply)

A- Agricultural

Proposed Zoning (check all that apply)

R-2A- Residential

Site Plan and Map (please attach)

 22-307 Wasatch Land Holdings_Boundary Topo_5-1-23.pdf

What is the need for the proposed zone change?

We are wanting to do two things: 1) place the "Gibbs" home in a smaller parcel so that we can sell it. 2) our intentions are to develop this parcel in a similar way to Heritage Crossing and surrounding area.

What will the public benefit be if the zone change is granted?

More affordable lots and great area for home owners.

How does the proposal comply with the goals and policies of the Nibley City General Plan?

It's the same general residential lots that are in the surrounding area.

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

It's similar to other development that is in the area.

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

Public infrastructure is in place and developer would pay cost, if necessary, to extend.

Please attach a statement from the County treasurer showing the current tax status of the property.

 CORE - Parcel #03-017-0020 in 2023.pdf

Signature

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me concerning this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred by the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

With my signature, I give consent to receive service of process at the email listed on this application.

Joshua Low - 08/03/2023 2:17 pm

Messages

Josh,

Thanks for submitting the application. I just wanted to verify something on your application. Are you proposing the zoning to be R-2, which has a base minimum lot size of 1/2 acre or R-2A, which has a base minimum lot size of 12,000 sq ft (with an average lot size of 14,000 sq ft)? The zoning for Heritage Crossing and Stonebridge to the north is R-2A. It would require this zoning to get the size of lots that we talked about yesterday through transfer of development rights. Please respond, clarifying the application.

Levi Roberts, City Planner

Comments:

You're exactly right Levi. R2-A. Thank you!

Sounds good. I will update your application.



WEST 1/4 CORNER
OF SECTION 20
T11N, R1E, SLB&M
(BRIAN LYON ALUMINUM CAR

(BEARING/DISTANCE)

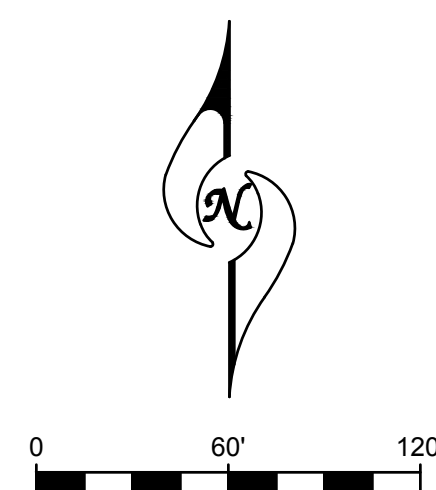
MAPLE VALLEY
ESTATES SUBDIVISION
PHASES 1-4



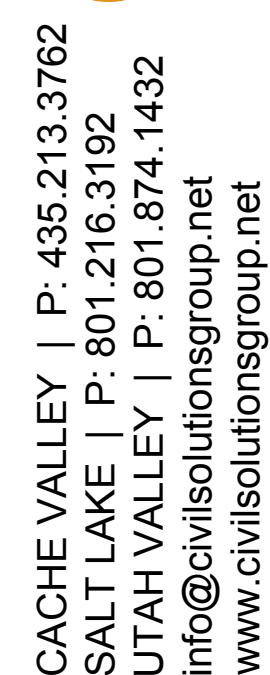
1. The purpose of this Survey is to provide a Boundary Survey & Certification for the property shown and described herein. A Composite Survey Description has also been provided for the use of our client and their Title Company.
2. This Survey was prepared without the benefit of a Title Report. Easements, encumbrances, & other documents may exist that affect the Subject Property.
3. The Basis of Bearing for this Survey is S89°51'19"E along the Section line between the West 1/4 Corner and the East 1/4 Corner of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian. All deeds and plats of record have been rotated to match the aforementioned basis of bearing or to other Section/monument lines relative to said basis of bearing per measured or calculated lines shown herein.
4. Vertical data (contour lines and/or spot elevations, etc.) if shown herein is based on the published elevation of 4546.58 (NAVD88) perpetuated from Cache County Monument Tie Sheet for the Nibley City Monument.
5. #5 rebar & cap (CSG ENG & SURVEY) to be set at all boundary corners unless noted otherwise.
6. This drawing, its design, and invention thereof, is the property of Civil Solutions Group, Inc., and is submitted to, and is for the exclusive use of the client referenced on the Survey. Only copies authorized in writing and individually signed and sealed by the Surveyor, or copies of the original certified Survey obtained from the office of the County Surveyor may be used as the official work of this Surveyor.
7. Except as specifically stated or shown on this drawing, no attempt has been made as a part of this Survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, contact the appropriate agency.
8. Except as specifically stated or shown on this drawing, this Survey does not purport to reflect any of the following which may be applicable to the properties shown herein: easements, encumbrances, building setback lines, restrictive covenants, subdivision restriction, zoning, or other land use restrictions. Underground utilities have been shown herein based on observed evidence. Additional utilities, including, but not limited to: power, phone, cable TV, water, sewer, storm drainage, etc. may exist within the boundaries of this Survey and Blue Stakes should be contacted prior to digging. Engineers, Contractors, and others that rely on this information should be cautioned that the locations of the existing utilities may not be relied upon as being exact or complete. Additional exploration, verification and relocation of existing utilities will be the sole responsibility of any contractor prior to, or during construction of any additional improvements.
9. The south line of the Boundary described on this Survey is the north right-of-way line of 3200 South, calculated by connecting the southeast corner of MAPLE VALLEY ESTATES Subdivision, Phase 1, and the southwest corner of HIDEAWAY ESTATES Subdivision, the west line of said Boundary is the east line of MAPLE VALLEY ESTATES Subdivision, Phases 1-4, the north line of said Boundary is the south line STONEBRIDGE Subdivision, Phase 1, and the east line of said Boundary is the west line of HERITAGE CROSSING Subdivision and the north and west lines of HIDEAWAY ESTATES Subdivision.

"I, Curtis Bown, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 12606452-2201 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have made a Survey of the lands shown on this Plan and that it correctly represents the existing conditions as shown. This Plan does not represent a certification to the title or ownership of the lands shown hereon."

Date _____



civilsolutionsgroup inc.



BOUNDARY & TOPOGRAPHICAL SURVEY

LOCATION: SE1/4 OF SECTION 20, T11N, R1E, SLB&M

NIBLEY, UTAH

PROPERTY OF: WASATCH LAND HOLDINGS

PREPARED FOR: MICHAEL STOLL, WASATCH LAND HOLDINGS

[illegible]

SHEET 1 OF 2

LEGAL DESCRIPTIONS

DEED (2381/1831)

The Land referred to herein below is situated in the County of Cache, State of Utah, and is described as follows:

Parcel 1: (03-017-0020)

Beginning at a point in the West right of way line of a 60 foot right of way, said point is described as being North 382.28 feet of a point 914.10 feet North 89°02' West along North line of 3200 South Street, Nibley of a point South 1118.04 feet (by record) 1122.46 feet (by measurement) from the Northeast corner of the Southwest Quarter of Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and running thence West 398.82 feet; thence North 0°22' West 713.32 feet; thence East 398.82 feet; thence South along West right of way line of said 60 foot right of way to the point of beginning.

Subject to a one (1) rod right of way on the North.

Also: Part of the Southwest Quarter of Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, described as follows:

beginning at the Northeast corner of said Southwest Quarter of Section 20, and running thence South 11:18.04 feet (by record) 1122.46 feet by measure to the North line of 3200 South Street, Nibley, Utah; thence North 89°02' West 1,313.00 feet, more or less, along the North line of County Road, to the Southwest corner of property owned by David L. Nielsen Enterprises, Inc; the point of beginning, thence North 382.28 feet (by record) North 02°22' West by measurement; thence East 398.82 feet, more or less, to the West line of a 60 foot right of way; thence South 382.28 feet, more or less, to the North line of County Road; thence North 89°02' West 398.82 feet to the point of beginning.

Together with a 60 foot right of way, described as follows:

Part of the Southwest Quarter of Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, described as follows:

Beginning at the Northeast corner of said Southwest Quarter of Section 20, and running thence South 1118.04 feet (by record) 1122.46 feet by measure to the North line of 3200 South Street, Nibley, Utah; thence North 89°02' West 914.10 feet along North line of said Street and to the Southeast corner of property owned by the LDS Church and the point of beginning; thence North 87°6.98 feet; thence East 60.0 feet; thence South 87°6.98 feet, more or less, to the North line of said 3200 South Street; thence North 89°02' West 60.0 feet to the point of beginning.

Parcel 2: (03-017-0019)

Beginning at a point which is South 523.18 feet (518.76 feet by record) to a point which is 599.28 feet East of the North line of 3200 South Street and North 89°02' West 300.0 feet to the true point of beginning, from the Northeast corner of the Southwest Quarter Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian; thence North 89°02' West 116.50 feet, thence South 99.28 feet, thence North 89°02' West 437.68 feet to the East side of a 60 foot right of way; thence South 300.0 feet, to the Southwest corner of Lot 7 Highway Estates Subdivision, thence South 88°42'20" East 108.91 feet to the Northwest corner of the Southwest Quarter Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian; thence South 01°27'44" East 199.73 feet to the South line of 3200 South Street; thence Westerly along the North line of Street to the West line of a 60 foot Right of Way being South of a point 621.18 feet West of beginning; thence North 109.5 6 feet, more or less to the Quarter Section line; thence East 621.18 feet, more or less to point of North of beginning; thence South 518.76 feet, more or less to the point of beginning.

Subject to a 1 (one) rod right of way on the North and also Subject to a 60 foot right of way described as follows:

Part of the Southwest Quarter of Section 20, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, described as follows:

Beginning at the Northeast corner of said Southwest Quarter of Section 20, and running thence South 1118.04 feet (by record) 1122.46 feet by measure to the North line of 3200 South Street, Nibley, Utah; thence North 89°02' West 914.10 feet along North line of said Street and to the Southeast corner of property owned by the LDS Church and the point of beginning; thence North 87°6.98 feet; thence East 60.0 feet; thence South 87°6.98 feet, more or less, to the North line of said 3200 South Street; thence North 89°02' West 60.0 feet to the point of beginning.

Parcel Number: 03-017-0020, 015-017-0019

NEW PARCEL 1

A portion of the SE1/4 of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian, located in Nibley, Utah, more particularly described as follows:

Beginning on a point located on the east line of MAPLE VALLEY ESTATES Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder, located at S89°51'19"E along the 1/4 Section line 1,326.76 feet and S0°38'12"E (plat: S0°51'17"E) along the east line of said Plat 972.66 feet from the West 1/4 Corner of Section 20, T11N, 18E, SLR&M; these S88°54'38"E and S89°36.36 feet, these S1°05'22"W 129.25 feet to a point on the north right-of-way line of 3200 South Street, then S0°51'17"E along said north right-of-way line 224.47 feet to the southeast corner of MAPLE VALLEY ESTATES Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder; these north 0°38'12"E (plat: S0°51'17"E) along said Plat 129.30 feet to the point of beginning.

Contains: 0.67+/- acres

NEW PARCEL 2

A portion of the SE1/4 of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian, located in Nibley, Utah, more particularly described as follows:

Beginning on the northeast corner of MAPLE VALLEY ESTATES Subdivision, Phase 4, and the southwest corner of STONEBRIDGE Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder, located S89°51'19"E along the 1/4 Section line 1,326.76 feet from the West 1/4 Corner of Section 20, T11N, R1E, SL&M;E; thence S89°51'19"E (plat: S89°54'58"W) along said Plat 1,026.75 feet to a Boundary Line Adjustment described in Book 2021 Page 3471 of the Official records of Cache County and extension of the west line of HERITAGE CROSSING Subdivision according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence along said Plat the following 3 (three) courses and distances: S0°0324"W along Boundary Line Adjustment 519.64 feet; thence N89°5'08"W 115.19 feet, thence S0°1030"W 97.31 feet to a rebar and the northeast corner of HIDEAWAY ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence along said Plat the following 3 (three) courses and distances: N88°15'43"E (plat: S88°15'43"E) 437.68 feet, thence S0°0127"E (plat: S0°0132"E) 30.02 feet, thence S88°42'04"E (plat: S88°42'07"W) 108.91 feet, thence S0°1521"E (plat: S0°1524"W) 199.73 feet to the north-right-of-way line of 3200 South Street and the southwest corner of HIDEAWAY ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence N88°54'38"W along said north-right-of-way line 346.44 feet, thence N10°50'22"E 129.25 feet, thence N88°54'38"W 228.36 feet to a point on the east line of MAPLE VALLEY ESTATES Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S0°38'12"W (plat: S0°51'17"E) along said Plat 97.66 feet to the point of beginning.

Contains: 19.23+/- acres

COMPOSITE DESCRIPTION

A portion of the SE1/4 of Section 20, Township 11 North, Range 1 East, Salt Lake Base & Meridian, located in Nibley, Utah, more particularly described as follows:

Beginning on the northeast corner of MAPLE VALLEY ESTATES Subdivision, Phase 4, and the southwest corner of STONEBRIDGE Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder, located S89°51'19"E along the 1/4 Section line 1,326.76 feet West the West 1/4 Corner of Section 20, T11N, R1E, SL&M; then S89°51'19"E (plat: S89°54'58"W) along said Plat 1,026.75 feet to a Boundary Line Adjustment described in Book 2021 Page 3471 of the Official records of Cache County and extension of the west line of HERITAGE CROSSING Subdivision according to the Official Plat thereof on file in the Office of the Cache County Recorder; then along said Plat the following 3 (three) courses and distances: S0°03'24"W along said Boundary Line Adjustment 519.64 feet; then S89°51'08"W 115.19 feet; then S0°10'30"W 97.31 feet to a rebar and the northeast corner of MAPLE VALLEY ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; then along said Plat the following 4 (four) courses and distances: N88°51'30"W (plat: S88°51'33"E) 437.68 feet; then S0°01'27"E (plat: N0°01'32"W) 300.02 feet; then S88°42'04"E (plat: N88°42'07"W) 108.91 feet; then S0°15'21"E (plat: N0°15'24"W) 199.73 feet to the northeast right-of-way line of 3200 South Street and the southwest corner of HIDEAWAY ESTATES Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder; then N88°54'38"W along said north right-of-way line 570.91 feet to the southeast corner of MAPLE VALLEY ESTATES Subdivision, Phase 1, according to the Official Plat thereof on file in the Office of the Cache County Recorder; then N0°38'12"W (plat: S0°51'17"E) along said Plat 1,101.96 feet to the point of beginning.

Contains: 19.90+/- acres

civilsolutionsgroupinc.



CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

BOUNDARY & TOPOGRAPHICAL SURVEY

LOCATION: SE1/4 OF SECTION 20, T11N, R1E, SLB&M
NIBLEY, UTAH

PROPERTY OF: WASATCH LAND HOLDINGS

PREPARED FOR: MICHAEL STOLL, WASATCH LAND HOLDINGS

[illegible]

Parcel #03-017-0020 in 2023 - Cache County CORE

Owner(s)

History

HIDDEN VALLEY ESTATES PROJECT LLC, (03/31/2023 - Present) (Vesting: [1337727](#))

Property Address

1405 W 3200 S

NIBLEY

Current Mailing Address

2206 W 3000 S STE D

HEBER CITY, UT 84032-3898

 Tax District: NIBLEY CITY W/CEM(008)

 Acres: 10.03

 Tax Status: Taxable

 Water Rights: NO

 Parcel History: COMB W/PT 03-017-0019 366/329

 Building Type: SFR

 Square Feet: 3107

 Year Built: 1987

 Legal Description: BEG NE COR SW/4 SEC 20 T 11N R 1E & TH S 1118.04 FT BR 1122.46 FT MEAS TO N LN OF 3200 S ST TH N 89*02' W 1313 FT ALG ST TO SW COR NIELSEN PROP & TRUE POB TH N 382.28 FT BR N 0*22' W MEAS TH E 398.82 FT TO W LN OF 60 FT R/W TH S 382.28 FT TO N LN OF CO ROAD TH N 89*02' W 398.82 FT TO TRUE POB 3.5 AC ALSO BEG IN W LN OF 60 FT R/W AT PT N 382.28 FT OF PT 914.1 FT N 89*02' W ALG N LN OF 3200 S ST OF PT S 1118.04 FT BR 1122.46 FT MEAS FROM NE COR SD SW/4 SEC 20 & TH W 398.82 FT TH N 0*22'W 713.32 FT TH E 398.82 FT TH S ALG W LN OF SD 60 FT R/W TO BEG 6.53 AC SUBJ TO 1 RD R/W ON THE NORTH TOGETHER WITH 60 FT R/W SEE RECORD CONT 10.03 AC IN ALL

Taxation Term	Amount
Prior Year Taxes (2022: \$5,112.45)	
 Market Value	\$797,566.00
Residential Land & Building	\$500,416.00
Agricultural Land & Building	\$297,150.00
 Taxable Value	\$572,380.00

The Auditor has not certified rates. Please refer to previous years for an estimate.

