RESOLUTION NO. 2024-13

A RESOLUTION AMENDING AND RESTATING THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HELPER CITY

WHEREAS, the Helper City Council desires to amend and restate the Personnel Policies & Procedures Manual for Helper City to assure that it is in full compliance with federal and state legal and administrative requirements; and

WHEREAS, the Helper City Council has reviewed and considered the policies and procedures recommended to it and finding it in the best interest of Helper City, the employees of Helper City, and the Helper City constituents, to amend the policies and procedures as recommended.

NOW, THEREFORE, BE IT RESOLVED as follows:

I. The Personnel Policies and Procedures Manual for Helper City that was previously, and which has been amended from time to time is hereby repealed.

II. The Personnel Policies and Procedures Manual for Helper City attached hereto as Exhibit A is hereby adopted and is effective as of the date of this Resolution.

III. Any policy previously adopted by Helper City governing employee behavior that is inconsistent with or contrary to the policies adopted in paragraph II above are hereby revoked, repealed, and rescinded. All other personnel and human resource policies remain in place and in effect.

This Resolution shall become effective immediately upon adoption by the Helper City Council.

PASSED AND APPROVED this 7th day of November, 2024.

(SEAL)

Lenise Peterman, Mayor

ATTEST:

By: _____
City Recorder

Exhibit A

PERSONNEL POLICIES AND PROCEDURES MANUAL FOR HELPER CITY

Approved November 7, 2024

This document supersedes all personnel policies and procedures previously established or approved by Helper City or any other Personnel Policies and Procedures Manuals or Employee Handbooks that have or may have existed previously.

Any provision found within a policy previously adopted by a department or division of Helper City that is inconsistent with these policies is invalid unless the policy has been specifically approved by resolution or ordinance of the city after the date these policies are approved.

Disclaimer

These policies, procedures, and standard practices of Helper City (the "City") are not intended to and should not be construed to create any contractual rights, whether express or implied, between the city and any of its employees and are not intended to create a contract of employment. This manual is not intended to and should not be construed to modify executive status of any Helper City employee.

City policies, procedures, and standard practices represent guidelines and the city reserves the right to modify, amend, or remove any policies, procedures, or standard practices in its sole discretion and at any time, with or without notice, in accordance with applicable law.

Mayor's Introduction to Helper City

First, welcome to Helper City's team! Our city motto is "Historic Helper Where Art, Recreation and Future Meet" and we need staff who support our vision and work to make Helper the best rural community in Utah.

As an employee of Helper City, you will be expected to read, understand and follow the policies and procedures contained in this manual.

Experience has shown written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees always feel a deeper understanding of their role in the organization when they realize that policies are uniformly administered.

And finally, no employee, officer, agent or other representative of Helper City has any authority to make any representation, verbally or in writing, which alters, amends or contradicts the provision of this Personnel Policies and Procedures Manual.

Good luck as you begin your journey as a critical part of the Helper City Team!

Lenise Peterman

Mayor, Helper City

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1.01: Equal Employment Opportunity (EEO)

It is the policy of Helper City to comply with Equal Employment Opportunity standards in all phases of personnel administration, including, but not limited to, job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, layoff, transfers, leaves of absence, and compensation.

As an Equal Opportunity Employer, Helper City does not discriminate on the basis of race, color, gender, religion, age, national or ethnic origin, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or any other classification prohibited by federal, state, or local law.

Pursuant to the provisions of Utah Code § 34A-5-112, an employee may express his or her religious or moral beliefs at work so long as the expressions are made reasonably, non-disruptively, and in a non-harassing way. However, the city may establish rules prohibiting these types of expression upon a specific and express finding that "the expression is in direct conflict with the essential business-related interest" of the city or its departments.

2.01: Employment Classification

Helper City will comply with all of the requirement of the Fair Labor Standards Act (FSLA) of 1938.

I. Employment Classifications

Employees shall be classified as follows:

A. Career Service Employee. A full-time employee who is not Executive, Probationary, Temporary, or Seasonal.

B. Executive. Any employee employed in the following positions:

(i) A person appointed by the mayor, city manager, or other designee if: (a) the appointment is made in writing; (b) the person's written job description identifies the person's position as exempt from the protections found in Chapter 9.01, Disciplinary Action; and (c) the position is described in an ordinance as exempt from the protections described in Subsection (1)(a) of the Utah Municipal Code Personnel Rules and Benefits, Utah Code §§ 10-3-1103 through 1110 as codified in 2023 or as subsequently amended..

(ii) Police chief;

(iii) Deputy or assistant police chief;

(iv) Fire chief;

(v) Deputy or assistant fire chief;

(vi) Head of a city department or division;

(vii) Deputy head of a city department or division;

(viii) Superintendent;

(ix) A person who works in the office of an elected official, and

(x) A secretarial or administrative assistant support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department

(xi) An appointed official, including, (a) the city engineer, (b) the city recorder, (c) the city treasurer, or (d) the city attorney;

(xii) An employee who has: (a) acknowledged in writing that the employee's employment status is appointed or executive; or (b) voluntarily waived the procedures required by Utah Code Ann. § 10-3-1106, as may be amended and supplemented.

C. Full Time. An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time employees may qualify for Helper City benefits.

D. Part-time. An employee hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. Part-time employees may qualify for Helper City benefits.

E. Probationary. An employee who is in their probationary period as defined in these policies.

F. Seasonal. An employee hired for a position which is required only for the summer or winter months. Seasonal employees do not qualify for Helper City benefits.

G. Temporary. An employee hired for a position which is required for only a specific, known duration, usually less than six (6) months. Temporary employees do not qualify for Helper City benefits.

II. Work Week

A. Begins on Sunday morning at 12:00AM (midnight).

B. Ends on Saturday evening at 11:59PM.

C. Employees engaged in "public safety" activities such as law enforcement and fire protection as directed by the mayor.

III. Work Days

A. Full-time employees: Monday through Friday.

B. Part-time, temporary and seasonal employees: As directed by the mayor or department director.

C. Employees engaged in "public safety" activities, such as law enforcement and fire protection, as directed by the mayor or chief(s).

IV. Work Hours

A. Normal business hours for full-time employees are 8:00AM – 5:00PM, Monday through Friday, excluding holidays, or as directed by the mayor or department director.

B. Part-time, temporary and seasonal employees are as directed by the mayor or department director.

C. Employees engaged in "public safety" activities, such as law enforcement and fire protection departments, are as directed by the mayor or chief(s).

V. Attendance

A. As directed by their supervisors, employees shall be in attendance at their work stations or other work location during their scheduled working hours.

VI. Breaks and Lunch Periods

A. Full-time employees:

i. Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard workday. Breaks cannot be used to extend the lunch period or shorten the employee's work hours.

ii. Lunch: Each employee shall be entitled to an unpaid lunch break of at least one-half hour and no more than one hour. The duration of the break shall be determined by departmental policy or the employee's supervisor.

B. Part-time, temporary and seasonal employees are entitled to breaks only as directed by the mayor, department director or chief(s).

C. Employees engaged in "public safety" activities, such as law enforcement and fire protection, as directed by the mayor or chief(s).

D. All breaks will take place at the discretion of the mayor, department director or chief(s) to ensure continuity in workflow.

E. If an employee chooses to work through their paid break, it is their decision to do so and no extra compensation will be given for the extra time worked. However, an employee may never be required to work an unpaid lunch break without compensation. Additionally, any employee working during an unpaid lunch break must report the time as worked. An employee must not work during an unpaid lunch break without express permission of his or her supervisor.

F. Break time for nursing mothers: Helper City will comply with the requirements of the Patient Protection and Affordability Care Act ("PPACA") and the Fair Labor Standards Act ("FLSA") by providing break times during the workday for nursing mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child's birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.

3.01: Recruitment and Selection

This policy establishes requirements associated with filling vacant positions throughout Helper City. All efforts in recruitment shall be conducted in accordance with Helper City's equal opportunity guidelines. At the discretion of the City, job opening notices may specify: the name and the office of the person from whom job applications are to be obtained, the name and office of the person to whom completed job applications are to be returned and the associated deadline.

I. General

A. Helper City administers competitive employment processes that it believes encourage the attraction, hiring, retention, and promotion of individuals based on merit principles and individual qualifications.

B. Positions designated as "executive," or including those from the city council office and others appointed by the mayor, are exempt from career service and are, therefore, excluded from requirements of this policy.

C. It is Helper City's policy in most instances to give first consideration to current employees desiring to fill an open job position.

D. The city is committed to building a qualified and competent workforce based on principles of diversity.

E. Only the Human Resource Manager is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants. All advertisements should contain a statement indicating Helper City is an equal opportunity employer.

F. Applicants requesting an accommodation under the Americans with Disabilities Act should be referred to the city's Human Resources Manager.

II. Special Consideration & Preferences

A. Military veterans and their qualifying spouses who self-disclose and provide documentation to support their eligibility for veteran status will receive preference in accordance with state and federal laws.

B. The Human Resources Manager will ensure that applicants who are alumni of AmeriCorps, Peace Corps, or other national service organizations, receive a preference in the recruitment or hiring process in the same manner established for non-disabled military veterans.

C. The city may also enact alternative job application programs that facilitate the need to fill vacant positions and enhance employment opportunities for people with disabilities.

D. Rehires. Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The mayor, or human resource manager, will review the former employee's personnel records and the circumstances surrounding their termination of previous employment with Helper City.

E. Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action are not eligible for rehire.

III. Reinstatements

A. Employees who are reinstated into Helper City may maintain original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

i. Layoffs – Employees who terminate because of a reduction in workforce will maintain their original anniversary date for seniority purposes if they are re-employed by Helper City within one (1) year after the date of termination.

ii. Voluntary Resignations – Employees who voluntarily terminate their employment with Helper City may maintain their original anniversary date, subject to the Mayor approval, if they are re-employed by Helper City within six (6) months after date of termination.

IV. Hiring Practice

A. Employment of Minors: It is the policy of Helper City that no one under the age of sixteen (16) shall be hired for any position. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.

B. Orientation – Newly hired Helper City employees shall complete all required paperwork and receive orientation on their first day of work.

i. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and employment status by completing an Employment Eligibility Form. The employee must sign under penalty of perjury they are a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.

ii. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.

C. Probationary Period

i. All new employees shall be subject to a six (6) month probationary period. Additionally, any current employee who is transferred to a different position in a different department shall be subject to an additional six (6) month probationary period beginning on the date of the transfer. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to notice, explanation, or appeal in connection with said termination.

ii. Probationary period begin on the first day of employment and continue for six (6) months.

iii. An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any rights for the probationary employee relative to their job.

V. Nepotism

It is the policy of Helper City to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1 through -4, as may be amended and supplemented.

VI. Job Announcements & Appointments

A. Unless otherwise limited under policy, contract, or memorandum of understanding, open recruitment may either be limited to current employees citywide or only those from a specific department, bureau, division, or work unit.

B. All job announcements and appointments will be announced for a minimum of five business days.

C. All job announcements and appointments will be reviewed and approved, in conjunction with hiring authorities, by the Human Resources Manager before posting.

D. Any job-related preference based on education, experience, license or certification are to be specified in the job announcement.

VII. Selection Criteria

A. The selection criteria used to evaluate applicants may include, but are not limited to:

i. An analysis of the necessary knowledge, skills and abilities required for the position;

ii. A work history evaluation;

iii. A test of knowledge, skill, or performance ability;

iv. A reference check;

v. A physical test or medical examination; and/or

vi. An interview.

VIII. Applicant Screening

A. Screening Process

i. The Human Resources Manager will gather applications and create an applicant list for each recruitment.

ii. From the complete applicant list, a list of candidates that meet minimum qualifications will be identified and provided to the hiring authority by the human resources department.

iii. The hiring authority may only interview applicants on the certified applicant list.

iv. The human resources department will notify applicants of their application status.