Payment Category	Amount
No prepayments have been made.	

RESOLUTION 23-11

A RESOLUTION SUPPORTING THE BOARD APPORTIONMENT OF THE CACHE VALLEY TRANSIT DISTRICT IN COMPLIANCE WITH UTAH CODE 17B-2a-807 EFFECTIVE JANUARY 1, 2024

WHEREAS, the Utah State Legislature changed Utah Code 17B-2a-807 to alter the current board apportionment for small transit districts; and

WHEREAS, the Municipal Council finds that the current apportionment of the Cache Valley Transit District Board is not in compliance with the code change; and

WHEREAS, the Municipal Council has the authority to change the apportionment of the Cache Valley Transit District Board;

NOW, THEREFORE, BE IT RESOLVED BY THE NIBELY MUNICIPAL COUNCIL, that this Council supports the following apportionment for the Cache Valley Transit District Board effective January 1, 2024:

Number of members	Cities	Area
4	Logan	Area 1
1	North Logan / Hyde Park	Area 2
1	Smithfield / Richmond / Lewiston	Area 3
1	Providence / River Heights	Area 4
1	Hyrum / Millville / Nibley	Area 5
1	Cache County	Area 6

Dated this _____ day of _____, 2023.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder



connect with the people and
places that matter most

Mayor,

The CVTD Board is focused on providing services that increase access and mobility across our entire service area. Mobility leads to a strong local economy in every community we serve. This allows our riders to access employment, shopping, health care, education, etc., within our service area. This is why our tagline is: Connecting with the people and places that matter most.

In the 2023 general legislative session, the legislature changed Utah Code 17B-2a-807 which governs the small transit district board apportionment. The change specifies that the transit district board must contain between 5 to 9 members. Currently the CVTD Board has 18 members.

According to Utah Code, the legislative bodies (city councils) determine the board structure and whom to appoint as members. The current CVTD Board felt a responsibility to provide their recommendation on the Board apportionment. The Board has spent several hours over multiple months discussing potential approaches.

At the June Board meeting the Board voted to support the recommendation outlined in the included resolution. On behalf of the Board, I would ask for your support in seeking adoption of the resolution by your council.

Should you have additional questions or comments please contact me at: 509-496-5723 or email: jpjmba@gmail.com

Respectfully,

Patrick Jenkins
CVTD Board Chair

Cecelia Benson

Glen Schmidt

David Geary

Jeannie Simmonds

Sue Sorenson

Mary Barrus

Ron Bushman

Shaun Bushman

Jeff Turley

Gregory Shannon

Bob Christensen

Holly Broome-Hyer

Terrie Wierenga

Mike Arnold

Paul James

Lieren Hansen

Lyle Lundberg

Patrick Jenkins — Board Chair Cecelia Benson — Board Vice Chair Bob Christensen David Geary Glen Schmidt Gregory Shannon
Holly Broome-Hyer Jeannie Simmonds Jeff Turley Lieren Hansen Lyle Lundberg Mary Barrus Mike Arnold Paul James
Ron Bushman Shaun Bushman Sue Sorenson Terrie Wierenga

**NIBLEY CITY
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement"), entered into this 13 day of April, 2018, between Sherwood Hirschi, hereinafter referred to as "Developer" and Nibley City, here in after referred to as "City", and

WHEREAS, Sunrise Meadows Subdivision Phase 8, which is legally described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST. SALT LAKE MERIDIAN, LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION; THENCE S89°44'40"W 1324.79 FEET ALONG THE LATITUDINAL MID-SECTION LINE TO THE CENTER-EAST SIXTEENTH CORNER OF SAID SECTION; THENCE SO°33'33"E 857.33 FEET ALONG THE EAST SIXTEENTH LINE OF SAID SECTION TO THE POINT OF BEGINNING; THENCE SO°33'33"E 289.91 FEET ALONG SAID SIXTEENTH LINE TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF SUNRISE MEADOWS PHASE 7; THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID PHASE 7 THE FOLLOWING FOUR COURSES:

1. S89°26'27"W 327.26 FEET;
2. 41°56'32"W 162.93 FEET;
3. S48°03'28"E 22.13 FEET;
4. S41°56'32"W 115.00 FEET TO THE EASTERNMOST CORNER OF LOT 45 OF SUNRISE MEADOWS PHASE 2;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PHASE 2 THE FOLLOWING THREE COURSES:

1. N48°03'28"W 105.00 FEET;
2. N31°51'38"W 177.40 FEET;
3. S88°45'48"W 50.43 FEET TO THE SOUTHEASTERLY LINE OF MEADOW LANE;

THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE THE FOLLOWING TWO COURSES:

1. N41°56'32"E 299.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 340.00 FEET AND A LONG CHORD OF 74.46 FEET BEARING N35°39'20"E;
2. NORTHEASTERLY 74.61 FEET ALONG SAID CURVE; THENCE N88°35'24"E 472.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.78 ACRES, MORE OR LESS.

Tax Identification No. 03-008-0008

8. The City acknowledges that the Developer has dedicated the section of Meadow Lane adjacent to the Development to the City. The City also acknowledges that the Developer has made improvements to sections of the 1200 West and Meadow Lane corridor south of the Development in compliance with Nibley City and State Code. The City had found that the Developer must pay the City \$5,033.00 to fulfill a roughly proportionate amount of impact to Meadow Lane and 1200 West to fulfill Utah State Law Section 10-9a-508 and Nibley City Code Section 11-5-5 requirements for Meadow Lane and 1200 West. The portion of Meadow Lane adjacent to the Development shall be constructed by the City when the City deems appropriate.

a. All other improvements for the Development shall be constructed as shown in the construction drawings as approved by the City Engineer and Public Works Director.

9. The Developer agrees that all lots along 1000 West will not face 1000 West, but will face 2350 South and driveways will not access onto 1000 West.

10. The Developer shall pay the City the cost of installing the street lights, as assessed by Rocky Mountain Power, and the City will install the street lights in the future to a design to have limited impact to the firefly population in Firefly Park.

11. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

12. Limitation on Recovery for Default. The sole remedy available to Developer shall be that of specific performance. IN NO EVENT SHALL NIBLEY CITY BE LIABLE TO DEVELOPER, ITS SUCCESSORS OR ASSIGNS, FOR ANY INDIRECT, SPECIAL, PUNITIVE, INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS, COSTS OF DELAY, OR LIABILITIES TO THIRD PARTIES.

13. Developer's Default. If Developer fails to provide the required improvements or pay the sums as required herein and by the Nibley City Code, Nibley City may, at its election:

a. Withhold all further approvals, licenses, and permits for development of the Property, until such default has been cured.

b. Rescind prior approvals for portions of the Development which have not been transferred or sold or which would not otherwise effect third parties.

c. Exercise rights and remedies available at law and equity, including, but not limited to, injunctive relief, specific performance and/or damages.

14. In the event that either of the parties to this Agreement shall be in default or breach of this Agreement, said party shall be liable to pay all reasonable attorney's fees, court costs and

RESOLUTION 23-12

A RESOLUTION AMENDING THE NIBLEY CITY EMPLOYEE POLICY GUIDEBOOK; ON-CALL RESPONSE

WHEREAS, in 2022 the Nibley City Council adopted the Nibley City Employee Policy Guidebook; a personnel policy for the employees of Nibley City; and

WHEREAS, the employee policy guidebook was adopted to ensure employees' rights and responsibilities that are conditions of their employment and outline various disciplinary measures; and

WHEREAS, the Nibley City Council desires to establish clear and reasonable expectation whereby Nibley City Employees may calculate their compensation while providing timely and exceptional service to Nibley City residents; and

WHEREAS, it has become necessary to amend certain portions of the employee policy guidebook to clarify Nibley City's policy regarding On-Call Response pay and the accrual of compensatory time.

NOW THEREFOR, BE IT RESOLVED BY THE NIBLEY CITY COUNCIL, NIBLEY, UTAH, AS FOLLOWS:

1. The attached document, entitled *Nibley City Employee Policy Guidebook* is amended and incorporated.
2. This attachment is intended to be included in the existing Nibley City Employee Policy Guidebook that was adopted and amended in July 2022.
3. The *Nibley City Employee Policy Guidebook* may be revised from time to time, as circumstances and resources change.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2023.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder



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Section 1: Purpose of the Plan

The Nibley City Council has delegated authority, pursuant to Nibley City Code [\(NCC\) 1.12](#), to the City Manager to provide direct supervision to and have direct responsibility over the offices of City Recorder, City treasurer, City Planner and the departments of Public Works, Recreation and other departments of the City as they may be created. This Employee Policy Guidebook is adopted to provide guidance in that supervision and direction for our employees.

Nibley City's ("the City") Employee Policy Guidebook is established to assure fair treatment of employees in employment interactions. It provides for hiring of new employees in order to assure the selection of the best-qualified candidate for employment. It establishes quality of performance as the basic consideration in determining compensation, advancements and promotions. It aims to provide equality of opportunity for qualified persons who wish to enter public employment.

Each employee will receive a copy of the Policy Guidebook or have access to it through their assigned department.

Each employee will read the Employee Policy Guidebook and submit an acknowledgement within thirty (30) days of being hired or, if already employed, within thirty (30) days of receiving the policy. It is the responsibility of the employee to read the guidebook and submit the acknowledgment to the City Manager or Human Resource department. A copy of this policy, with a copy of the signed acknowledgement, will become part of the employee's file.

It is the policy of Nibley City to follow all state and federal laws and regulations to apply to its employees. The Employee Policy Guidebook does not detail every rule, regulation, or law that applies to employment with Nibley City. Nibley City employees are expected to comply with all ethical, professional, and legal obligations imposed by state law. Any employee that has a question regarding their obligations and rights is encouraged to discuss the matter with their supervisor.

Disclaimer

This document serves as set of general guidelines to provide and maintain a consistent system of equity and fairness in all personnel actions. Because the City may be required to change and/or discontinue certain policies and/or procedures with or without notice to employees, the City does not intend the policies and procedures to be contractual obligations of any kind.

Section 2: Definitions

- A. **At-Will Employees:** Pursuant to the Utah At-Will Doctrine, all employees are at-will and employment may be terminated at any time without cause. This includes all division managers, the Public Works Director, any employee whose written job description or employment contract states that the person's position is at-will, and all other employees described in [Utah Code section 10-3-1105\(2\)](#). At-will employment also recognizes that the employee may end their employment at any time. For voluntary resignations, as a courtesy, we ask for a full two-week notice from the employee.
- B. **City Manager:** the employee appointed by resolution of the City Council to be responsible for the City's administrative affairs, according to city ordinance.
- C. **Department Head:** an employee appointed by the City Manager to be responsible for the activities of a specified department, including but not limited to, the following duties:
1. Prepare and assign job descriptions and duties,
 2. Prepare and perform employee evaluations,
 3. Receive and act on employee complaints and grievances,
 4. Prepare and hold regular staff meetings,
 5. Provide training opportunities for employees as needed,
 6. Prepare and maintain the department budget, as approved by the City Council,
 7. Create and maintain policies and procedures for department staff,
 8. Review all of the above with the City Manager,
 9. Review proposed projects with the City Manager and City Council,
 10. Other duties as assigned
- D. **Exempt Employee:** an employee as defined by the Fair Labor Standards Act (FLSA). Exempt status means the employee is exempt from the requirements of the FLSA and are not entitled to overtime compensation unless otherwise specified by contract. Exempt employees include the City Manager and department heads, such as the Public Works Director, City Engineer, City Planner, Recreation Director, Water and Sewer Division Manager, Streets Division Manager and Parks Division Manager. Exempt employees are paid on a salary basis and regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work.
- E. **Non-Exempt Employee:** an employee as defined by the [Fair Labor Standards Act](#). Nonexempt employees are entitled to overtime pursuant to the FLSA and this policy. Under this federal law overtime will be paid at 1.5 times the hourly rate of pay either by accrual of compensatory (comp) time or by payment of overtime.
- F. **Normal Work Hours:** the schedule determined by an employee's supervisor and given as an assignment to that employee for the employee's usual work week. Work hours may vary, based on department needs and at the discretion of the division manager. As a general rule, a fifteen (15) minute rest break may be taken once in the morning and once in the afternoon during an 8-hour schedule, and 20-minute breaks may be taken morning and

afternoon for a schedule longer than 8 hours. Division managers may establish a time frame for rest breaks. Employees shall work under a schedule determined by the division manager that will best fit department requirements. Hours worked shall be reported in quarter-hour increments.

- G. **Breaks:** Employees who work an 8-hour shift receive 1 (one) 15-minute, paid break during the first half of their shift and 1 (one) 15-minute, paid break during the second half of their shift.
- H. Employees who work an 8-hour shift receive a 30-minute, unpaid lunch break.
- I. Employees who work less than an 8-hour shift receive 1 (one) 15-minute paid, break for every full four hours worked.
- J. **Normal Workweek:** The workweek shall begin at 12:00 a.m. (midnight) on Saturday morning and end at 11:59:59 p.m. on Friday night.
- K. **Public Works Director:** the person directly responsible for all public works employees, facilities and operations.
- L. **On-Call Standby Status:** a weeklong assignment given to employees which requires them to remain available to be called back to work outside of normal work hours within a 30-minute response time and for which special compensation is provided, but which may not include actual hours worked. While on-call, employees should not report back to work under the influence of alcohol or any controlled substance. (See Article VII- Tobacco, Drug and Alcohol Policy and Procedures).
- M. **On-Call Response:** On-Call Response is when an employee returns to work after completing their regular shift or when “called back” while participating in an On-Call Standby Status to respond to unforeseen, unplanned, or emergency situations and for which special compensation is provided.
- N. **Regular Full-Time:** Permanent, non-salaried employees who work an average of 30 hours per week or more.

Regular Full-Time employees are subject to all employment rules and regulations and receive all benefits and rights as provided by this handbook (holiday, sick leave, annual leave, retirement, etc.).

Regular Full-Time employees are eligible for overtime/compensatory time compensation, as outlined in this policy.

Full-time status is not a right of an employee but is based on the need of the department. An employee may be changed from full-time to part-time status, or vice versa, based on the needs of the department.

- O. **Regular Part-Time:** Regular, non-salaried employees who work an average of less than 30 hours per week. The employee is subject to all employment rules and regulations.

Regular part-time employees are not eligible for benefits except as required by law or otherwise provided in this policy. Regular part-time employees are not eligible for vacation pay, sick pay, holiday pay or other benefits, except participation in the Utah State retirement system and other benefits as required by law. It is the intent of the City to keep a clear separation of part-time and full-time employees. It is not the intent to provide benefits to part-time employees because doing so could trigger the requirement to add additional benefits, such as Utah Retirement System Benefits.

Regular part-time employees are not eligible for compensatory time, as outlined in this policy, and are not eligible for overtime compensation until the hours worked exceed forty (40) in a given week.

- P. **Snowplow Callback:** a callback response during which an employee is called back to work outside of normal work hours (between the hours of 5:00 p.m. and 7:00 a.m.) to clear snow and for which special compensation is provided.
- Q. **Temporary Employees:** Temporary employees work on a non-regular basis, usually within a limited time frame or according to a seasonal schedule. Full-time and part-time seasonal employees are included in this classification.

Temporary employees are not entitled to benefits such as retirement, health insurance, vacation pay, sick pay, holiday pay or other benefits, except as mandated by law.

Temporary employees are eligible for overtime, as outlined in this policy, when the hours worked in a given week exceed forty (40) hours, but are not eligible for compensatory time.

Section 3: Hiring and Recruitment

Article I- Hiring:

A. Policy:

1. When a position opens in a department, or a need arises to create a new position, the division manager shall submit a request to fill a position to the City Manager. Requests shall include position title and a description of the duties and responsibilities, knowledge and skills, required education and experience necessary for the position, as well as compensation and the availability of funds in the budget.
2. The City shall cause the opening to be posted where all City employees will be made aware of the opportunity. First consideration will be given to current qualified City employees. We are proud of our history and commitment to promote from within.
3. The City shall also cause the opening to be posted with the Department of Workforce Services, as well as other locations and methods that would be likely to lead to the notification of qualified candidates.
4. The division manager shall review applications to see who does and does not meet the minimum qualifications. Applicants that meet the minimum qualifications may be interviewed.