B. Interview Process

i. Hiring authorities will make a reasonable attempt to interview applicants on the qualified applicant list deemed as the best qualified based on objective job-related criteria.

ii. In cases where a qualified applicant has been interviewed by the same hiring authority for the same job during the past six months, the hiring authority may choose not to re-interview the applicant.

iii. The hiring authority may recommend to the human resources department that an applicant be removed for a qualifying reason from the applicant list. The human resources department may, in consultation with the city attorney's office, determine the applicant is to be removed from the applicant list.

IX. Pre-employment Testing, Drug Screens and Background Checks

A. Job offers are contingent on the successful completion and passage of a drug/alcohol test and criminal background check.

i. Pre-employment drug screening is required only for positions designated as safety-sensitive or other positions identified by the Human Resources Manager due to department-specific needs and/or requirements. Pre-employment drug screening must be completed by an applicant within 48 hours of an offer of employment, unless an extension is granted by the department director or designee.

ii. Criminal background checks are required for all positions.

B. A credit check may be required for certain job assignments.

C. Candidates must also satisfactorily complete any other relevant or required test, evaluation, or examination applicable to a specific job or position.

X. Employment Application Policy

A. It is the city's policy to comply with all federal, state, and local laws governing the selection and hiring of persons for employment, including the Utah Employment Selection Procedures Act (UESPA), which applies to obtaining, using, and maintaining personal information of applicants for employment. Pursuant to the provisions of UESPA, this policy is available for review to individuals who have applied or who intend to apply to the city for employment.

B. The city will not request an applicant's restricted personal information at any time during the application process except when the information is necessary to obtain, and the applicant has consented to allow the city to obtain, a criminal background check, credit history, and/or driving record of applicant. The city will comply with all applicable state and federal laws in obtaining all necessary criminal background checks, credit histories, and/or driving records.

C. The city will not use an applicant's personal information obtained through an initial selection process for any purposes other than (1) to determine whether it will hire the applicant as an employee, (2) to review the applicant's application for another position with the city, (3) to review the performance of the applicant if he or she has subsequently been hired as an employee, and (4) to review the applicant's application for promotion if he or she has subsequently been hired as an employee. Notwithstanding these provisions, the city may provide the applicant's information to a governmental official at the request of the official.

D. If requested, any applicant may review this policy before being required to provide information to the city as part of the initial selection process.

E. If an applicant is not hired by the city, the city will not retain the applicant's personal information for more than two years after the date on which the applicant provided such personal information to the city, except as required by law.

XI. Board Appointments and Volunteers

Helper City is appreciative of those citizens who take time from their lives to participate on boards and/or volunteer for the city. Without citizen volunteers, Helper City would not enjoy the ongoing positive momentum we have collectively created to improve the city for all of our citizens. Volunteers shall not fill any position previously held by a paid employee. Prior to accepting any volunteer services, the mayor, or designee, and the volunteer shall sign an agreement defining the nature and terms of the volunteer services. The mayor, or designee, reserves the right to refuse, reject, or terminate volunteer service labor. A volunteer shall not be provided the benefits and protections of an employee of Helper City; this does not apply to members of the Helper City Fire Department or Ambulance Service.

The mayor presents board appointments and volunteers to the City Council for approval. All board openings will be published with direction to citizens for how to apply. These roles are not compensated, but rather citizens serve out of a desire to improve the community and its' assets by assisting. Applications are reviewed by the mayor and appointed council member. Interviews for these positions is encouraged, but is not mandatory. Department heads are encouraged to actively recruit for their boards and direct candidates to the Human Resource Manager to retrieve an application and may participate in the interview process as well.

Our volunteers and board members have rights and expectations as well and are as follows:

- to work in a healthy and safe environment, free from hostile engagements with those you serve.
- to be aware you may deal with information which is confidential and you must respect confidentiality and privacy.
- to be accountable to your board peers and engage in healthy, open dialogue.
- to attend meetings.
- to deal with any complaints you may receive in a professional and objective manner.
- to place the city's best interest at the forefront and not personal objectives in your service.
- to be aware you represent the city and be cognizant of that responsibility.

4.01: Compensation and Payroll

Helper City is committed to accurate and timely pay procedures. To that end, the purpose of this document is to ensure clarity regarding pay days, pay periods and deductions.

I. Compensation and Payroll

A. Pay Periods

i. Helper City payroll is biweekly, except that all salaried employees will be paid on the second pay period of the month.

ii. Pay periods are 14 days beginning on a Sunday and ending on a Saturday.

iii. It is the employee's responsibility to clock in and out. Employees are expected to clock in no sooner than 5 minutes before the shift starts and no later than 5 minutes after the end of the shift. While employees are not permitted to work before clock-in time or after clock-out time, if an employee does do so, he or she must report the time worked.

iv. If an employee works outside of his or her scheduled hours, the employee should explain why he or she did so.

v. It is the employee's responsibility to review his or her timesheet for accuracy before 9:00AM on the Monday following the end of each pay period or on the first regular business day thereafter if Monday is a holiday.

vi. It is the department director's responsibility to collect and review the department employees' timesheets before approving and submitting them to the Recorder's Office. The approved time sheets are due in the Recorder's Office by 9:30AM on the Monday following the end of each pay period or on the first regular business day thereafter if Monday is a holiday.

B. Paydays

i. Payday is every other Wednesday.

ii. If payday falls on a holiday, then payday will be the preceding workday.

iii. Helper City prefers Direct Deposit.

C. Multiple Positions

i. Employees may have multiple positions within Helper City. An employee's primary position will be the position being performed before taking a second position.

ii. Employees working multiple positions. It is the employee's responsibility to allocate their time accurately between the positions or departments.

iii. Violation of this may be subject to disciplinary actions up to and including termination.

II. Overtime Pay

A. For all employees, overtime pay shall be paid as required by law.

B. When any employee is required to work on a holiday, the employee will be entitled to observe the holiday on a day pre-approved by the employee's supervisor that is two weeks prior to or two weeks after the holiday. In the event an employee was not scheduled to work on a holiday but was called out to perform work and he or she was not required to work a full shift, he or she shall be entitled to take the equivalent amount of time as a holiday on a day and time pre-approved the employee's supervisor that falls within two weeks after the holiday.