Article II- Departmental Transfers:

A. Policy:

1. In the event that a position becomes vacated in one department of the City, employees from other departments of the City will be allowed to apply for said position providing they meet the minimum qualifications outlined in the job description.
2. Current employees shall be given consideration to such positions and shall meet minimum qualifications when said position is filled.
3. In the event of such departmental transfer, all accrued benefits will transfer with the employee.

Article III- Anti-Nepotism:

A. Policy:

1. It is the policy of Nibley City to comply with the anti-nepotism clause as established in [Utah Code 51-3-1](#).
2. No public officer may employ, appoint, or vote for or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, grandparent, or grandchild in or to any position or employment, whether regular, part-time, temporary, contracted or appointed, when the

salary, wages, pay, or compensation of the appointee will be paid from public funds. Such employees may not be directly supervised by a relative, except as provided for in state law.

3. No individual shall be employed by the City within the same department as another relative without sound reason and without approval of the City Manager.

Article IV- Immigration Law Compliance:

A. Policy:

1. It is the policy of Nibley City to comply with [federal immigration laws](#). Therefore, the City is required to verify the identity and legal ability to work of all individuals before they can begin work.
2. Each applicant must produce documentation that shows their identity and legal authority to work.
3. Each applicant must also attest to his or her legal authority to work and identity on an I-9 Form provided by the federal government.
4. An employee must complete and return an I-9 Form within three business days after hire.
5. Failure to complete and return the I-9 Form may result in immediate suspension and possible termination of employment, if the documents cannot be produced.
6. If an employee has provided right-to-work documentation that has an expiration date (with the exception of a valid U.S. Passport), updated documentation must be given to the City before this expiration date.
7. All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

Article V- Background Checks and Orientation/Probationary Period:

A. Policy:

1. Depending on the position, and at the direction of the City Manager, new employees may be required to undergo background checks prior to or immediately after an offer of employment is made. Any offer of employment shall be contingent on receiving satisfactory results for background checks, including reference checks, verification of experience, education, licenses or other credentials, criminal history checks, driving record checks, determination of insurability or bond worthiness, or other verifications.
2. All full and part-time city employees are subject to a six-month orientation/probationary period. At the end of the orientation period, an evaluation shall be conducted by the division manager. The division manager shall give recommendation for appropriate action and this shall be communicated to the employee in writing. An employee who

changes positions will restart a new 6-month orientation period. The six-month period is in no way a contractual agreement to a six-month term. Failure to meet company expectations and standards during this initial period may result in termination of employment prior to the six-month mark.

Article VI- Anti-Discrimination:

A. Non-Discrimination Statement:

1. In accordance with the requirements and objectives set forth in [Equal Employment Opportunity Act of 1972](#), the [President's Executive Order 11246](#), and revised Order No. 4, published by the Office of Federal Contract Compliance, U.S. Department of Labor, Nibley City does hereby actively promote equal opportunity of employment in classification, development, upward mobility, job specifications, recruiting, selection and placement, and training of employees.

Nibley City will comply with all federal and state statutes relating to nondiscrimination. These include but are not limited to:

- a. [Title VI of the Civil Rights Act of 1964](#) (p.i. 88-352) which prohibits discrimination on the basis of race, color or national origin.
 - b. [Title IX of the Education Amendments of 1972](#), as amended (20 U.S.C. para. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex.
 - c. [Section 504 of the Rehabilitation Act of 1973](#), as amended (29 U.S.C. para. 794), and the Americans with Disabilities Act, as amended (42 U.S.C. § 12101), which prohibit discrimination on the basis of disability.
 - d. [The Age Discrimination Act of 1975](#), as amended (42 U.S.C. para. 6101-6107), which prohibits discrimination on the basis of age.
 - e. [The Drug Abuse Office and Treatment Act of 1972](#) (p.i. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse.
 - f. [The Uniformed Services Employment and Reemployment Rights Act of 1994](#) (38 U.S.C. § 4301), relating to nondiscrimination and reemployment rights of members of the uniformed services.
 - g. The Utah [Antidiscrimination Act, Title 34A](#), Chapter 5 of the Utah Code, prohibiting discrimination on the basis of race, color, sex, pregnancy, childbirth, age, religion, national origin, disability, sexual orientation, and gender identity
 - h. Any other nondiscrimination provisions applicable to the City which may apply.
2. The City's policy of nondiscrimination will be brought to the attention of City employees through the following means:

- a. Through statement of policy in employee and supervisory handbooks.
 - b. In the introduction and orientation process of all employees.
 - c. Meetings will be held with all City employees who request additional information upon request. The primary purpose of these meetings will be to familiarize employees with the rules regarding nondiscrimination and further inform them of their specific and individual responsibilities and rights with regard to equal employment opportunities and anti-discrimination efforts, policies, and requirements.
3. All complaints, grievances, or other reports of discrimination, harassment, or retaliation shall comply with the procedures set forth in Section 6 of this Policy.

Section 4: Employee Compensation

Article I- Pay Day:

A. Policy:

1. All Nibley City employees shall be paid bi-weekly, unless otherwise specified by contract.
2. Paychecks will normally be issued a week following the end of the bi-weekly period, but no sooner than 2 business days and no more than two weeks after the end of the bi-weekly period.
3. All non-exempt employees shall keep a record of their time. This record will be provided to the division manager at the end of the pay period for approval. The record will then be submitted for payroll processing and payment.

Article II- Overtime Compensation:

A. Policy:

1. Employees covered by the overtime provisions of the FLSA are entitled to overtime compensation. Non-covered and exempt employees are not entitled to overtime compensation through the City unless specifically granted by contract.
2. Any time worked in excess of forty (40) hours in any one work week will be considered overtime.
3. Where possible, all overtime should be approved in advance by the employee's Division Manager, or if the division manager is unavailable, by the employee's supervisor.
4. Only active hours worked in any one week will be used in determining overtime. Holiday pay or other paid leave shall not be counted as time worked for the purpose of calculating overtime.
5. Complete and accurate records of all overtime worked must be kept by each department and submitted with the employee's time sheet for payroll processing.
6. Overtime is compensated either by payment of wages at one and one-half times the regular rate of pay or by the accrual of compensatory time at the rate of one and one-half times the number of hours worked, or a combination thereof. The City Manager, subject to budget limitations, has the option to either pay overtime or allow compensatory time however, the standard practice is to provide compensatory time rather than overtime pay. The City Manager shall notify all full-time, regular employees that compensatory time is the default method for overtime payout and that such compensatory time may be preserved, used, and cashed out consistent with this policy and the FLSA. Part-time or seasonal employees are paid overtime for hours worked in excess of forty (40) hours in a workweek (Sat.-Sun.).

B. On Call Compensation:

1. **On-Call Standby Status** - Employees serving in on-call standby status will be paid a flat rate of \$200.00 for serving on standby status for a week (7-days), regardless of whether or not the employee is called back to work outside of normal work hours. In no case will these hours be counted toward the total hours worked in a week for overtime calculations. On-Call hours are independent of overtime provision and are not considered hours worked for the calculation of overtime.
2. **On-Call Response** - An employee who is called back to work outside of normal work hours for an On-Call Response will be compensated by the accrual of compensatory time for a minimum of one (1) hour at one and one-half (1.5) times their regular rate of pay and thereafter calculated on the one quarter ($\frac{1}{4}$) hour, at one and one-half (1.5) times the regular rate of pay.. These hours will be compensated by the accrual of compensatory time at one and on-half times (1.5) the number of hours worked regardless of whether or not the employee had worked 40 hours in the work week. On-Call Response hours are not counted as hours worked for the calculation of overtime. This callback provision does not apply to snowplow callback.
 - a. Accrual of On-Call Response time begins when the employee receives the call to respond back to work and ends when the employee completes the task for which he/she was called back and leaves the worksite.
 - b. Once called back, any additional work which may arise within the first hour does not constitute a new On-Call Response.
3. **Snowplow Callback Compensation** - Employees called back to work between the hours of 5:00 p.m. and 7 a.m. for snow removal from City streets will be compensated by the accrual of compensatory time at the rate of one and one-half times the number of hours worked. These hours will be compensated at one and one-half times the number of hours worked regardless of whether or not the employee has worked 40 hours in the week.

C. Compensatory Time:

1. The FLSA authorizes compensatory time off in lieu of monetary overtime compensation.
2. Compensatory time off must be approved by the division manager. No employee may carry more than eighty (80) hours of compensatory time from year to year, except as approved by the City Manager. If an employee accumulates more compensatory time than the limits provided for herein, payment for those hours shall be made at the end of each calendar year.
3. Employees covered under the overtime provisions of the FLSA who terminate their employment with the City will be compensated for compensatory time accrued as of the date of termination.
4. Compensatory time earned and used will be reported on the employee's time sheet for each pay period.

Article III- Garnishments:

A. Policy:

1. The City will follow applicable state and/or federal laws pertaining to garnishments.
2. The City will notify an employee of any garnishment it receives as soon as possible after receipt.

Article IV- Annual Reviews:

A. Policy:

1. Division managers are committed to conducting annual reviews with employees in order to provide feedback to employees regarding their performance, including direction, correction and encouragement.
 - a. Supervisors should not wait until annual reviews to provide feedback but should instead provide feedback on a continual basis. The annual review should be a summary and review of feedback provided throughout the year.
2. The annual review should include a review of accomplishments and goals, training, and other needs.
3. Annual reviews should include a review of the employee's job description, including updates and revisions if necessary.
4. Upon receipt of a satisfactory review, an employee may receive a step advancement or increase in salary.

Article V- Pay Rate Increases:

A. Policy:

1. Quality of performance is the basic consideration in determining salary, advancements and promotions. The financial state of the city may also be taken into consideration regarding overall increases in compensation.
2. Compensation is normally based on the City's pay grade scale, unless otherwise negotiated or by contract.
 - a. New hires should start at the beginning of the pay scale for their position, unless otherwise approved by the City Manager for reasons such as equity, previous experience, certifications, education, negotiation, parity, recruitment, and retention.
 - b. Existing employee pay should follow the pay scale for advancement but advancements may be approved otherwise by the City Manager for reasons such as equity, experience obtained, new certifications, new education, negotiation, parity, recruitment, and retention.

- c. Employees should receive a step advancement after completion of the orientation/probationary period. Step advancements should then proceed at annual intervals on the anniversary of that advancement.
- d. Employees may receive an annual step increases on their anniversary, based on the pay scale adopted by the City Council with the annual budget, and until they reach the top of their pay scale. This policy applies to regular part-time employees as well, including positions such as crossing guards and fitness instructors. Seasonal employees who return for additional seasons are also eligible for step increases as an incentive to retain already-trained seasonal employees.

Article VI- Clothing and Uniform Allowances:

A. Policy:

1. It is the policy of the City to provide employees with certain articles of clothing that might be necessary for the safe completion and proper performance of their position. These needs relate to things such as safety, durability, comfort, visibility, weather, branding, and marketing.
2. Each department should determine uniform needs annually and budget for those expenses accordingly.
3. Whenever possible, clothing items should display the official City logo.
4. The City Manager, in coordination with division managers, may develop additional guidelines for uniforms.
5. Uniforms, clothing, or shoes may be taxable compensation and should be handled accordingly. Uniforms, clothing, or shoes may also qualify for reimbursement through the Accounts Payable process.

Article VII- Bonus Pay and Employee Appreciation:

A. Policy:

1. It is the policy of the City to provide incentives to employees to show the City's appreciation for their work. These include things such as summer and end-of-year parties for employees and families where food and prizes are provided, and holiday bonuses to employees each holiday season. The City, based on available budget, will often provide bonuses such as a turkey at Thanksgiving and a modest cash bonus at the end of the year.
2. Bonus pay may be taxable compensation and should be handled accordingly.

Article VIII-Service and Incentive Awards

A. Policy:

1. In order to attract and retain a talented workforce, Nibley City will offer awards for years of service, and to employees who retire from the organization.

B. Awards for Years of Service:

1. The Human Resources department administers the following Years of Service Awards:
 - a. 5th Year. A certificate of recognition for dedicated service will be provided to each employee at the completion of their 5th year of service. Employees will be awarded one (1) additional Personal day at the beginning of their 6th year of service. The Personal Day must be used within the next 90 days and must be taken as a full day.
 - b. 10th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 10th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$100 cash award or a gift card with an equivalent value of \$100 or less.
 - c. 15th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 15th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$200 cash award or a gift card with an equivalent value of \$200 or less.
 - d. 20th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 20th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$300 cash award or a gift card with an equivalent value of \$300 or less.
 - e. 25th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 25th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$400 cash award or a gift card with an equivalent value of \$400 or less.
 - f. 30th Year. A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their 30th year of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$500 cash award or a gift card with an equivalent value of \$500 or less.
 - g. 35th Year (any every 5-year increment thereafter). A letter of congratulations and certificate of recognition will be provided to each employee at the completion of their years of service. The letter of congratulations will include directions for the employee to contact the Human Resources department, at which time the employee may select a \$1,000 cash award or a gift card with an equivalent value of \$1,000 or less.

2. A retirement award will be given to employees with a minimum of ten years of service who are eligible for retirement from Nibley City and who, prior to their retirement date, conduct an exit interview with the Human Resources department. Agencies may spend up to \$500 for food for use at a retirement event for an employee.
 - a. Employees will be given the following retirement awards to choose from:
 - i. a cash award in the amount of \$150; or
 - ii. a gift card with an equivalent value of \$150 or less.
 - b. The employee will notify the Human Resources department of their preferred retirement award. The Human Resources department is responsible for issuing the cash award or for the procurement of the gift.
3. The Human Resources department is responsible for issuing the letter of congratulations and certificate of recognition to each employee.
4. Presentation of the years of service awards and retirement awards will be completed by the Mayor, City Manager, or the employee's direct supervisor.
5. Cash awards provided under this policy are compensation and subject to normal payroll taxes.

Section 5: Employee Benefits

Article I- Leave:

A. Annual Vacation Leave:

1. Regular Full-Time employees will be entitled to annual leave based on the following schedule:

<u>Full-time City Service</u>	<u>Annual Leave</u>
1-5 years	80 Hours
6-9 years	104 Hours
10-14 years	120 Hours
15+ years	160 Hours

2. Employees will begin accruing annual leave immediately based on their work start date. Employees may not use vacation leave until day 91, unless authorized by the City Manager in writing. If the employee leaves employment prior to 91 days, the employee is not eligible for the vacation accrual and will not be compensated for such accrual.
3. Beginning January 2023, annual leave will be accrued on a bi-weekly basis.
4. Employees are encouraged to use their annual leave on a year-to-year basis. However, they may carry a balance of a maximum of 150% of the leave to which they are entitled. If an employee has accrued more than 150% of their annual leave hours, the employee shall be paid for the excessive accumulated hours at the end of each calendar year.
5. If a paid holiday occurs while an employee is on annual leave, it is treated as a holiday and is not credited against annual leave.
6. Accumulated annual leave will be paid for by Nibley City when an employee terminates employment, and in those instances where, in the discretion of the City Manager, it would be in the best interest of the City to permit an employee to be paid for such time in lieu of employment.
7. All time off must be approved by the division manager in advance.
8. Accurate records concerning all used and accumulated annual leave will be maintained by the payroll clerk and made available, upon request, to the division manager and/or designee.
9. Annual leave is not accrued and holiday time is not paid if the employee is on worker's compensation leave.

- B. **Sick Leave:** As insurance against loss of income when an employee is unable to perform work because of illness or injury to the employee or employee's spouse or dependent children or elderly parent(s), sick leave is provided. Sick leave may be used to attend

medical, dental, or physical therapy appointments for the employee, or for the care of sick, injured, or recovering dependents, spouse, or elderly parents.

1. For regular full-time employees, sick leave shall be accumulated at the rate of 8 hours for each full calendar month of service, up to a maximum of 960 hours.
2. Sick leave is accrued bi-weekly after the employee's hire date and may be used immediately upon accrual.
3. Each employee absent under this provision must arrange for a report, via telephone, text message, or email, to his/her division manager or designated supervisor within one (1) hour of the employee's start time on the morning of the first day of absence. If sick leave in excess of three (3) successive days is used, the division manager may require that the employee provide a written statement from the employee's physician.
4. After accrued sick leave is exhausted, annual leave accrued to date may be used by the sick or injured employee until accrued annual leave has been exhausted.
5. Except in the case of retirement, no employee shall be entitled to cash compensation for accrued sick leave upon separation of service from the City.
 - a. Employees will be paid at their current rate of pay for all unused sick leave upon retirement, up to a maximum of 240 hours.
6. If an employee is on worker's compensation leave, sick leave will be pro-rated on a bi-weekly basis, based on hours actually worked.
7. Employees may donate their sick leave to another employee on extended sick leave by making a written designation. However, the employee making the donation must retain at least 80 hours of sick leave after the donation.
8. Abuse of sick leave privileges may be considered grounds for dismissal.

C. Jury and Court Leave:

1. If an employee is called to jury duty or to testify as a witness in a case, the employee shall notify the City
2. If employee receives any remuneration for said jury duty or court appearance, then the City will pay the employee the difference between the remuneration and full compensation.
3. Employees must immediately return to work once jury duty is cancelled or completed.
4. Employees who are called to jury duty will not be required to use accrued annual leave to complete their service.

D. Family Leave:

1. Introduction:

- a. The [Family and Medical Leave Act of 1993 \(FMLA\)](#) and the [January 28, 2008, Military Family Leave Provisions](#) allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to 26 weeks for qualifying events connected to the Military Caregiver provisions of the law. FMLA provides up to 12 weeks of unpaid leave to eligible employees for certain reasons, such as serious health conditions, caring for a family member with serious health conditions, and the birth or adoption of a child. The caregiver provisions provide eligible employees who are the spouse, son, daughter, parent or “next of kin” of a military service member who is injured in the line of duty up to 26-weeks of unpaid leave in a rolling 12-month period to care for the injured family member.
- b. At this time, Nibley City employees are exempt from coverage under the FMLA and related amendments and provisions and are only eligible for leave under this policy. Employees will only be eligible for FMLA leave if they have worked with Nibley City for at least 12 months, have worked 1,250 hours during the 12 months prior to the start of the leave, and Nibley City employs 50 or more employees when the leave is requested.
- c. In order to qualify for leave pursuant to the FMLA, an employee must comply with other provisions of the FMLA, including eligibility and notice requirements. Note, also, that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26-week leave period will be reduced by the amount of leave previously taken. Any questions regarding an employee’s eligibility for FMLA leave may be directed to the City Manager.

2. Family and Medical Leave Policy:

- a. Under Nibley City’s Family and Medical Leave policy, qualifying, full-time staff members may take up to twelve (12) weeks of unpaid leave for the birth or adoption of or placement of a foster child, to care for a parent, spouse or child with a serious medical condition, or when the employee has a serious medical condition. The staff member must have worked with Nibley City a minimum of 1250 hours during the 12 months prior to the start of leave.
- b. Nibley City will maintain health coverage during the leave period at the rates that were in effect when the employee began the leave. Employees are responsible for paying their portion of health and other benefits.
- c. Once the leave period is concluded, Nibley City will reinstate the employee to the same or equivalent job.
- d. The use of leave on intermittent or reduced leave schedules for FMLA or Family and Medical Leave under this policy shall be within the discretion of Nibley City, except where required by law. The determination of whether to grant intermittent or reduced

leave schedules shall be based on the staffing, workload, and other needs of Nibley City.

- e. Sick leave and annual leave must be used during the twelve weeks.
- f. After the use of sick leave and annual leave, leave without pay shall be granted not to exceed a cumulative total of 12 weeks.

E. Military Leave: The following terms encompass what Nibley City determines as military leave.

1. Regular Military Leave:

- a. Military leave provides members of a National Guard or armed forces reserve unit time off- without charge to annual leave or loss of pay- to serve on active duty or active duty for training.
- b. An eligible employee is entitled to military leave without loss of pay or loss of accrued personal leave, not to exceed fifteen (15) working days per year, if ordered to annual training duty as a member of the National Guard or any armed forces reserve unit.
- c. Temporary or part-time employees are not eligible for military leave.
- d. Nibley City will pay the difference between what the eligible employee receives as the military compensation and the employee's regular city compensation for the military leave.

2. Emergency Military Leave:

- a. Employees may also use military leave when the employees' units are called upon to provide military aid in law enforcement or to assist civil authorities in the protection or preservation of life or property or to prevent injuries.

3. Long-Term Military Leave:

- a. Leave which exceeds fifteen (15) consecutive working days.

4. Short Term Military Leave:

- a. Leave which does not exceed fifteen (15) consecutive working days.

- 5. Military leave does not include periods of inactive duty training or an indefinite period of furlough without pay granted to employees for indefinite active military service. Indefinite military furlough is synonymous with leave without pay.

6. Employees who are entitled to military leave and who are ordered to report for military training or duty will be released from their civilian positions for the duration of their military commitment. Verbal orders calling an employee to military service will be recognized; however, application for military leave must be supported by a copy of the order directing the employee to report.
7. Upon the employee's return from military leave, the employee will submit a claim to the City if the military pay during the period of leave, not to exceed fifteen (15) days per year, is less than the amount he/she would have been paid by the City. The employee will not receive pay from both the military and the City during the military leave period that exceeds normal City pay.
8. Leave without pay shall be granted to an employee who voluntarily enlists, or is called into active service in any branch of the federal armed forces. An employee granted such leave of absence retains re-employment rights and other statutory benefits specified in Federal and State statutes.
9. Reemployment rights are retained during the period of active military duty and for an additional forty (40) calendar day period of time following the termination of military duty, provided the employee is honorably discharged and applies for reemployment in writing within the forty (40) day period and provided the leave does not exceed four (4) years unless involuntarily retained in military service.
10. Employees reemployed are restored to a position of like seniority, status and pay. If the employee declines two (2) consecutive offers for a position, reinstatement rights may be cancelled.
11. Employee benefits do not accrue during long term military leave except as referenced herein.
12. Federal law, under a defined benefit pension plan (Utah Retirement System), requires that individuals whose employment is interrupted by military service must be given benefit accruals for the period of military service.
13. Nibley City will pay both the employee and employer contributions to the Utah Retirement System if the employee is on active military duty on a non-voluntary basis as long as contributions for eligible employees are paid on the same basis.
14. There will not be any payment made by the City to a 401k plan while the employee is on active military duty.
15. If, due to a service-connected disability, an employee is not qualified to perform all the duties of their former position, a reasonable effort will be made to place them in the closest comparable position for which they are qualified.

16. Once these basic entitlements have been exhausted, employees requiring additional time for training or other military duty may elect to use annual leave or take leave without pay.

F. Emergency and Bereavement Leave with Pay:

1. Leave with pay, above and beyond vacation, compensatory time, and sick leave, may be granted to full-time employees for matters of an emergency nature, including bereavement.
2. The amount of time granted will be governed by the individual circumstances which will normally be one (1) day, but which may be up to five (5) days for the death of a spouse, child, or parent, three (3) days for the death of a sibling, (3) days in the event of miscarriage or stillbirth if you are the expectant father or mother, and one (1) day may be taken for the death of a grandparent, aunt, or uncle.
3. Emergency leave shall not exceed nine (9) days per year. Exceptions to this may be approved by the City Manager in writing.

G. Personal Leave of Absence:

1. Full time employees that have completed twelve (12) months of service, may be eligible to take an unpaid personal leave of absence.
2. Personal leaves will be subject to management approval and will be based on the needs of the business.
3. Personal leaves of absence will generally be granted for a period of up to 30 days.
4. The employee may choose (or the City may require the employee) to use accrued paid leave (PTO) to provide a source of income during the unpaid leave period.
5. If the leave is due to a medical condition or military service, the employee must follow the Family and Medical Leave Policy.
6. Upon return from a leave of absence, the City will make good faith efforts to return the employee to his/her regular or an equivalent job.
7. This policy does not guarantee re-instatement to a full-time position and should not be interpreted as a guarantee of continued employment.
8. Failure to report to work as scheduled following a leave of absence may result in discipline, up to and including termination of employment.
9. Benefits, such as vacation, holidays, or sick leave will not accrue during personal leaves of absence unless employee is using paid time off.

10. During a personal leave of absence, the employee can keep insurance benefits in effect by continuing to pay his/her portion of the health insurance premium(s) and the portion the city pays if the employee is on unpaid leave.
11. The duration of the leave, the opportunity for reinstatement, and other privileges associated with this leave are subject to change and are granted at the sole discretion of the City Manager.
12. No express or implied contractual rights should be inferred from this policy.

H. Other Leave:

1. If a person has a community or public service position approved by the City which demands time off during work hours from time to time (i.e., search and rescue squad), the City will allow the employee to accrue up to forty (40) hours of compensatory time, in addition to the normal cap of 80 hours, to be used in this regard.
2. Taking this time off is subject to Section 4, Article II, Subsection C.

Article II- Development, Training and Travel:

A. Policy: It is the policy of Nibley City to encourage and, at times, require employees to attend various seminars, conferences, classes, other educational programs, and other job-related training opportunities that are consistent with the following rules:

1. All training opportunities shall be job-related and approved by the department manager and/or City Manager.
2. Funds must be available in the appropriate budget to cover the anticipated costs.
3. Training opportunities should be limited to those that will benefit both the employee and the City.

B. Travel and Transportation:

1. Authorized travel by private vehicle will be reimbursed at the rate allowed by IRS policy. Mileage allowance will be paid for trips authorized by the City Manager. For trips requiring overnight lodging, employees may be reimbursed for reasonable and necessary lodging costs plus meal allowances per rates established by the State of Utah and approved by the City Council, subject to presentation of appropriate receipts. Other related travel expenses, such as parking fees, transit passes, taxi fares, etc. may be reimbursed with the presentation of the appropriate receipts.
2. Known expenses such as conference registration fees or airline fares will be paid in advance, provided that appropriate expense reimbursement requests are submitted.
3. Travel expenses must be included in the annual budget for each department anticipating travel as part of the budget process.

4. Lodging may be provided if the travel required is more than 75 miles.
5. Hourly employees who are asked to travel as part of their work assignment should meet with Human Resources prior to travel to discuss the details associated with paid hours worked.

Article III- Retirement:

- A. Nibley City will follow the retirement policies of the Utah State Retirement System. Retirement is not mandatory, provided the employee continues to meet the current standards of the position.
- B. Retirement means the status of an individual who has become eligible, applies for, and is entitled to receive an allowance through the Utah State Retirement and Insurance Benefit Act or another comparable retirement system.
- C. Nibley City will contribute to the Social Security system for employees as required by law. This benefit is separate from the state retirement system. However, full-time employees of Nibley City who participate in the Utah Retirement System are exempt from participation in the Social Security System due to an opt-out election (see Nibley City Resolution 15-07). For employees exempt from participation in the Social Security System, and in lieu of participation in the Social Security System, the City participates in a Social Security Replacement Program.
- D. Full-time employees of Nibley City are eligible to participate in the Utah Retirement System.

Article IV- Death of an Employee

- A. Upon the death of an employee, the employee's designated beneficiary shall be paid for:
 1. All hours worked but not paid, at the employee's current rate of pay;
 2. All compensatory time hours accumulated but not paid, at the employee's current rate of pay;
 3. All unused sick leave, at the employee's current rate of pay.
 4. All vacation hours accumulated, but not used, at the employee's current rate of pay.
 5. Life insurance benefits provided by City-affiliated policies. Nibley City is pleased to provide a basic life insurance benefit through such policies, which customarily allow employees to pay premiums for additional coverage.

Article V- Medical Insurance

A. Medical Insurance:

1. The City participates in group healthcare plans, including medical, dental, and vision insurance programs. These programs are available to all regular full-time employees. Employees may only enroll or disenroll from these programs during open enrollment periods or after a qualifying event, as defined by IRS and other Federal regulations.
2. Employees wishing to enroll in the medical insurance plan have traditionally enjoyed a generous contribution from the city regarding the payment of the premium. The employee has only been responsible to pay 20% of the premium, while Nibley City has paid the other 80%.
3. Part-time and temporary employees are not eligible for medical insurance.
4. Eligible employees who opt out of enrolment in the medical insurance plan, due to the existence of other coverage, will receive a 401k contribution each month comparable to the amount the City would otherwise pay for employee healthcare premium.
5. If the City provides a health insurance policy with a Health Savings Account (HSA), the City may contribute to the employee's HSA based on its current HSA contribution policy, up to 50% of the maximum allowable amount as determined by the Internal Revenue Service (IRS) HAS index figures, and as funds are available in department benefits budgets.

Article VI- Workers' Compensation Insurance Policy:

A. Policy:

1. Employees of the City also receive the benefit of a sponsored worker's compensation protection policy to protect them in the event of an accident or injury at work. The City covers the full cost of monthly premium.
2. Workers' compensation insurance is intended to provide medical care and pay for lost time resulting from injuries on the job and those illnesses caused by work.
3. If an employee is injured on the job or becomes ill as a result of a work-related activity, the employee must report the injury or illness, no matter how minor, to their direct supervisor immediately. If the employee requires medical care, the employee shall be evaluated by a medical provider identified by the City. The supervisor will then assist in obtaining the first report of injury. (Form 122E)
4. Failure to report an injury in a timely manner may jeopardize the employee's rights to certain benefits.
5. Workers' compensation insurance coverage is not available to the employee for injuries that occur during the employee's voluntary participation in any off-duty recreational,

social or athletic activity that is not part of the employees work related duties, even if sponsored by the City.

6. If an employee wishes to be treated by his or her own health care provider instead, they must notify the City in writing before any injury or illness occurs, and the treatment must be approved by another carrier or the responsibility for payment lies solely with the employee.
7. No adverse action will be taken against any employee in any manner for requesting or taking any time off as provided in this section.

B. Workers' Compensation Fraud:

1. All employees should be aware that workers' compensation fraud is a felony in Utah.
2. It is a felony for an employee to make a workers' compensation claim knowing that the injury or illness is not work-related.
3. It is a felony for an employee to allow a doctor, therapist, or attorney to use the claim to make money by exaggerating the need for treatment or other benefits.
4. Nibley City will take all actions necessary to prosecute cases of workers' compensation fraud.

Article VII- Holidays:

- A. Legal Holidays:** The following have been designated as legal holidays in the State of Utah and the Nibley City offices will be closed, except as provided by law:

- | | |
|-------------------------------------|--|
| 1. New Year's Day: | January 1 |
| 2. Dr. Martin Luther King, Jr. Day: | 3 rd Monday of January |
| 3. Washington and Lincoln Day: | 3 rd Monday of February |
| 4. Memorial Day: | Last Monday of May |
| 5. Juneteenth | Monday of the week in which June 19 th occurs |
| 6. Independence Day: | July 4 |
| 7. Pioneer Day: | July 24 |
| 8. Labor Day: | 1 st Monday of September |
| 9. Columbus Day: | 2 nd Monday of October |
| 10. Veteran's Day: | November 11 |
| 11. Thanksgiving Day: | 4 th Thursday of November |
| 12. Christmas Day: | December 25 |

B. Exceptions and Explanations:

1. If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday.

2. Employees whose days off are other than Saturday and Sunday, are allowed time off for holidays in a way equitable to conditions affecting employees working Monday through Friday, as determined by their supervisor. Employees who voluntarily work on a holiday shall accrue equivalent hours of holiday leave that may be used on another day, as approved by the employee's supervisor, within the same calendar year.
3. The City Manager may close city offices early or completely on days adjacent to holidays, such as Good Friday, Christmas Eve or the day after Thanksgiving based on the availability of employees who may be absent due to using other leave time.
4. An employee's birthday shall also be observed as a personal holiday for that person and may be used at any time during the year, with approval of their supervisor. This personal holiday does not roll over to the next calendar year and must be taken as a full day.
5. Benefited employees will be paid at their normal rate on holidays.
6. An employee required to work on a holiday will be paid at two times their normal rate or they can accrue the holiday hours as compensation time at the rate of two hours for every hour worked.
7. City offices will also be closed the day after Thanksgiving and the day before Christmas as unpaid holidays.