C. Overtime will be computed as required by law. Additionally, the following hours will be used for the purposes of calculating overtime and compensatory time at time and one-half:

i. For law enforcement personnel, including patrol, dispatch, correctional, and other emergency service personnel not including clerical employees, all hours worked within a 7-day work period which exceed 43 hours are overtime hours.

ii. For all other city employees, all hours worked in excess of 40 hours in one work week are overtime hours

D. Overtime shall be approved by the mayor or department director before being worked. **Overtime shall be authorized for personnel only when absolutely necessary to provide requested services. Violation of this policy may result in disciplinary action, up to and including termination.**

III. Compensatory Time

A. Federal law allows local and state governments to pay compensatory time ("Comp Time") instead of monetary pay in certain circumstances. Employees must agree to receive Comp Time instead of monetary payment and the rates at which it the Comp Time is paid are the same at which monetary compensation would have been paid. For instance, a worker who works more than 40 hours per week will receive 1.5 hours of Comp Time for each hour of work over 40. Employees ineligible for overtime pay shall not be eligible for Comp Time.

B. Employees may opt for Comp Time instead of overtime pay on a voluntary basis. No employee may be required to accept Comp Time in lieu of payment.

C. Employees may accrue Comp Time in lieu of receiving overtime pay, up to a maximum balance of 40 hours. After the maximum has been reached, overtime pay shall be compensated monetarily.

D. Any accrued but unused Comp Time will be paid out at the employee's current rate of pay upon separation from Helper City regardless of the reason for termination.

E. Employees will be allowed to use Comp Time within a reasonable period after the employee makes a written request for its use. Employees are encouraged to coordinate with their supervisors when scheduling the use of Comp Time to minimize operational disruptions. Supervisors have the discretion to approve or deny requested Comp Time use based on business needs but must make reasonable efforts

to allow employees to use the Comp Time when requested or within a reasonable time of the date and time requested.

IV. Time Sheets

A. Employees will keep accurate records of their time, recording all hours worked, including sick, vacation and overtime and shall submit their time to the mayor, department director or human resource manager for review and approval. Falsifying of an employee time records will be grounds for immediate termination.

B. Employees must indicate their choice of comp time or overtime pay on each timecard submitted for payroll. Employees choosing comp time must indicate "Comp Time" on their timecards. Employees choosing overtime pay must indicate "Overtime" on their timecards.

5.01: Helper City Benefits

The purpose of this policy is to enable employees to understand the different kinds of benefits they may be eligible for as a Helper City employee. This policy will define eligibility for mandatory and supplemental benefits for those employees participating in the different programs.

I. Insurance

A. Medical Health Insurance. The city shall provide benefits as detailed in the current medical insurance plan.

B. Life Insurance. The city shall provide benefits as detailed in the current life insurance plan.

C. Vision Insurance. The city shall provide benefits as detailed in the current vision insurance plan.

D. Dental Insurance. The city shall provide benefits as detailed in the current dental insurance plan.

E. Insurance Termination, Transition and Conversion

i. Termination. When an employee is terminated from employment with Helper City, Helper City will cease making contributions to the employee's insurance plans.

ii. Transition. Transitition from the city's policy shall comply with the requirements of the respective plan documents.

iii. Conversion. The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available to qualifying employees as provided therein and by any subsequent amendments thereto.

II. Continuing Education

Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the mayor or department director.

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

B. Encouraged by Helper City. Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the mayor, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials and other necessary and approved expenses upon presentation of proper receipts. Proof of successful completion will include one (1) of the following:

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

III. Retirement System

A. Helper City participates in the Utah State Retirement Systems. Eligibility and contributions rates are established by the Utah legislature. Only the city council is authorized to establish additional or different retirement benefits. Additional details are available from the mayor or designee.

IV. Holidays

A. The days listed below shall be recognized and observed as Holidays.

i. New Year's Day (January 1st)

ii. Human Rights Day (3rd Monday in January)

iii. Presidents' Birthday (3rd Monday in February)

iv. Memorial Day (Last Monday in May)

v. Juneteenth (On the day described in (C) below)

vi. Independence Day (July 4th)

vii. Pioneer Day (July 24th)

viii. Labor Day (1st Monday in September)

ix. Veterans Day (November 11th)

x. Thanksgiving Day (4th Thursday in November)

xi. Friday following Thanksgiving Day

xii. Christmas Eve (Half Day) (December 24th)

xiii. Christmas Day (December 25th)

B. If any of the above holidays fall on Saturday, then the preceding Friday shall be the observed holiday. If any of the above holidays fall on Sunday, then the following Monday shall be the observed holiday, with exceptions stated in (C)&(D) below.

C. The Juneteenth National Freedom Day holiday is on June 19th, if that day is on a Monday. If June 19th is on a Tuesday, Wednesday, Thursday, or Friday, the Juneteenth National Freedom Day holiday is on the immediately preceding Monday. If June 19th is on a Saturday or Sunday, the Juneteenth National Freedom Day holiday is on the immediately following Monday.

D. If Christmas falls on a Friday, the Christmas Eve half-day shall be on the preceding Thursday. If Christmas falls on a Saturday, the Christmas holiday shall be the preceding Friday, and Christmas Eve half-day shall be on the preceding Thursday. If Christmas falls on a Sunday, the following Monday shall be the Christmas holiday, and the Christmas Eve half-day shall be on the preceding Friday. If Christmas falls on a Monday, the Christmas holiday shall be the Monday, and Christmas Eve half-day shall be on the preceding Friday.

E. On a holiday, Employees shall be compensated for the hours of work they are normally scheduled to work on the day falling on the holiday. For example, if an employee is regularly scheduled to work a twelve-hour shift, he or she will receive compensation for twelve hours at his or her regular rate of pay. Or if an employee is regularly scheduled to work an eight hour shift, he or she will receive compensation for eight hour at his or her regular rate of pay.

F. As described elsewhere in this manual, if an employee works on a holiday, the employee shall be entitled to celebrate the holiday on an alternative day approved by his or her supervisor within two weeks of the holiday.