Section 6: Expectation of Conduct and Disciplinary Action

Article I- Policy:

A. Policy:

1. It is the policy of Nibley City that the City Manager and department manager will inform its employees regarding expected standards at work, what constitutes employee misconduct, what management and the employee may do to correct any misconduct, and what the employee's rights are if disciplined.
2. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Nibley City government. Administrative procedures have been established for the handling of disciplinary measures when required.
3. Nibley City reserves the right to combine or skip steps in the disciplinary process depending on the facts of each situation and the nature of the offense. As such, discipline may be escalated and employees may be subject to immediate termination of employment for certain infractions. Factors that will be considered include, but are not limited to:
 - a. The immediate safety of the employee, other employees, or the public
 - b. Whether the offense is repeated
 - c. Length of service of the employee
 - d. Counseling and/or training
 - e. The employee's work record
 - f. The impact the conduct and performance issues have on the City
4. All employees are At-Will, except as required by law. As such, Nibley City reserves the right to exercise the At-Will doctrine as stated in section 2 subsection A of this policy to discipline or terminate any at-will employee with or without cause, even if cause is otherwise required under this policy.
5. Disciplinary action, up to and including termination, may be imposed for misconduct or cause, as defined in this policy or applicable rules and laws.
6. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's personnel record.

Article II- Types of Disciplinary Action:

A. Verbal Warning:

1. Wherever grounds for disciplinary action exist, and the City Manager or department head determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee. Management will document the occurrence of these verbal conversations.

2. Whenever possible, sufficient time for improvement should precede additional disciplinary action. It is the goal of Nibley City to effectively assist the employee in making the improvement.
3. The failure to issue, or document, a verbal warning shall not preclude other disciplinary action.

B. Written Reprimand:

1. The City Manager or department manager may reprimand an employee for cause. The City Manager or department manager shall furnish the employee with an Employee Written Reprimand Notification setting forth the reason(s) for the reprimand, the negative impact to Nibley City, the expectations or standards and the consequences of failing to meet these standards.
2. A copy of the Employee Written Reprimand Notification, signed by the City Manager or department head and the employee, shall be permanently placed in the employee's file. If the employee refuses to sign the form, the City Manager or department manager will indicate on the form.

C. Suspension:

1. The City Manager may, for cause, suspend an employee without pay for up to, but not exceeding, thirty (30) calendar days.
2. Suspension of employment may be utilized in the event of an investigation.
3. The City Manager may suspend an employee with pay by placing the employee on paid administrative leave for the reasons provided in this policy. The duration of such suspension shall be determined by the City Manager.
4. On or before the effective date of the suspension, the City Manager shall furnish the employee with an Employee Suspension Notification setting forth the reason(s) for suspension.
5. A copy of the Employee Suspension Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the suspension is with pay or for administrative leave, and no other discipline was imposed in connection with the suspension, the Notification shall so indicate. If the employee refuses to sign the form, the City Manager will so indicate on the form.

D. Demotion:

1. The City Manager may, for cause, reduce in grade or demote an employee.
2. On or before the effective date of the demotion, the City Manager shall furnish the employee with an Employee Demotion Notification setting forth the reason(s) for demotion.

3. A copy of the Employee Demotion Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

E. Transfer:

1. The City Manager may transfer an employee (with the exception of a probationary employee) for cause by furnishing the employee with an Employee Transfer Notification.
2. A copy of the Employee Transfer Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

F. Termination of Employment:

1. The City Manager may terminate an employee by furnishing the employee with an Employee Termination Notification.
2. A copy of the Employee Termination Notification, signed by the City Manager and the employee, shall be permanently placed in the employee's file. If the employee refuses to sign the form, the City Manager will so indicate on the form.

Article III- Causes for Disciplinary Action:

A. Causes for disciplinary action:

1. Causes for disciplinary action, up to and including termination of employment, may include, but are not limited to, the following:
 - a. Violation of the laws of the State of Utah or the United States, other than occasional minor traffic offenses, unless such offenses demonstrate a pattern or attitude of gross negligence, recklessness, or disregard of law, or result in a violation of the Nibley City Driver Qualification and Vehicle Use Policy;
 - b. Violation of the Nibley City Credit Card Policy;
 - c. Violation of Nibley City policies, including but not limited to the Nibley City Ethics Statement; the Nibley City Cell Phone Policy; the Nibley City Computer Usage Policy; the Nibley City Dress Code; and this Nibley City Policy Guidebook;
 - d. Conduct which endangers the peace and safety of others or poses a threat to the public interest;
 - e. Unjustified interference with the work of other City employees;
 - f. Misconduct;
 - g. Embezzlement;
 - h. Malfeasance;
 - i. Incompetence;
 - j. Negligence;
 - k. Insubordination;
 - l. Failure to maintain skills, licenses, or other job qualifications;
 - m. Inadequate performance of duties;
 - n. Unauthorized absence;
 - o. Falsification or unauthorized alteration of records;

- p. Violation of the Municipal Officers' and Employees' Ethics Act, Utah Code Title 10, Chapter 3, Part 13, including using misuse of employment to benefit themselves or others, failing to disclosure conflicts of interests, or accepting gifts or bribes;
- q. Unauthorized political activity under Utah Code 10-3-1108;
- r. Falsification of employment application;
- s. Discrimination in hiring, assignment or promotion;
- t. Sexual harassment;
- u. Retaliation against any employee or person for participating in an investigation, filing a complaint, reporting discrimination, harassment, or other prohibited actions, or otherwise engaging in activities protected by this policy and law;
- v. Use of alcohol, drugs or tobacco/nicotine products;
- w. Use of or being under the influence of over-the-counter medication, medication prescribed by a physician, or other medicinal products that affect job performance, except as provided in Section 6, Article VII;
- x. Use of or being under the influence of cannabis or marijuana, except as provided in Section 6, Article VII;
- y. Falsifying of City records;
- z. Knowingly altering the timekeeping;
- aa. Brandishing or unauthorized possession of firearms, weapons or explosives on City-owned property;
- bb. Threatening, intimidating, coercing, interfering with, or discriminating against fellow employees on the job, or the public at large;
- cc. Theft or removal of any City property, including public money, or property of any employee from the work area premises without proper authorization;
- dd. Misuse of City Property - The use of City-owned property or equipment for personal use is prohibited by state law;
- ee. Gambling or engaging in a lottery at any City work area;
- ff. Misusing, destroying or damaging any City property or the property of any employee
- gg. Deliberately restricting output;
- hh. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday; or while on call, call-out, or snowplow time.
- ii. Sleeping during work hours;
- jj. Fighting on City premises;

Article IV- Conducting an Investigation:

A. Procedures for Investigation of Misconduct and Imposition of Discipline:

1. The City Manager or department head may conduct an investigation into the allegations of misconduct or behavior which might be the grounds for disciplinary action.
2. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager, or designee, may place an employee on paid administrative leave. The person conducting the investigation, and the employee that is the subject of the investigation, shall have access to all relevant records and witnesses.

3. Prior to imposing disciplinary action, the City Manager or designee shall provide written notice of an informal hearing to be conducted with the Employee. The notice shall describe the conduct, policies, and potential discipline at issue and shall inform the employee of their right to respond in writing and in person to the notice. The notice shall be placed in the employee's file.
4. After providing appropriate written notice, the City Manager or department manager shall conduct an informal hearing with the employee and review the action with the employee. This process shall include an opportunity for the employee to respond to the allegations, and the employee's written response, if any, and other related documents shall be placed in the employee's file. The employee may be represented or aided by counsel of their choice at any stage of the investigation and disciplinary process, including at any hearing.
5. In determining the type and severity of the disciplinary action, the City Manager or department head may consider aggravating and mitigating circumstances such as:
 - a. The repeated nature of the misconduct and possibility for recurrence;
 - b. Prior disciplinary action imposed;
 - c. The severity of the misconduct;
 - d. The employee's length of service;
 - e. The employee's work record;
 - f. The effect on City operations; and/or
 - g. The potential of the misconduct to harm persons or property.
6. For disciplinary action other than a verbal reprimand, the City Manager or department head shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:
 - a. The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed;
 - b. Any prior disciplinary action imposed;
 - c. The disciplinary action to be imposed;
 - d. The effective date and duration of the disciplinary action; and
 - e. The corrective action necessary for the employee to avoid further disciplinary action.
7. Suspension, demotion, transfer or termination of an employee shall require the approval of the City Manager.
8. The City Manager may note the disciplinary action on their personal notes at the time disciplinary action is imposed and/or on the employee's performance evaluation form when the next performance evaluation is conducted.

Article V- Appeals Procedures:

- A. Employees in their orientation/probation period and all at-will employees have no appeals rights. The decision of the City Manager or department manager shall be final for all such employees.
- B. **Appealing to an appeals board;** Upon written receipt of an employee disciplinary action, transfer or termination notice, some employees have the right to appeal the disciplinary process and action imposed by the City Manager department manager to an appeals board. This right to appeal is granted only to employees that are not designated as at-will under this policy or state law.
 - 1. An employee must submit their written notice of appeal to the Nibley City Recorder within ten (10) calendar days of receiving notice of the disciplinary action to be imposed or the employee will be deemed to have waived all appeal rights.
 - a. In the event the Recorder is not available or is the subject of the disciplinary action, the written notice of appeal shall be submitted to the Mayor.
 - b. The notice shall describe the claims, arguments, and evidence to be presented by the appeal.
 - 2. The Appeals Board will be made up of three (3) members:
 - a. Two (2) of the members will be from the Nibley City Council, with one serving as the Appeals Board chairperson, with the Mayor making the selection of the two Council member.
 - b. One (1) of the members will be an employee representative, with the Mayor making the selection of the employee representative.
 - c. The employee may have counsel present during the hearing and may call, present, or examine witnesses and evidence.
 - 3. The Appeals Board shall conduct the hearing within a reasonable time after the filing of the notice of appeal. The Appeals Board shall provide notice of the hearing to the City Manager and the employee no later than seven days prior to the hearing.
 - 4. The Appeals Board shall fully hear and decide all issues raised in the appeal and can affirm, modify, or overturn the employee disciplinary action.
 - a. The Appeals Board shall issue a written decision within 15 days after the hearing.
 - b. If the Appeals Board modifies or overturns the disciplinary action, the Appeals Board may reinstate any loss of pay or position associated with the employee disciplinary action.

- c. If the Appeals Board overturns the disciplinary action in its entirety, the City Manager, or designee, shall remove the record of the disciplinary action from the employee's file.

Article VI- Grievances:

1. If an employee has a problem or grievance, every effort should be made to resolve the matter with his/her department manager. If a mutual agreement cannot be reached, the problem may be escalated according to the process set forth in Article VIII. Prompt and timely reporting of grievances is essential to resolving workplace issues. Grievances that are not filed in a timely manner may impair the City's ability to respond to, manage, and rectify grievances.
- B. If a non-employee has a problem and/or grievance regarding an appointed official or a city employee, the following procedure will be followed:
1. No anonymous complaints will be taken. The person making the complainant must give their identity, a contact number,, and address.
 2. The complaint must be specific about the violation.
 3. The complaint will also be given to the employee's department manager for investigation so disciplinary action, if needed, can be performed as outlined in this policy guidebook.
 4. The identity of the complainant may be kept confidential through the verbal warning stage. However, if the supervisor cannot substantiate the violation, and the complaints continue, the identity of the complainant may be made known.

Article VII- Tobacco, Drug and Alcohol Policy and Procedures

A. Introduction:

1. Nibley City maintains a drug, alcohol, tobacco/nicotine, and vape-free workplace.
2. The City complies with the [Drug-Free Workplace Act of 1988](#).
3. This policy recognizes the problems created by drug and alcohol abuse and the need to develop prevention and treatment programs.
4. The abuse of alcohol and other drugs creates a variety of problems in the workplace, such as increased accidents and injuries, increased absenteeism, increased financial burden on health insurance and other employee benefit programs, increased workplace thefts, decreased employee morale, decreased productivity, a decline in the quality of work, and damage to Nibley City's image and public trust.
5. Nibley City is committed to protecting people and property, and to providing a safe working environment.
6. The purpose of the following policy is to establish and maintain a tobacco-free, drug-free, alcohol-free, healthy work environment for all employees.

B. Definitions:

1. City Premises: all property, facilities, land, rights-of-way, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the City. Works sites for which the City has responsibility are included.
2. Prohibited Items & Substances: illegal drugs (including controlled substances, look-alike drugs and designer drugs), alcoholic beverages, tobacco products, including e-cigarettes, and other drugs, even if legal to possess and use, and drug paraphernalia in the possession of or being used by an employee on the job. Also prohibited is legally prescribed medication and medicinal products that may impair physical or mental performance, including marijuana and cannabis products, except as authorized by this policy.
3. Employee: individuals who perform work for Nibley, including, but not limited to, management, supervision, engineering, craft workers and clerical employees.
4. Accident: an event resulting in injury to a person or property to which an employee, or contractor/contractor's employee, contributed as a direct or indirect cause.
5. Incident: an event which has all the attributes of an accident, except that no harm was caused to person or property.
6. Reasonable Cause: tardiness, excessive absenteeism and erratic behavior such as noticeable imbalance, incoherence and disorientation.

C. Procedures and Confidentiality:

1. All parties to this policy and program have only the interests of employees in mind; therefore, Nibley City encourages any employee with a substance abuse problem to come forward and voluntarily accept assistance in dealing with the illness.
2. All actions taken under this policy and program will be confidential and disclosed only on a "need to know" basis.
3. When a federal or state mandated test is required, the specimen will be collected by IHC's WorkMed or another similarly qualified facility and the collection and testing process will be per their procedures. As part of the process the testing facility may use the expertise of a Medical Review Officer to review the prescription history or employees who test positive for allowable prescription medication.
4. All test results will be kept in a confidential limited access file in the Nibley City office to ensure the confidentiality of the tested employee.

D. Rules-Disciplinary Actions:

1. Smoking and/or use of tobacco products is prohibited throughout the workplace, including all city-owned property, buildings, vehicles and equipment.

- a. Employees shall not smoke in proximity of flammable liquids, explosives, dusts, gases or where “No Smoking” signs are displayed either on property occupied by the city or on the premises of other persons. Employees may smoke only where posted in accordance with the Utah Clean Air Act.
 - b. Matches, cigars, cigarettes, tobacco or other substances must not be discarded while still burning except when placed in a proper receptacle or otherwise disposed of safely.
2. All employees must report to work in a physical condition that will enable them to perform their jobs in a safe and efficient manner. Employees shall not, unless authorized by the City Manager or department manager in accordance with this policy:
 - a. Use, possess, dispense, manufacture, sell or receive prohibited substances on or at the job site; or
 - b. Be under the influence of alcohol or illegal drugs; or
 - c. Report to work with any measurable amount of prohibited substances in their system.
3. When the City has reasonable cause to believe an employee is under the influence of a prohibited substance, for reasons of safety, the employee may be suspended until test results are available. If the test results prove negative, or if no test results are received after three (3) business days, the employee, if available, shall be returned to work. In all other cases:

All Public Works employees will participate in a random drug and alcohol testing process. If the City Manager or the department manager determine there is reasonable cause or suspicion for any employee to submit to a drug and/or alcohol test, an employee will be directed and accompanied to a testing facility to provide a specimen.

- a. Applicants testing positive for drug use will not be hired.
4. The following situation(s) will result in termination of employment:
 - a. Employees who have not voluntarily come forward and who test positive for drug use.
 - b. Employees who refuse to cooperate with testing procedures.
 - c. Employees found in possession of drugs or drug paraphernalia.
 - d. Employees found selling or distributing drugs.
 - e. Employees found under the influence of drugs or alcohol while on duty, or while operating a City vehicle.
5. An employee receiving a job offer from Nibley City will be required to provide the City with a copy of their current Drivers’ License Report and a Bureau of Criminal Investigation (BCI) report. Nibley City reserves the right to not hire a person who has been convicted of a job-related felony or a drug/alcohol related conviction within the past five (5) years.

6. Employees using a prescribed medication which may impair the performance of job duties, either mental or motor functions, must immediately inform their department manager of such prescription drug use. For the safety of all employees, the City will require an employee to provide a note from their medical provider stating they are fit to perform the functions of their job and the use of the medication will not impair job functions or increase risks to the employee or others.
7. Marijuana and cannabis products are controlled and prohibited substances. The use of marijuana or cannabis products will subject the employee to discipline, up to and including termination, as with any other prohibited substance, except as specifically provided below:
 - a. No employee may use medical cannabis if such use would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position, or if the employee's position is dependent on a license that is subject to federal regulations, including CDL licenses.
 - b. An employee may use medical cannabis if such use is authorized in accordance with state law, such as by a valid medical cannabis card, and the employee informs their supervisor of such use and authorization. The employee shall be required to provide proof of authorization. For the safety of all employees, the City will require an employee to provide a note from their medical provider stating they are fit to perform the functions of their job and the use of medical cannabis will not impair job functions or increase risks to the employee or others.
8. All aspects of this policy shall be subject to the appeals procedure described in this Section.