G. Holidays apply to full-time employees only.

H. Public safety employees will not observe the above-listed holidays.

V. Leave

A. Vacation Leave

i. Each Permanent full-time employee shall accrue vacation time.

ii. Vacation leave will be accrued on the 1st and 2nd pay periods of the month.

iii. The rate at which an employee accrues vacation leave is based on years of service as follows:

(a) From the first full 80-hour pay period to 2 years of service – 2 hours.

(b) From 2 years to 10 years of service – 4 hours.

(c) For Over 10 Years – 6 Hours.

iv. Use of vacation leave is as follows:

(a) Vacation time is to be used in one-hour intervals.

(b) To use vacation time a request is required and should be submitted in a reasonable amount of time in advance. The employee's supervisor will need to approve the request.

(c) Vacation time requests are to be approved in the order in which they are received.

(d) The employee's supervisor can deny the request if the vacation time request interferes with the department's productivity.

v. At the end of each calendar year, on the last pay period of the year, employees can carry over no more than 80 hours of vacation leave to the new calendar year. All excess vacation time hours over 80 hours will be forfeited.

vi. Employees on probation will accrue vacation time but cannot use vacation time until probation is complete.

vii. Employees who give a 2-week written notice resignation are eligible for vacation time payout. Employees who do not give a 2-week notice or are terminated are ineligible for vacation time payout.

B. Sick Leave

i. Each Permanent full-time employee shall accrue sick leave.

ii. Sick leave will be accrued on the 1st and 2nd pay periods of the month.

iii. The rate at which an employee accrues sick leave is 4 hours.

iv. The use of sick leave is as follows:

(a) Sick leave is to be used in one-hour increments.

(b) Employees must inform their supervisors within 1 hour after the normal starting time on each day of absence unless circumstances surrounding the absence make such notification impossible.

(c) For scheduled health care appointments and treatment, advanced notice is required.

(d) An employee may use their sick leave to care for an immediate family member falling into the above-listed use of sick leave. Immediate family member is a spouse, child, parent, sibling, and grandparent.

(e) For sick leave 3 days and longer, an excuse note from a health care professional is required. Excuse notes need to state the excused dates and the return to duty date.

v. Use of sick leave for other reasons than listed above is prohibited and considered abuse. Prohibited use of sick leave will be considered abuse and will be subject to disciplinary action, up to and including termination.

vi. Personnel Officer may require an excuse note at any time they question if they reasonably believe an employee is abusing sick leave.

vii. If a holiday falls during an employee's sick leave, it shall be counted as a paid holiday and not as sick leave.

viii. An employee may not use vacation leave for sick leave. However, if an employee has accrued vacation time when he or she has no sick leave, the city shall use the vacation leave to cover the sick leave. If sick and vacation leave will not cover the employee's absence, the employee will be given leave without pay.

ix. New employees will start to accrue sick leave on their first full pay period of work (first 80 hour pay period).

x. New employees shall not be eligible to use accrued sick leave until completing the probationary period. In case of emergency circumstances, the mayor or the personnel officer may authorize the use of sick leave for a probationary employee.

xi. At the end of each calendar year, on the last pay period of the year, employees can carry over no more than 1920 hours of sick time to the new calendar year. All excess sick time hours over 1920 hours will be forfeited.

xii. Any separation of employment is ineligible for sick leave payout.

C. Funeral Leave

The Mayor or designee shall grant an employee up to 24 hours paid of Funeral Leave, to attend the funeral of the employee's legal or common law spouse, child, step-child, daughter or son in-law, parent, step-parent, grandchild, mother or father in-law, sister or brother in-law, grandparent, spouses' grandparent, brother or sister. Funeral Leave shall not be charged against accrued vacation or sick leave.

VI. Fringe Benefits

Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue fringe benefits with Helper City. These benefits shall include, but not limited, to payment or leave for funerals, retirement, insurance, sick leave, or vacation leave.

6.01: FMLA Policy

Helper City will comply with the provisions of the Family and Medical Leave Act (FMLA). The FMLA is a federal law providing eligible employees job –protected leave for up to 12 workweeks for qualifying family and medical reasons. FMLA leave is not paid leave. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

I. General

A. Helper City will administer FMLA leaves of absences in accordance with the FMLA and other applicable federal and state law. (A copy of the Department of Labor Notice is appended to this section.) The city shall prepare, and update as appropriate, written guidelines to implement this policy and shall provide a copy of those guidelines to each employee. The type and length of leave, and compensation to be received, if any, during the leave will also be set forth in those guidelines.

II. Eligibility

A. The employee must have worked for the city for at least 12-months. The 12-months need not be consecutive. Separate periods of employment will be counted if the employee's break in service does not exceed 7 years. However, separate periods of employment will be counted if the break in service exceeds 7 years due to military service.

B. The employee must have worked at least 1,250 hours during the 12-month period before the requested leave date.

III. How to Request FMLA Leave and Employer Responsibilities

A. The employee does not have to share a medical diagnosis but must provide enough information to the city so the city can determine whether the leave qualifies for FMLA protection. The employee must also inform the city if FMLA leave was previously taken or approved for the same reason when requesting additional leave. The city may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. The city may designate leave as FMLA leave when it has enough information confirming that the absence is for a qualifying event.

B. The employee is required to notify the city if the leave is for a potential qualifying FMLA event.

C. If the leave is foreseeable, the employee must provide at least 30 days' notice. If the leave is not foreseeable, the employee shall give notice as soon as possible.

D. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

E. If any employee is eligible for FMLA leave, then the city must:

i. Allow the employee to take job-protected time off work for a qualifying reason,

ii. Continue the employee's group health plan coverage while the employee is on leave on the same basis as if the employee had not taken leave, and

iii. Allow the employee to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of the employee's leave.

F. The city cannot interfere with an employee's FMLA rights or threaten or punish an employee for exercising the employee's rights under the law. For example, an employer cannot retaliate against an employee for requesting FMLA leave or cooperating with a WHD investigation.