E. Drug/Alcohol Testing:

1. The parties to this policy and program agree that under certain circumstances, the City will find it necessary to conduct drug and alcohol testing. While "random" testing is not necessary for the proper operation of this policy and program, it may be necessary to require testing under the following conditions:
 - a. Testing will be done at random for all employees in safety sensitive positions or who require a CDL license to perform their responsibilities. These employees will be subject to all federally mandated modes of testing, including pre-employment and random.
 - b. Upon receiving an offer of employment from Nibley City, a pre-employment drug and alcohol test will be administered to all prospective employees prior to employment. Should a prospective employee test positive, the offer of employment will be rescinded.
 - c. A pre-employment drug and alcohol test may be administered to all applicants for employment.

- d. In order to maintain safety in our City, a test may be administered in the event a supervisor has a reasonable cause or suspicion to believe that the employee has reported to work under the influence, or is or has been under the influence while on the job; or has violated this drug policy.
 - e. Testing will be required after all motor vehicle or equipment accidents, including CDL reportable incidences. All other accidents/incidents will be at the department manager's discretion and will require appropriate documentation.
 - f. Testing may be required as part of a follow-up to counseling or rehabilitation for substance abuse, for up to a 5-year period during the employee's employment with Nibley City. For commercial drivers this requires six (6) random tests during the first calendar year, and may be up to 60 months depending on SAP education and treatment plan;
 - g. Employees may also be tested on a voluntary basis.
- 2. Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, ongoing employment by the City will be terminated.
 - 3. The City will bear the costs of all testing procedures, including split sample confirmation, if necessary.

F. Rehabilitation and Employee Assistance Program:

- 1. Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter. If an employee voluntarily notifies supervision that he or she may have a substance abuse problem, the City will assist in locating a suitable employee assistance program for treatment and will communicate with the employee regarding medical benefits available under the City's medical insurance program. However, financial responsibility is ultimately that of the employee.
- 2. If treatment necessitates time away from work, the City shall provide for the employee, an unpaid leave of absence for purposes of participation in an agreed upon treatment program. An employee who successfully completes a rehabilitation program shall be reinstated to his/her former employment status, if work for which he/she is qualified exists.

Article VIII- Respect in the Workplace

A. Introduction:

- 1. Nibley City is committed to providing and promoting a culture of respect and an atmosphere in which employees can realize their maximum potential in the workplace. We work together as team and we do so in a professional manner. Our aim is to communicate in a way that is never offensive.

2. Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility and mutual respect that must prevail within the work place.
3. To this end, all employees of Nibley City must understand that sexual harassment, discrimination, and sexual exploitation of professional relationships will not be tolerated.
4. When necessary, the City will investigate and take action to resolve grievances promptly.
5. This policy applies to all applicants as well as officers, employees and persons who serve the City as its agents and are under the control of the City. Specific adherence shall be made an express term of every contracted service agreement entered into by the City.

B. Examples:

Examples of harassing and disrespectful behavior in the workplace and work-related environment may include, but are not limited to, the following:

- a. Derogatory statements, jokes or comments; do not expect to defend your actions or communication by stating 'it was only a joke';
- b. Derogatory practical jokes or gifts;
- c. Profanity or other abusive language;
- d. Referring to employees as "girl", "honey", "doll", "babe", "boy", or other terms that may cause the employee to be offended;
- e. Pressure for sexual favors;
- f. Sexual gestures, jokes or comments, or turning discussions to sexual topics;
- g. Intentionally sabotaging an employee's work or withholding information from the employee that he or she needs to perform the job;
- h. Displaying cartoons, visuals or materials that ridicule, offend or denigrate an employee;
- i. E-mail, visuals, computer software, internet services, or screensavers with sexual, racist or discriminatory content;
- j. Stalking another person or employee physically or electronically;
- k. Unwelcome touching, hugging or kissing;
- l. Unwelcome letters, phone calls or gifts;
- m. Unwelcome repeated requests for dates;
- n. Unwelcome personal questions or comments about social, religious, sexual or personal life;
- o. Unwelcome staring, hanging around or following a person;
- p. Stereotyping; and
- q. Physical assault;
- r. Physically blocking or impeding the movements of another employee.

C. Categories:

Discrimination and harassment take many forms. Two categories of sexual harassment and discrimination are particularly described below.

1. Quid Pro Quo

- a. Sexual harassment presented as a “bargain” (quid pro quo)
- b. Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature by one in a superior position constitutes “bargained-for sexual harassment” when submission by another is made either an explicit or implicit term or condition of employment. In this case apparent consent of the submitting party is less relevant than the extent to which the sexual conduct is unwelcome.
- c. As defined here, “bargained-for sexual harassment” normally arises in the context of an authority relationship. This relationship may be direct, as in the case of a supervisor and subordinate, or it may be indirect when the harasser has the power to direct others who have authority over the victim. Quid Pro Quo harassment is illegal and will not be permitted.

2. Environmental Harassment

- a. Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual or discriminatory nature constitutes “environmental harassment” when such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment which unreasonably interferes with another’s work or privacy. Environmental harassment can inflict emotional and psychological harm on individuals and can make relationships and the work environment unpleasant, threatening and unproductive. However, there is no requirement that evidence of actual emotional or psychological harm be shown in order for environmental harassment to be found to have occurred.
- b. In determining whether alleged conduct constitutes harassment as defined by this policy, the record as a whole will be considered, as well as the context in which the conduct occurred. Environmental harassment normally arises from a repeated and pervasive course of action, whereas bargained-for sexual harassment can be based on a single act.
- c. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser.

D. Complaint Process:

1. Complaint Process:

All proceedings contemplated by this policy shall be confidential and will be closed to the public and City employees to the extent permitted by law, unless disclosure is required for legitimate investigative purposes.

2. **Criminal Conduct:**

Regardless of any internal investigation conducted by Nibley City, certain actions falling under the definition of sexual harassment or discrimination constitute criminal conduct and will be turned over to law enforcement.

In determining whether an allegation of sexual harassment rises to the level of criminal conduct, Nibley City will follow the provisions outlined in Utah Code §76-5-404 and other sections, as appropriate.

3. **Informal Procedure:**

Notification: If an employee thinks that they have been the object of sexual harassment or any type of discrimination from a Nibley City employee or an individual having regular contact with Nibley City, the employee should make clear to the harasser that such conduct is offensive. In the event that the complaint is against the employee's department manager, the City Manager should be notified. All of these contacts are informal and do not need to be in writing.

Resolution: If an employee contacts the department manager, that individual should discuss the issue with the complainant and help to identify courses of action to resolve the issue.

4. **Formal Procedure:**

If the conduct in question continues after the informal procedure, or if the complainant is not satisfied with the informal procedure, then the complainant may file a written complaint regarding the conduct.

Nibley City Employees:

- a. If the complaint is against a city employee, the complainant may submit a written statement regarding the conduct to the offending employee's department manager or the City Manager. If an agreeable resolution cannot be decided upon, the complainant may submit the complaint to the City Council. In the event the department manager or City Manager is the party against whom the allegations are being made, the complaint should be filed with the Mayor, or designee, and/or the City Council.
- b. Investigation: The person with which the complaint is filed shall cause an investigation to occur into the alleged misconduct. The investigation shall include, but not be limited to, an interview of the complainant and the alleged harasser. The City will issue a written report of its investigation.
- c. If the report confirms or supports the complaint, the person responsible for the investigation shall determine the type of action, changes, and/or discipline that is required to correct the conduct and ensure it is not repeated. In doing so, the person shall coordinate with the Mayor, City Manager and relevant department managers as necessary.

5. Records and Confidentiality:

- a. Records of investigations, reviews, and grievance procedures will be kept in a separate confidential file in the city office.
- b. Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures will be destroyed if the complaint is found to be without merit.

6. Penalties:

Penalties will be determined on the basis of the facts of each case and the extent of harm to the City's interests, as well as any record indicating previous similar or wrongdoing by the accused person. If, after investigation, findings indicate that the complaint is meritorious, the employee committing the acts of sexual harassment or discrimination will be appropriately disciplined as set forth in Section 6 of the Nibley City Personnel Policy.

E. Non-Fraternization Policy

1. Policy:

Dating, requests for dates and/or personal relationships between management and persons within their scope of influence are prohibited.

2. Definitions:

- a. Management is defined as all exempt positions, managers, supervisors, department heads, elected and appointed officials, etc.
- b. Scope of Influence includes the ability to hire, affect salary, promotional status, performance appraisal content, work assignment, termination of employment, etc.
- c. If an employee is unsure if they fall within the scope of influence of another person, the employee should contact their direct supervisor or the City Manager for clarification.
- d. If a conflict of interest or a dating relationship between a superior and a subordinate (as defined above) is established after employment begins, it is the responsibility of the supervisor involved to disclose the existence of the relationship to management.

3. The City reserves the right to take appropriate action to eliminate the conflict.

- a. Such action could include a transfer to a different team, a different shift or location or, in the extreme, termination of the supervisor in the relationship.

F. Retaliation and Whistleblowing Policy

1. **Policy:** Retaliation by the City and any of its officers, officials, and employees against any employee is strictly prohibited.
2. **Definitions:**
 - a. Retaliation is treating a person differently or engaging in acts of reprisal, intimidation, or other adverse action against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, engaged in whistle-blowing, or opposed a discriminatory practice.
 - b. Whistle-blowing is defined in the Utah Protection of Public Employees Act, Utah Code Title 67, Chapter 21, as the reporting of the waste or misuse of public funds, property, or manpower; a violation or suspected violation of a law, rule or regulation; gross management; abuse of authority; or unethical conduct.
3. **Procedures:**
 - a. Any employee alleging that they or another employee has been the target of retaliation shall follow the procedures set forth in this Article for filing a complaint.
 - b. The City shall provide employees with a copy of the Utah Protection of Public Employees Act when an employee is hired, upon a request by an employee, and when an employee files a complaint regarding whistle-blowing.

Section 7: Appendices

Appendix A – Cell Phone Policy and Consent

NIBLEY CITY CELL PHONE POLICY

Nibley City recognizes that allowing certain City personnel to use a cell phone is helpful to efficiently conducting City business. This policy provides specific guidelines regarding the use of cell phones for business purposes and the methods available to accomplish this purpose.

When the job duties of an employee require the frequent use of a cell phone to conduct City business, the City Manager or Public Works Director may authorize a monthly allowance for that employee.

Approved employees will receive a monthly allowance to help defray costs related to their work as a City employee which are incurred under the employee's personal cell phone plan. Any costs incurred in excess of the monthly allowance are the sole responsibility of the employee.

The allowance will be paid through the payroll process and is considered taxable income. The allowance does not constitute an increase to base pay and will not be included when calculating retirement contributions. Because the cell phone contract is paid personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes as appropriate.

Because the cell phone contract is paid personally by the employee, the employee may, at his or her own expense, add extra services or equipment features as desired.

Employees who receive a cell phone allowance are responsible for:

- Purchase of equipment and accessories and maintaining insurance on the equipment
 - Insurance is highly recommended, especially for employees working in environments that could be hazardous to cell phones, because any and all damage to equipment will be the responsibility of the employee.
- Ensuring that the phone is fully charged and operable during business hours, including bringing the phone with them each day they are at work.
- Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
- Account setup
- Notifying the City immediately if the phone is out of service
- Applicable taxes (allowance is taxable income paid through payroll)
- Upon request of the city, providing recent billing statements reflecting all calls conducted during work hours.
- Voice, text, data and all other charges

Employees receiving a cell phone allowance must maintain active cell phone service with a wireless provider as long as the cell phone allowance is provided to the employee.

Use of the cell phone in any manner contrary to local, state or federal laws or these policies constitutes misuse and will result in immediate termination of the cell phone allowance and, depending on the severity of the offense, may result in disciplinary action.

The City will not provide technical support for personal cell phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.

While engaged in city business, all employees are prohibited from operating vehicles or equipment while using a cell phone in any manner, unless a hands-free device is being used, with the exception of City employees operating certain emergency vehicles and when reporting certain emergencies or illegal activity or to prevent injury.

Qualification for cell phone allowance will be determined by the City Manager and provided as follows:

- High-use: \$60 per month
- Low-use: \$30 per month

Some employees may be required to use a smart phone with data and email capabilities.

During work hours, personal calls shall be kept to a minimum. Whenever possible, personal calls should be limited to break time, lunch time and non-working hours.

If an individual's supervisor has reason to suspect an abuse of this policy, he/she may request documentation of an employee's cell phone use during working hours.

ACKNOWLEDGEMENT

This is to acknowledge that I have read, understand and agree to the terms of Nibley City's Cell Phone Policy.

I understand that failure to follow the provisions of this policy could lead to the loss of my cell phone allowance and/or other disciplinary action, including termination. I am also aware that the City reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix B – Nibley City Computer Usage Policy

NIBLEY CITY COMPUTER USAGE POLICY

A. Policy:

1. All data that is composed, transmitted, or received via our computer communication systems are subject to disclosure to management, law enforcement or other third parties.
2. Employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful and that it preserves customer privacy when necessary.
3. The equipment, services, and technology provided by the City to access the internet remain at all times the property of Nibley City. As such, the City reserves the right to monitor internet traffic and retrieve and read any data composed, sent, or received through the City's online connections and stored in City computer systems.
4. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidation, or disruptive to any employee or other person.
5. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited.
6. All employees are responsible for maintaining the City's positive reputation and under no circumstances should employees present the City to the public in a manner that diminishes its standing within the community.
7. Abuse of computer or internet access provided by Nibley City, in violation of law or City policies, will result in disciplinary action up to and including termination of employment.

Appendix C – Nibley City Purchasing Policy

NIBLEY CITY PURCHASING POLICY

This policy can also be found in Nibley City Code 1-24-010. If the policy found in NCC 1-24-010 is not consistent with this policy, NCC 1-24-010 shall govern and be followed.

1.24.010 Objectives

1. To purchase equipment, materials, supplies and services best suited to accomplish the desired task, to obtain equipment, materials, supplies and services at the lowest possible price by encouraging effective competition in public purchasing by competitive bidding;
2. To establish procedures for the disposal and/or assignment of surplus equipment, supplies and materials;
3. To establish procedures and policies to enhance the efficiency and effectiveness of the city's accounts payable system.

1.24.020 Purchasing Procedures

1. Purchases of equipment, materials, supplies and services exceeding one thousand dollars (\$1,000.00) shall be supported by at least two (2) verbal quotations, or written sole source justification, which shall be recorded with the invoice of the purchased items.
2. Purchases of equipment, materials, supplies and services exceeding twenty-five thousand dollars (\$25,000.00) shall be opened for competitive bidding or other competitive process and the award made by the city council. Inclusion of a specific item or service in an adopted budget shall be considered as approved by the council, but such inclusion shall not remove the requirement to competitively bid that item or service.
3. The council may waive the bid requirements provided herein if it determines such action to be in the best interest of the city and in compliance with state law, so long as justification for waiving the bid requirement is specified and made public.
4. The following items are excepted from bidding requirements: telephone services, utility services, payroll and employee benefits vendors, incidental and routine purchases for supplies and materials not to exceed one thousand dollars (\$1,000.00) per month per vendor. Also excepted are taxes, bond and loan payments, and authorized monthly travel expenses approved by the city council. Purchases of ongoing professional services, including those of city attorney, city engineer, bond council, and the city financial advisor are exempted from bidding requirements so long as the city council authorizes a contract for such services on a biennial basis.
5. All purchases for items in excess of five hundred dollars (\$500.00) shall be approved by the city manager.
6. The city manager may recommend a particular brand or style of an item or service that may satisfy the long-term needs and goals of the city. This may be done to achieve uniformity in design or ease in replacement of an item. If it can be determined that there is more than one vendor available for a designated brand or style then the city shall follow the appropriate competitive bidding requirements of this chapter. The city council

shall be notified of such items, and those items shall be exempt from competitive bidding requirements of this chapter.