G. After becoming aware that an employee's need for leave is for a reason that may qualify under the FMLA, the city must confirm whether the employee is eligible or not eligible for FMLA leave. If the city determines that the employee is eligible, the city must notify the employee in writing:

i. About the employee's FMLA rights and responsibilities, and

ii. How much of the employee's requested leave, if any, will be FMLA-protected leave.

H. More information on the FMLA and FMLA leave can be found by calling 1-866-487-9243 or visiting dol.gov/fmla. If an employee believes their rights under the FMLA have been violated, the employee may file a complaint with WHD or file a private lawsuit against the city in court.

IV. Qualifying Events Protected by the FMLA

A. The birth, adoption or foster placement of a child with the employee.

B. The employee's serious mental or physical health condition that makes the employee unable to work.

C. To care for the employee's spouse, child or parent with a serious mental or physical health condition.

D. Certain qualifying reasons related to the foreign of the employee's spouse, child or parent who is a military servicemember.

V. FMLA Leave Entitlements

A. The FMLA entitles eligible employees to job protected, unpaid leave for up to 12 weeks per a single 12-month period for qualifying events.

B. The 12-month period (FMLA year) during which the 12 weeks of FMLA leave can be taken for qualifying events is measured forward from the date the employee's first FMLA leave begins.

C. The FMLA provides military caregiver leave for up to 26 weeks during a single 12-month period after the requested leave date. The single 12-month period during which leave can be taken begins on the first date of covered military caregiver leave and ends 12 months later, regardless of the date used to determine the employee's 12 weeks of leave entitlement for other FMLA qualifying reasons.

VI. Use of Paid Leave

A. The city requires all employees utilizing FMLA leave to use their paid leave allotments before taking unpaid FMLA leave.

VII. Use of FMLA Leave

A. FMLA leave may be taken in one block of time, or, when it is medically necessary or otherwise permitted, FMLA leave may be taken intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week.

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you;
- Your serious mental or physical health condition that makes you unable to work;
- To care for your spouse, child or parent with a serious mental or physical health condition; and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer;
- You have worked for your employer at least 12 months;
- You have at least 1,250 hours of service for your employer during the 12 months before your leave; and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year;
- You work for an elementary or public or private secondary school; or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must**:

- Follow your employer's normal policies for requesting leave;
- Give notice at least 30 days before your need for FMLA leave; or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**:

- Allow you to take job-protected time off work for a qualifying reason;
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave; and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities; and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME

WH1420 REV 04/23

7.01: Workers' Compensation

Helper City is committed to providing a safe work environment for our employees. When employees are able to work and be a contributing team member, the injured employee heals faster, we are more productive and the morale of our entire organization is lifted.

A. The City Recorder is the city's Workers Compensation Coordinator (WCC). The City Recorder's contact information is 435-472-5391 or ztonc@helpercity.net. The WCC will help injured employees and their directors achieve the goal of helping injured employees get heathy and back to being a contributing team member.

B. Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their director to

- Helper Clinic located at 125 South Main Street, Helper, UT 84526; phone number 435-472-7000.
- If the network provider is unavailable, call the WCC to arrange medical care.
- Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.

C. Injury Reporting: All injuries, no matter how minor, must be reported immediately to the employee's director. Directors report these injuries to the WCC who will begin a workers compensation claim and helps to arrange medical care. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.

D. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage, check the workers' compensation contract on file with the mayor or human resource manager.

E. Employees may use accrued vacation or sick leave to make up the difference between workers' compensation benefits and their base pay.

F. All other provisions of the sick leave policy apply to these types of illnesses and injuries.

G. Restricted/Light/Transitional Duty: Helper City will accommodate restricted duty jobs for workers injured on the job.

H. All employees must return to work after receiving the approval of the attending physician to do so. A signed and dated statement from the attending physician stating the employee is able to return to work with restrictions or resume normal duties will be required before returning to work. Failure to return to work when directed may result in immediate termination. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

8.01 Performance Management

The purpose of this policy is to encourage ongoing communication between managers, supervisors and employees. Communication should occur throughout the year in support of accomplishing the strategic goals and objectives of Helper City.

I. General

A. Performance management is an ongoing communication process that involves the manager, supervisor and the employee in identifying and describing essential job functions and relating them to the city's mission and organizational goals.

B. Managers, supervisors and employees should, where practical and appropriate, develop individual employee goals that relate to the city and department business plan, goals, and values.

C. The city expects managers, supervisors and employees to work together to identify key job-related competencies and to create meaningful employee performance plans.

D. Because continuous learning is a prerequisite to successful job performance and organizational effectiveness, the performance management process should include plans for employee training and development.

E. The human resources department will work with city leaders to develop procedures, forms, schedules and timelines for a performance management system designed to give a fair rating of the quality and quantity of work performed by employees in all departments. Department managers will work with human resources to adapt the performance management system to their needs and goals.

F. The city expects supervisors and managers to ensure each performance appraisal is signed by the employee. Each employee is entitled to a copy of their performance appraisal by their supervisor or manager.

II. Private Records

A. Employee performance management documents shall be classified as private records under the Government Records Access and Management Act (GRAMA), Section 63E-2-302(2)(a).

B. Completed performance management records and logs will be sent to human resources to be placed in the official personnel file. Completed performance management records shall permanently remain in the employee's personnel file and become a part of the private information of that file. Performance management records together with other criteria, will be considered in making promotions, reassignments, demotions, terminations, the order of layoff and reinstatements, benefits for meritorious service, and transfers.

9.01: Standards of Conduct

The purpose of this policy is to establish appropriate employee conduct and outline prohibited employee activities. Violations of this policy may subject the employee to non-disciplinary or disciplinary action.

I. General Expectations for All City Employees

A. Employees will dedicate themselves to the highest ideals of professionalism, honor, and integrity in order to merit the trust, respect, and confidence of the public they serve. Helper City is a professional organization whose purpose, among others, is to provide services to its citizens. Our employees must adhere to high standards of public service which emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned, to maintain good moral conduct which includes language and to do their part in maintaining good relationships with their supervisor(s), fellow employees, the public and other officials.

B. Employees will abide by the provisions of all applicable official city policies, procedures, and policy documents.

C. During work hours, employees will devote their whole time, attention, and efforts to city business.

D. Employees will adhere to all safety guidelines, conduct themselves in a safe manner, and maintain safe and orderly equipment, including city vehicles.

E. Employees will meet performance standards and goals established by the city, department, or division.

F. Employees will conduct themselves in a manner that will not disrupt the workplace, undermine the authority of management, impair close working relationships, offend the public or otherwise impede the effective operation of city government.

G. All city employees will demonstrate the highest level of courteous and respectful behavior in all dealings with coworkers, supervisors, direct reports and the public.

H. Disagreements will be addressed in an appropriate manner and without the use of offensive, abusive, or disrespectful language or actions. Differences of opinion will be handled privately and discreetly.

I. All city property and equipment – including but not limited to, desks, storage areas, work areas, lockers, file cabinets, computer systems, office telephones, cellular telephones, modems, fax machines, copying machines and vehicles – must be used properly and maintained in good working order. Employees may not use city property, equipment, or information technology for personal use, for personal gain, or inappropriately. De minimis personal use of city equipment, property, and information technology by employees, with prior departmental approval, is permissible. If costs are associated with the usage (i.e., personal copies, mileage, charges from a long-distance telephone call) the city must be fully reimbursed.

i. The occasional, incidental, or de minimus use of public property by City employees is hereby authorized with the following restrictions:

(a) The use will not disrupt the City's functions, business, or delay or hinder an employee from his or her normal duties.

(b) The use will not create additional costs to the City nor compromise the integrity of the property being used.

(c) The property will not be used by the employee for other commercial use or to obtain revenue or otherwise derive or obtain a profit therefrom.

(d) The employee will indemnify and hold harmless the City from any liability and acknowledges through his or her use of the equipment that the employee has been task-trained to use the equipment properly.

ii. All property owned, held, or controlled by City remains the property of the City at all times and the privilege to use the property for personal use may be limited or revoked at any time.

iii. The personal use of public funds is absolutely prohibited and no authorization for personal use of public funds or public monies is hereby granted.

iv. Employees who may inadvertently and unintentionally use public property, public funds, or public monies in a manner not consistent with these policies shall upon discovery immediately report the inadvertent use to their immediate supervisor. Within 14 days of discovering or receiving notice of any accidental or inadvertent use or payment, the employee shall reimburse City or repay any costs that may have been incurred. Additionally, any such employee shall take all necessary steps to insure that City is not injured by the inadvertent public use.

v. For the purpose of providing additional clarity and for illustrative purposes, the Council may set forth in writing specific instances of authorized personal use of public property from time to time, in accordance with the guidelines set forth above, by approving amendments to these policies. An initial list of specific authorized instances of personal use of public property is set forth below. This list is not intended to be inclusive of all authorized personal uses of public property

(a) Computer Equipment and Telephone Use

1. All data stored and software used on City owned computer equipment is the property of the City and may be viewed/reviewed by the Mayor, Councilperson or designee at any time. No permanent storage of personal data will be allowed.

2. No pornographic, sexually explicit material, or hate speech shall be accessed, stored, or viewed/reviewed on the City owned computer equipment.

3. Internet traffic on City computers is monitored. Misuse of internet access on City computers may result in disciplinary action up to and including termination of employment.

4. An employee has no expectation of privacy in the use of electronic mail on a City computer or other device. Additionally, emails may become subject to GRAMA provisions. As such, employees should refrain from receiving, forwarding, or promoting any material that may be construed as inappropriate or unacceptable for use on a City computer.

5. Landlines may be used when necessary on a limited basis. Long-distance calls or other toll calls of a personal nature are not permitted.

6. A City-sponsored cell phone may apply to specific employees and requires that employee to share in the cost of use. Such use is allowed so long as data uses do not result in increased costs to the City.

(b) The use of a City-issued cellphone to speak with family members and to conduct non-commercial personal or family business, and for use during emergencies;

(c) The use of a City-issued automobile to a particular employee for the purpose of driving to and from work and to and from lunch as well as picking up or dropping off immediate family members at their place of employment, provided such employment does not cause the employee to travel an additional 2 miles each trip beyond the distance the employee would otherwise travel between work and their residence;

(d) The use of a City-issued automobile to drop off or pick up children from school on the way to work or on the way home from work;

(e) The use of a City-issued automobile to attend a school or family function within the City at which an employee's child or family member is participating, such as a school play, ball game, etc, and for which there is insufficient time to first go home to get a personal automobile.

(f) The use of the City handtools as approved each use by an employee's supervisor to be used during time off and shall be returned to work the following day and the supervisor notified of the tools return. Any gas-powered hand tools should be returned to work with a full tank of gas.

(g) The use of the City-issued wi-fi "hot spots" by employees for non-work related activities in remote areas where wi-fi is generally not available.

(h) The use of the City equipment as approved by the employee's supervisor consistent with this policy.

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

K. Helper City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Helper City or from any person within or outside Helper City employment whose interests may be affected by the employees' performance or nonperformance of official duties. Helper City employees will not accept gifts or gratuities except under circumstances allowed by the Utah Public Officers' and Employees' Ethics Act, Utah Code §§ 67-16-1 through -15, as may be amended and supplemented.

L. Regular attendance and punctuality are essential to providing high quality work, service to citizens and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify their director or team leader prior to the scheduled work time. If an employee is ill or has an emergency, the employee should notify his or her director or team lead as soon as possible on each day of absence. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action, up to and including termination. Any employee who is absent for two (2) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned the employee's position and employment without notice. Where extenuating circumstances are found to have existed, however, such absence may be covered by the Mayor, or designee, by subsequent grant of leave with or without pay as the circumstances dictate.

M. Helper City expects its employees to make a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished. Employees are expected to dress in a manner that is normally acceptable in their line of work. A supervisor may forbid or require certain standards of attire or grooming if there is a safety requirement involved. All employees are responsible to promote safety and well-being while working with the city. This includes personal responsibility to wear appropriate personal protective equipment, to perform work safely, and to address all unsafe behaviors and conditions. All employees are accountable for the overall safety of themselves and others.