7. Items or services available through the state of Utah, division of purchasing contracts, may be purchased at the state contract prices and not be subject to other requirements concerning bidding contained in this chapter.
8. All public works projects not being constructed by Nibley City employees shall be advertised twice in a local paper or appropriate trade journal and, where practicable, sent to at least three (3) available vendors. Bid receipt deadlines shall not be less than ten (10) days following the last publication. All bids received shall be sealed. They shall be opened in a public setting that bidders and other interested parties may attend.
9. All equipment purchases over twenty-five thousand dollars (\$25,000.00) shall be appropriately noticed in order that multiple vendors may have the opportunity to submit their proposals. Written bids shall be required.
10. If a contract is awarded to other than the lowest qualified bidder, the reason for accepting a higher bid must be specified and made public.
11. Credit cards maintained by the city shall be closely and carefully monitored to make sure the original invoice is matched with the credit card billing and that all purchases are accounted for as legitimate city purchases.

1.24.030 Emergency Purchases

1. An emergency may be determined by the city manager or, in his absence, the public works director or City Engineer as a situation wherein the equipment, supplies or services must be purchased in an immediate and timely manner in order to ensure the safety of employees or preserve the public health, safety or welfare.
2. In an emergency situation, whenever possible, the equipment, supplies or services shall be purchased from a vendor that has previously been the successful competitive bidder with the city.
3. As soon as is practicable after the emergency situation, the purchaser shall provide the city recorder with the information concerning the purchase, including sales or delivery receipt, and a written explanation detailing the circumstances of the emergency.

1.24.040 Disposal Of Surplus Or Unneeded Items

1. The city may dispose of any supplies or equipment that are deemed to be surplus or no longer of value or use to the city. If the value of the item is deemed to be in excess of three hundred dollars (\$300.00) a public announcement of the intention to dispose of the item shall be made. The city manager shall prescribe methods of selling of the items with the objectives of making it available to the general public and receiving the most remuneration possible for the city.
2. Items of value in excess of five thousand dollars (\$5,000.00) shall only be deemed surplus by the city council.
3. City employees shall not buy or receive any surplus items from the city without the consent of the city council.

1.24.050 Disposal Of Significant Parcel(s) Of Real Property

1. Any transfer of real property, significant or not, as defined herein, under this section may be executed by a property transfer agreement, only after such agreement is approved the City Council. The property transfer agreement may define the future restrictions or intended uses of any property that the City gifts, leases, or sells to a new owner.
2. Pursuant to Utah Code § 10-8-2(4), the City defines a significant parcel of real property as a parcel of real property which is eligible for residential or commercial development, based on the requirements of said parcel's underlying zone, and having such value to the City that the City would not dispose of the real property without selling or trading it for its full fair market value as determined by a current appraisal or by another reliable method for determining the value of real property, subject to reasonable adjustment within the discretion of the City Council.
3. Before disposing of a significant parcel of real property, the City shall hold a public hearing, for the purpose of receiving public comment on the proposed disposition. Reasonable notice of the public hearing shall be given at least fourteen (14) days prior to the date of the public hearing and shall include notice of the date, time and place of the public hearing, and the purpose for which the public hearing is being held. "Reasonable Notice" shall be considered as having the notice published once in a newspaper of general circulation the City, publishing the notice on the Utah Public Notice Website, posting the notice on the real property proposed for the disposition, and posing the notice of the City's official website.

HISTORY

Adopted by Ord. 15-08 on 9/3/2015

ACKNOWLEDGEMENT

This is to acknowledge that I have read, understand and agree to the terms of Nibley Purchasing Policy.

I understand that failure to follow the provisions of this policy could lead to the loss of my purchasing rights and/or other disciplinary action, including termination. I am also aware that Nibley City, with the consent of the Nibley City Council, reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix D – Nibley City Employee Credit Card Use Agreement

NIBLEY CITY EMPLOYEE CREDIT CARD USE AGREEMENT

Being issued a credit card represents the City's trust in you. You are empowered as a responsible agent to safeguard the City's assets. Your signature below is verification that you have read this use agreement and agree to comply with it. It also acknowledges that you have received Zions

Bank Visa® Commercial Card Last Four # _____.

1. I understand that the card is for City approved purchases only, and I agree not to charge personal purchases or those not authorized by the city budget or purchasing policy. *Initial:* _____
2. Improper use of this card can be considered misappropriation of City funds. This may result in disciplinary action, up to and including termination of employment and/or criminal prosecution. *Initial:* _____
3. If the card is lost or stolen, I will immediately notify Zions Bank by telephone. I will confirm the telephone call by email with a copy of the notification to my supervisor and the City Treasurer. *Initial:* _____
4. I agree to surrender the card immediately upon request or termination of employment, whether for retirement, voluntary or involuntary reasons. *Initial:* _____
5. The card is issued in my name. I am responsible for any and all charges against the card. *Initial:* _____
6. All charges will be billed directly to and paid directly by the City. The bank cannot accept any monies from me directly; therefore, any personal charges billed to the company could be considered criminal misappropriation of company funds. *Initial:* _____
7. As the card is City property, I understand that I may be periodically required to comply with internal control procedures designed to protect City assets. This may include being asked to produce the card to validate its existence and account number. *Initial:* _____
8. I understand it is my responsibility to produce receipts on ALL purchases to the Nibley Accounts Payable Clerk on a monthly basis. If receipts are turned in late or are lost, purchase card privileges may be revoked and I will be held responsible to pay for those charges. *Initial:* _____
9. I will receive a Monthly Reconciliation Statement either in paper form or by logging onto my account via the web, which will report all activity during the statement period. Since I am responsible for all charges on the card, I will resolve any discrepancies by either contacting the supplier, the bank, or working with the Nibley City Accounts Payable Clerk. *Initial:* _____

10. The charges made against my card will be assigned to an account number using Nibley City's general ledger account numbers, as assigned in the city budget. I understand that I am responsible for assigning a GL account to each transaction, which will be reviewed by the City Recorder/Manager. *Initial:* _____
11. I understand that the Zions Bank Commercial Card is not necessarily provided to all employees. Assignment is based on my need to purchase materials for City use. My card may be revoked based on change of assignment or policy. I understand that the card is not an entitlement nor reflective of title or position. *Initial:* _____
12. I have read and understand the requirements of H.B. 431. I understand that the requirements of H.B. 431 apply to my Zions Bank Credit Card and agree to abide by them. *Initial:* _____
13. H.B. 431 requires that a public official who uses a government card for personal use must pay a 50% penalty, in addition to the charged amount. *Initial:* _____
14. I also understand that this reimbursement and penalty may be withheld from my wages. *Initial:* _____
15. I have received a copy of my department budget(s), the Purchasing Policy, and H.B. 431. *Initial:* _____
16. I understand that all purchases made must be tax exempt. The tax-exempt number is printed on the card, and I will notify the business of that status. If I forget, I will arrange for the city to be reimbursed the tax. *Initial:* _____

Employee Signature

Date

Employee Printed Name

Witness Signature

Date

Appendix E – Nibley City Dress Code Policy

NIBLEY CITY DRESS CODE POLICY

1. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and can affect the business and professional image Nibley City presents to patrons and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Consult with your department manager to determine what types of appearance and dress are required for your particular position. Absent any position-specific instruction from your department manager, the following guidelines apply to all City employees, and are to be defined and applied by your department manager.

A. Acceptable Business Casual Attire

A business casual dress code is appropriate for Nibley City employees working in office type settings. Examples of Acceptable Business Casual Attire include:

- (1) Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.
- (2) Slacks or dress pants. Employees may also wear dress denim jeans if approved by the department manager.
- (3) Casual dresses, skirts and skorts that are no shorter than 3 inches above the top of the knee, or if the skirt is worn together with leggings, no shorter than 5 inches above the top of the knee. Skirts that are split at or below the knee. Leggings are allowed under a skirt or dress only.
- (4) Casual shirts, dress shirts, golf-type shirts and turtlenecks.
- (5) Business suits and sport jackets.
- (6) Men's and women's dress shoes, clogs, boots, flats and dress heels.
- (7) T-shirts are not acceptable attire in a business casual environment.

B. Acceptable Casual Attire

A casual dress code may be appropriate for some employees in certain situations and as directed by the City Manager and/or department manager. A casual dress code is appropriate for Nibley City employees working in public works, recreation, or school safety settings.

- (1) Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.
- (2) Blue jeans must be in good conditions (i.e. not ripped or tattered).
- (3) T-shirts and sweatshirts must be in good condition.
- (4) Athletic shoes must be in good clean condition
- (5) Any acceptable business casual attire is also appropriate in a casual attire environment.

C. Personal protective equipment (PPE)

Personal protective equipment (PPE) is protective clothing, helmets, goggles, or

other garments or equipment designed to protect the wearer's body from injury or infection. The hazards addressed by protective equipment include physical, electrical, heat, chemicals, biohazards, and airborne particulate matter.

It is the policy of Nibley City to provide personal protective equipment and safety clothing to all department employees that may be exposed to hazardous materials or hazardous working conditions during working hours. Employees must wear the appropriate protective equipment and safety clothing to perform their prescribed work in a safe and productive manner. Employees will care for City issued protective equipment and safety clothing properly to help increase the longevity of these items. Personal protective equipment and safety clothing provided by Nibley City is intended to be used by the employee while working for the City. Failure to do so may result in disciplinary action. Supervisors are responsible to see that proper safety equipment is provided and properly used. The supervisor is also responsible for the proper spending of City funds when purchasing safety equipment. Strict, unbiased discretion is expected as the supervisors determine when an employee's safety equipment needs to be replaced. All protective and safety clothing and protective devices must meet OSHA, ANSI or Department standards.

Employees working in areas that may expose them to possible injury must wear the proper safety clothing and personal protective equipment (PPE) as dictated by the situation.

D. Unacceptable Attire

The following is not acceptable attire at any time except with the express authorization of the City Manager and/ or department manager:

- (1) Clothing that is tight or clothing that is revealing such that either midriff or cleavage is exposed.
- (2) Clothing that contains offensive words, cartoons or images, etc.
- (3) Clothing that contains political statements, slogans or campaign related information.
- (4) Employees shall not wear any type of clothing, footwear, headgear, etc. that contains the name of a company or corporation that the City contracts with or uses as a vendor unless approved by the City Manager and/ or department manager.
- (5) Bib overalls, sweatpants, exercise pants, warm-up suits and any pants made from spandex-like material.
- (6) Tight skirts, mini-skirts, strapless dresses, and spaghetti-strap dresses.
- (7) Midriff tops, halter-tops, and tube tops.
- (8) Shower footwear, beach flip-flops, or slippers.
- (9) Hats that have not been authorized by the City.
- (10) Using a reasonable person standard, other attire which may not be considered appropriate for the workplace.

E. Personal Hygiene and Grooming, Tattoos, Body Piercing, and Body Alterations

- (1) Personal Hygiene and Grooming
 - i Employees are expected to present a professional appearance while at work. This includes practicing good personal hygiene and grooming habits as set out by the CDC and maintaining personal cleanliness.
 - ii Hair, including facial hair, should be clean, well-groomed, and conform to professional standards of style and color. Extremes in hairstyle or unnaturally colored/dyed hair will not be permitted. What is considered to be “unprofessional” or “extreme” will be decided by your department manager.

- (2) Tattoos

While at work or representing the City in any capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while at work or representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language.

- (3) Body Piercing

Visible body piercing jewelry may only be worn on the earlobe. “Gauge” style earrings may not be worn. Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, are not professionally appropriate and may not be worn while at work. Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing may not be worn at work.

- (4) Body Alteration

Alteration to any area of the body which is visible to the public that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- i Tongue splitting
- ii The complete or transdermal implantation of any material other than hair replacement
- iii Abnormal shaping of the ears, eyes, nose or teeth
- iv Branding or scarification

2. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work, and will not be eligible to use or apply other paid time off.

3. Consult your supervisor or department manager if you have questions as to what constitutes appropriate attire.
4. No part of this Personal Appearance Policy shall be interpreted to establish any policy in violation of state or federal laws. The City is an equal opportunity employer with a firm policy against unlawful discrimination based on protected classes such as race, color, religion, sex, sexual orientation, gender identity, pregnancy, marital status, national origin, genetic information, age, disability, veteran status, or any other legally protected status. If any employee feels that the Personal Appearance Policy is in direct conflict with his or her sincerely held religious beliefs, he or she must immediately notify a supervisor, who will take the steps necessary to make reasonable accommodations for the employee, so long as the accommodation does not impose an undue hardship on the City.

**NIBLEY CITY VEHICLE USE POLICY
and DRIVER QUALIFICATIONS & CONSENT**

Revised April 2022

TRAFFIC AND MOTOR VEHICLE OPERATION*

Administrative Policy

- (a) Our vehicles are a familiar sight to the people we serve. If our drivers are courteous and considerate, our city will be judged to be the same. The customers we serve are the drivers you meet on the street. Be courteous to both. Policies contained in this section shall apply whenever an employee is operating city-owned motor vehicles, when operating privately-owned motor vehicles under contract to the city, or whenever the employee is being compensated for use of a vehicle on a mileage or salary basis by the city. The purpose of these policies is to assist in avoiding traffic and equipment accidents by developing careful and courteous driving practices.

Knowledge and Compliance with Laws

- (a) Drivers of city vehicles shall be familiar with and obey all [State Vehicle Codes](#), local traffic policies and ordinances, and all city policies and regulations governing vehicle operations. The omission of any of the Vehicle Code provisions from these policies does not relieve the driver of responsibility for complying with applicable State Vehicle Code provisions.

License and Permits

- (a) Drivers of vehicles shall have in their possession a valid operators or commercial drivers license with a current medical card, as required by the State Motor Vehicle Code.
- (b) Performance tests, as might be required or necessary, shall be given for special equipment.
- (c) Relief drivers shall be designated and trained as replacements for regular drivers during vacation, sickness, etc. Their qualifications shall meet those stated for a regular driver.
- (d) Special permits from the proper governmental agency must be obtained before any load is moved upon the road or highway when said load exceeds the normal limits with respect to weight, length, width, or height. The driver of the vehicle shall understand and abide by the conditions of the special permit. A copy of the permit shall be carried on the vehicle to which it refers and shall be available to any authorized agent.

Defensive Driving

- (a) Employees are urged to practice defensive driving at all times. Avoid accidents by anticipating that someone may step from between parked cars, that a car may pull out from the curb without warning, or that the driver ahead may turn or stop suddenly.
- (b) Employees shall drive courteously at all times and shall yield the right-of-way to other vehicles if there are any questions as to which vehicle has the right-of way.

Speed Laws

- (a) Drivers of vehicles shall comply with the posted speed limits at all times.
- (b) These limits are specific speeds established by code for certain situations such as school zones, business and residential districts, and other specialized zones established by the posting speed limit signs. This also applies to open highway when speed limits are established by code and posted.

Physical Condition of Driver

- (a) No drivers shall drive a city vehicle while his/her physical condition is such as to impair his/her normal judgment and ability.

Unauthorized Drivers

- (a) No persons shall be allowed to drive city equipment unless he is an employee of the city and is authorized to use the vehicle. This rule shall apply to family members and friends of employees in charge of city vehicles

Alcoholic Beverages and Controlled Substances

- (a) Driving while intoxicated or under the influence of drugs is a misdemeanor in the eyes of the law and will be grounds for discipline or immediate discharge. Nibley City has a strict policy regarding Drug Testing in the event of an accident.

Safe Operations

- (a) Drivers shall not operate vehicles with inadequate brakes, faulty steering gear, horn, lights, etc., except to proceed to a place where repairs can be made, and then only at such reduced speed or in such manner as will enable the movement to be made safely.
- (b) When known, mechanical defects shall be reported to the headquarters of the vehicle or to the city garage.

Vehicle Safety Inspection (Pre-trip Inspection)

- (a) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment and accessories are in safe operating condition and free of apparent damage that could cause failure while in use:
 - (1) Service brakes, including trailer brake connections
 - (2) Parking system (hand brake).
 - (3) Emergency stopping mechanism.
 - (4) Coupling devices.
 - (5) Seat belts.
 - (6) Operating controls.
 - (7) And safety devices.
- (b) All defects shall be corrected before the vehicle is placed in service.
- (c) These requirements also apply to equipment such as lights, reflectors, windshield wipers, first aid kits, fire extinguishers, etc., where such equipment is necessary.

Movement of Vehicles

- (a) Before starting to move a vehicle, either forward or backward, the driver shall determine that no person or object is in the path of the vehicle. This shall be done by:
 - (1) Personal inspection if alone.
 - (2) Using a flagman if available.
- (b) Extraordinary precautions shall be taken when driving motor vehicles near children.

Backing

- (a) Backing into streets or roadways is prohibited except when impractical to proceed by other means. Extreme caution shall be used under these circumstances and flagmen used if available.
- (b) No vehicle equipment shall be operated having an obstructed view to the rear unless:
 - (1) The vehicle has a reverse signal alarm audible above the surrounding noise level; or
 - (2) The vehicle is backed up only when observer signals that it is safe to do so.
- (c) All bi-directional machines, such as hysters, front end loaders, trenchers, and similar equipment shall have in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signaling that it is safe to do so.

Transporting Employees

- (a) Employees shall ride within the body of the vehicle in firmly secured seats that are provided with seat belts. Under no circumstances shall employees ride on fenders, running boards, tail gates, side rails, or tops of vehicle.
- (b) All sharp tools, such as saws, chisels, axes, knives, etc., carried on vehicles shall be so stored or guarded to prevent injury to workmen.
- (c) Before proceeding employee drivers shall make certain that all loads are properly secured, employees are so placed as to preclude being exposed to hazards from shifting loads, and employees are riding in seats provided.
- (d) Employee drivers shall not permit boarding or alighting from vehicles which they are operating while such vehicles are in motion.
- (e) No passenger in a vehicle shall ride in such a position as to interfere with the driver view ahead, to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.
- (f) Drivers or passengers shall not throw trash, waste paper, any burning material, or other objects from vehicles.

Seat Belts

- (a) When driving or riding in any city motor vehicle, the seat belts must be worn and fastened at all times.

Parking on a Hill

- (a) Park parallel, close to the curb or edge of the road, unless signs or pavement markings indicate angle parking. Turn on the emergency flashers unless legally parked off the highway.
- (b) Never park on the paved or traveled part of any highway outside of a business or residential district when it is possible to pull off the road.
- (c) If you have to make an emergency stop, get all four wheels off the hard surface. Turn on the emergency flashers and place warning devices.
- (d) Never park on a hill or curve unless it is impossible to move the vehicle. Take all emergency precautions available to warn other motorists.
- (e) If you park on a hill, wheels shall be chocked.
- (a) Vehicles shall be kept free from accumulation of materials that constitute hazards from tripping, obstructions, or fires. Sufficient clearance shall be allowed for access

to material and tools. All surfaces shall be kept free from protruding nails or bolts, splinters, loose boards, and unnecessary holes or openings.

- (b) Good housekeeping shall be maintained at frequent and regular intervals. All sweepings, solid, or liquid waste, refuse and garbage shall be removed and disposed of in proper receptacles as often as necessary or appropriate to maintain equipment in a sanitary condition.
- (c) A common drinking cup or other similar utensils are prohibited.
- (d) When winches on trucks or tractors are used to raise or lower poles or material, pull in wire, etc., the operator shall not leave the controls while the winch is in operation or is being used to hold a load.
- (e) Drivers of city trucks and other vehicles equipped with booms or derricks, truck mounted ladders, mechanical or hydraulic lifts, hole diggers, or similar equipment, shall not drive with such equipment in an elevated or partially elevated position.
- (f) Proper precautions shall be taken at all times to prevent contact with overhead lines, trees, or structures.
- (g) Safety chains will be used on all trailed equipment except semi-trailers coupled with a standard fifth-wheel.
- (h) All haulage vehicles, whose payload is loaded by means of cranes, power shoves, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.
- (i) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set. Emergency flashers will be set when necessary.
- (j) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.
- (k) Display of Red Lights, Flags on Loads.** The driver of every vehicle operating a half hour after sunset to a half hour before sunrise and carrying a load extending four feet or more beyond the end of the vehicle, shall attach at the end of the load two red lights plainly visible under normal atmospheric conditions from a distance of not less than 500 feet from the rear and sides. At any other time the driver shall attach at the extreme end of such load a red flag or cloth at least 16 inches square.
- (a) All equipment left unattended at night adjacent to a highway in normal use, or adjacent to construction area as where work is in progress, shall have appropriate

lights or reflectors or barricades equipped with appropriate lights or reflectors to identify the location of the equipment.

- (b) Heavy machinery, equipment or parts thereof which are suspended or held aloft by use of a sling, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment shall be either fully lowered or locked when being repaired or when not in use. All controls shall be in a neutral position with the motors stopped and brakes set, unless work being performed requires otherwise, and then only when other suitable precautions are installed.
- (c) When driving vehicles or equipment under the speed limit in a manner that may impede traffic flow, the emergency flashers will be set to warn on-coming traffic.

Coasting Prohibited

- (a) City vehicles must be operated in gear while in motion. Coasting on the highway and especially on a downgrade is prohibited.

Approach of Emergency Vehicles

- (a) Drivers shall yield the right-of-way to all emergency vehicles when they are approaching with red lights and/or siren in operation. City equipment will proceed immediately to a position parallel to, and as close as possible to, the right-hand edge of the curb of the roadway and shall stop and remain in such position until the emergency vehicle has passed.

Truck and Heavy Equipment Operation

- (a) Vehicles shall be loaded properly. The driver's view shall not be obstructed. Loads shall be properly fastened with ropes or binders. Material transported on the same truck with workmen shall be secured to prevent shifting.

*These policies are also found in the Nibley City Safety Policy Manual

DRIVER QUALIFICATION

Safety is critical to our operations, therefore all employees or volunteers operating City-owned vehicles or who operate any vehicle while conducting business for or on behalf of the City of Nibley must be qualified as an "Acceptable" driver per this Driver Qualification Policy prior to operating said vehicles on any public roadway.

Drivers, or potential drivers' MVR (Motor Vehicle Record) will be screened pre-hire and monitored thereafter. Drivers will be qualified as "Acceptable," "Borderline" or "Unacceptable." Drivers whose qualification is "Borderline" will require approval from the City Manager before

operating a vehicle while conducting, or traveling for Nibley City business. Drivers with a "Borderline" qualification who are authorized by management to drive may do so on a probationary basis. Drivers with an "Unacceptable" qualification will not be allowed to operate Nibley City owned vehicles or any vehicle while conducting, or traveling for Nibley City business. **Because the ability to drive is required for public works positions, revocation of driving privileges may result in termination.**

All drivers must possess a valid Driver License with endorsements appropriate for the vehicles to be operated. The driver qualification evaluation will be based on the driver's MVR and other work-related motor vehicle incidents, whether or not the incident is reported to the DLD (Driver License Division) and recorded on the driver's MVR. All violations or incidents recorded on the MVR, whether they occurred on the job or not, are included in the driver qualification evaluation.

"Acceptable", "Borderline" and "Unacceptable" qualification will be determined using the following criteria:

Moving Violations	At-Fault Accidents			
	0	1	2	3
0	Acceptable	Acceptable	Borderline	Unacceptable
1	Acceptable	Acceptable	Borderline	Unacceptable
2	Borderline	Borderline	Unacceptable	Unacceptable
3	Unacceptable	Unacceptable	Unacceptable	Unacceptable
4	Unacceptable	Unacceptable	Unacceptable	Unacceptable

Any single major violation may result in an "Unacceptable" qualification as determined by the City Manager. Major violations include the following or an equivalent:

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Making a false accident report
- Vehicular homicide, manslaughter or assault
- Driving while license is suspended/revoked
- Careless driving
- Attempting to elude a police officer
- Other violations as determined by management

Vehicle Use

Nibley City-Owned vehicles shall be used exclusively for Nibley City business.

All public works vehicles shall be marked and identified with a Nibley City Logo.

With the exception of an on-call employee, all City-owned vehicles shall be parked in the Public Works Yard, behind the locked gate outside of business hours. Keys shall be removed from the vehicle, and the doors and storage compartments locked.

An on-call employee will be allowed to drive a City-owned Vehicle home outside of business hours, however policies related to keys and locking still apply. The City Manager, Public Works Director, City Engineer, and Water and Sewer Manager shall be considered to be on call at all times.

As a general rule, non-city employees should not operate a city-owned vehicle, except as required for business-related purposes.

Employees shall not operate a handheld phone or participate in any other careless or potentially distracting activity while operating a city vehicle.

Employees shall wear seat belts while vehicles are being operated and shall follow all other traffic laws.

I have read and understand this policy.

Printed Name

Date

Signature

DL #

DL State:

Appendix G – Nibley City Employee Health & Wellness Incentive Policy

NIBLEY CITY EMPLOYEE HEALTH & WELLNESS INCENTIVE POLICY

Introduction:

In an effort to enhance employee health, wellness, and productivity by encouraging and promoting physical exercise and healthy lifestyles, benefit-eligible employees qualify to receive a Health and Wellness Benefit under the following conditions.

- Full-time, benefited employees eligible to receive Nibley City's health and wellness incentive on an annual basis.
- All employees must request and receive approval for their health and wellness benefit to receive payment. Employees must submit an approved Health & Wellness Incentive Program Reimbursement Request Form for payment.
- Employees must seek and receive prior approval before making expenditures for equipment, coaching, education or anything other than a gym membership.
- If an employee terminates employment with Nibley City, the Health & Wellness benefit is forfeited.
- New hires are not eligible for this benefit until after completion of their probationary period.
- New hires will have their health and wellness benefit prorated according to the percentage of months remaining in the fiscal year after they complete their probationary period.
- Employees may request permission and/or reimbursement by filling out the Health & Wellness Incentive Program Reimbursement Request Form. Requests must be made prior to May 1st each fiscal year. Requests not made by the deadline date will result in forfeiting that fiscal year's benefit. Unused benefit amounts do not carry over from year to year.
- Eligible costs are reimbursable up to \$300.00 per fiscal year. This amount is subject to change based on benefit amounts available each budget year.
- Requests for reimbursement must be approved by the City Manager and must be for one of the approved expenses listed below.

Health & Wellness Reimbursement Options:

- Gym Membership – includes employee and immediate family
- Exercise Equipment – Must receive approval prior to purchase
- Wellness Coaching – Must receive approval prior to purchase
- Health/Wellness Education – Must receive approval prior to purchase

Appendix H – Work From Home Agreement

Nibley City team members who are exceeding expectations for their position may have the opportunity to work from home. Team members who are meeting the requirements to work from home for their position should reach out to their department manager to facilitate the request. Please note that not every position is available to work from home.

General Work Arrangements—This document specifies the terms and conditions of the Work from Home Agreement between _____ and Nibley City, beginning on _____ [date] and ending on _____ [date].

The days and hours when the employee is expected to be physically present in the workplace are _____ [days] between the hours of _____ [hours] and additional times designated by their supervisor.

1. The alternate work site is _____ [address].
2. The days and hours when the employee is expected to work from home are _____ [days] and _____ [hours].
3. The employee's duties and responsibilities:
 - A. Will remain the same as when working at the regular Nibley City worksite; OR
 - B. The specific duties and assignments authorized to be conducted at this alternate worksite are _____ [duties].
4. Effective communication is essential for this arrangement to be successful. The employee agrees to remain accessible during designated work hours and respond in a timely manner to their email or phone.
5. Nibley City may terminate this agreement at any time, without notice, for any reason or no reason at all.

Policies and Procedures

1. All applicable policies in the Nibley City Employee Policy Guidebook apply.
2. All employees must track and record their hours worked in the same manner required as when working at the city worksite.
3. Nonexempt employees:
 - A. Break and rest periods must be taken as required by law and/or Company policy.
 - B. Requests to work overtime or to use sick leave, vacation, or other leave must be approved by the employee's supervisor in the same manner as required when working at the regular Company worksite.
4. The employee shall be required to attend all required meetings when a virtual meeting is available and shall utilize a webcam to share video in any meeting that supports video participation.
5. The employee shall maintain a professional environment while working from home, including providing a space free from any disruptions or distractions (visual or auditory) while on phone calls or during meetings. Employees may not act as the primary caregiver to minor children or elderly parents when working during designated work hours. Employees should maintain professional grooming standards when visible in meetings with other employees or customers.

6. The employee agrees to and understands that all obligations, responsibilities, terms, and conditions of employment with the Nibley City remain unchanged, except those obligations and responsibilities specifically addressed in this agreement.

Safety, Equipment, and Information Security

1. The employee agrees to maintain a work environment that is ergonomically sound, clean, safe, and free of obstructions and hazardous situations.
2. The employee agrees to use city-owned equipment, records, and materials for City business only, and to protect them against unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this agreement apply regardless of the storage media on which information is recorded, the locations where the information is stored, the systems used to process the information, or the processes by which the information is handled.
3. The employee agrees to report to Nibley City any instances of loss, damage, or unauthorized access at the earliest reasonable opportunity.
4. The employee agrees to allow electronic and/or physical access to their remote worksite for purposes of assessing safety, property maintenance, and security methods, as well as job performance.
5. The employee agrees to report work-related injuries to the supervisor at the earliest reasonable opportunity. The employee agrees to hold the Company harmless for injury to others at the alternate work site.

Equipment, Furniture, and Supplies

1. The employee agrees that the following equipment, furniture, services (e.g., telephone, internet connection, etc.) and/or supplies will be supplied by Nibley City:

[items provided and details of purchase, pick-up, delivery, set-up, maintenance, etc.].

2. The employee understands that all equipment, records, and materials provided by Nibley City remain the property of Nibley City.
3. The employee agrees to return equipment, records, and materials within five business days of termination of this agreement.
4. Upon request, any City-issued equipment must be returned to Nibley City by the employee for inspection, repair, replacement, or repossession within five business days.
5. All equipment, furniture, and/or supplies not listed in item one will be supplied and maintained by the employee.

Employee Acknowledgment

I have read and understand this Work from Home Agreement. I understand that violations of this agreement may result in disciplinary action up to and including termination of employment.

Employee Signature: _____

Employee's Name (print): _____ Date: _____

City Manager Signature: _____ Date: _____

Appendix I – Nibley City Ethics Statement & Agreement

I _____, agree to uphold Nibley City Policies, procedures and exhibit the highest ethical standards in all that I do. I understand and agree to follow the ethical rules and laws adopted by Nibley City and the State of Utah. I understand that I am required to disclose and avoid conflicts of interests, and that I should ask a supervisor or the City manager if I have a question regarding a potential conflict of interest.

I have read and understand and agree to follow the Nibley City Purchasing policy, and understand the expending public funds is a responsibility that I will not take lightly. All funds expended will have a purpose and provide value to the Public. _____

If handling cash and receiving payments is not part of my regular duties, I will not receive payments for any reason, and direct all transactions to the City Hall front desk. If handling cash and receiving payments is part of my regular duties, I agree to follow the Nibley City Cash Handling Policy at all times. _____

I pledge that my timecard will accurately reflect the hours I have spent working for Nibley City. The hours turned in for compensation shall be productive, and a value to the public. I understand that time worked over 40 hours per week, must receive prior approval by my supervisor. _____

I have read and understand and agree to follow the Nibley City Drug and Alcohol policy. I will not endanger myself or co-workers by coming to work under the influence of any drugs or alcohol. I also understand that prescription medical marijuana, is not permitted under Federal Commercial Drivers licenses laws. I understand that the use of marijuana for any purpose may result in the loss of my Commercial Driver's License, and that my employment may be terminated for that reason. _____

I have read and understand and agree to follow the Nibley City Vehicle use policy. City owned vehicles shall not be used for personal use, and non-City Employees shall not be permitted to ride in the vehicle, without permission from the City Manager. I will also strive to keep the vehicle in the best shape possible, to maximize its resale value. _____

I understand that per City Ordinance, City owned equipment of any kind shall not be used for personal use. Any equipment issued shall remain the property of Nibley City, and shall be surrendered back to the City when requested by the City Manager, or my employment ends with the City. _____

I agree to follow the highest industry standards of safety for myself, and my coworkers at all times. _____

Signature

Date

Appendix J – Receipt & Acknowledgement of Reading the Employee Policy Guidebook

I have received a copy of the Nibley City Employee Handbook. I agree to read it thoroughly including the statement in the forward describing the purpose and the effect of the Handbook. By signing below, I agree to abide by all of the policies and procedures contained in this handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Department.

I understand that Nibley City is an “at will” employer and as such employment with the City is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the company (except for the Manager) has the authority to enter into an agreement for employment for any specified period of time, or to make an agreement contrary to the above. In addition, I understand that this Handbook states Nibley City policies and practices in effect on the date of publication.

I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with Nibley City for benefits or any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified, or terminated at any time.

I acknowledge that I have received a copy of the Nibley City Employee Handbook. I agree to read it carefully and follow it. I understand that ethical, conduct or policy violations can result in disciplinary action, including immediate termination of my employment,

Please sign and date this receipt and return it to the Human Resources Department.

Employee Signature

Date

Employee Printed Name