N. In compliance with the Utah Indoor Clean Air Act, smoking or using e-cigarettes (vaping) not permitted inside Helper City facilities or within 25 feet of Helper City facilities. Helper City also prohibits smoking or using e-cigarettes (vaping) in Helper City owned vehicles.

O. City-issued phones, laptops, tablets and any other electronic equipment are property of the city and are provided for city business use and should not be used for personal, outside business or employment, or non-city related purposes. The city has the right, at its discretion, to monitor its technological resources and systems to ensure they are being used appropriately and are functioning properly. As such, no city employee should have any expectation of privacy as to their technological resources usage, including internet history and email. Use of the city's technological resources and systems shall not violate the city's policies and procedures outlined in this manual. The city's technological resources shall not be used for knowingly transmitting, receiving, retrieving, or storing any communications which are derogatory to any individual or group, are pornographic, lewd, indecent, or of a sexual nature, or are of a defamatory or threatening nature.

P. The city's network is provided for city business use and should not be used for personal, outside business or employment, or non-city related purposes. City employees' use of the Internet must not

disrupt the operation of the city network or the networks of other users and must not interfere with the productivity of any employee. Unacceptable uses of the city's network include but are not limited to: downloading or uploading obscene, offensive or illegal material; sending confidential information to unauthorized recipients; downloading, uploading, or streaming movies, music and other copyrighted material and software; visiting potentially dangerous websites that can compromise the safety of the city's network and technological resources; harassing, threatening, impersonating, or abusing others; or performing unauthorized or illegal actions, such as hacking, fraud, and buying/selling illegal goods.

II. Inappropriate Behavior

Inappropriate behavior includes, but is not limited to, the following:

A. Falsifying or altering documents, or otherwise providing false or intentionally misleading information.

B. Neglect of duty.

C. Insubordination.

D. Unlawful possession of firearms or other weapons on city property or while on city business.

E. Committing any action that may constitute a crime or violation of applicable law, either on-duty or off-duty, where such action adversely reflects on the employee's ability to perform assigned duties.

F. Failure to comply with federal, state or local law.

G. Actions that discredit the name, reputation or public mission or interest of the city regardless of whether the employee is convicted, pleads guilty or is otherwise subject to a legal judgment.

H. Engaging in intentional or unintentional acts contrary to public service (i.e., malfeasance, nonfeasance, or acts inimical to the public service).

I. Stealing, destroying, damaging or defacing (or threatening to steal, destroy, damage or deface) city property, work-related documents, work areas, or personal property of others while at work or in connection with work.

J. Filing a malicious, fraudulent, or frivolous complaint with the intent to cause harm, disrupt city services, or with reckless disregard or intent to harass.

K. Refusing to respond to an official request for factual information or willfully impeding a formal investigation after notification that such response is required in the investigation.

L. Failing to comply with uniform, dress, or grooming requirements in the workplace.

M. Refusing to appear for a directed fitness for duty evaluation or follow through with a directed testing or evaluation process.

N. Accessing or sharing private, controlled or protected information without authorization or for an improper purpose.

O. Engaging in abusive, inappropriately loud, combative, aggressive, or threatening language or behavior.

P. Subjecting others to ridicule or gossip or otherwise undermining an employee's morale or workplace relationships.

Q. Unauthorized electronic surveillance of employees is inconsistent with the city's expectations of courteous and respectful behavior.

R. Engaging in behavior that is a conflict of interest per city conflict of interest policy. Employees of Helper City are required to declare to their department head any actual or potential conflicts of interest between their public duties and their private interests. This declaration is intended to include inter-personal relationships impacting employment beyond the Helper City formal nepotism policy. It is not the intent of this policy to deny any employee the opportunity of free association afforded any other citizen. It is intended to promote the public interest and strengthen the faith and confidence of employees and citizens in the integrity of their government.

III. Secondary Employment

A. Helper City allows secondary employment; however, an employee's first priority will be employment at Helper City.

B. A secondary employment form must be filed with HR personnel.

C. The secondary employment must not interfere with efficient performance of the employee's job at Helper City.

D The secondary employment must not conflict with the interests of the city department in which the employee works or of the city.

E. The secondary employment must not be the type that would reasonably give rise to complaints of conflicting interests of duties.

F. City employees who work in occupations having professional codes of ethics or standards of professional responsibility shall adhere to those requirements in the performance of their city duties.

G. Violation of this may be subject to disciplinary actions up to and including termination.

IV. Cellular Phones

A. Helper City may provide a cellular phone to an employee when there is a definite need to maintain communication at all times between such employees and the city.

B. Helper City cellular phones are to be used for city business only. Any misuse that causes a charge will be billed to the employee.

C. Use of cell phones at work cannot compromise the safety of the user or others. Employees are prohibited from city cellular phone while operating a motor vehicle, excluding emergency responders.

D. Personal cell phone use during work is a privilege and not a right. Cell phone use cannot interrupt the flow and productivity of individual employee duties or the work of teams and departments. Inappropriate cell phone usage while working includes but is not limited to excessive personal use vocal or text, watching television or movies, making illegal recordings, or taking inappropriate or unauthorized pictures.

10.01: Anti-Discrimination and Harassment

The purpose of this policy is to articulate Helper City's commitment to anti-discrimination and harassment and to provide procedures for employees to file a complaint of discrimination, harassment or retaliation.

I. Policy

Helper City will not tolerate discrimination and harassment based on race, color, gender, religion, age, national or ethnic origin, disability, marital status, veteran status, genetic information, sexual orientation, gender identity, or any other classification prohibited by federal, state, or local law.

Pursuant to the provisions of Utah Code § 34A-5-112, an employee may express his or her religious or moral beliefs at work so long as the expressions are made reasonably, non-disruptively, and in a non-harassing way. However, the city may establish rules prohibiting these types of expression upon a specific and express finding that "the expression is in direct conflict with the essential business-related interest" of the city or its departments.

II. Harassment

A. Helper City will not tolerate any form of harassment, joking remarks, or other abusive conduct (including verbal, non-verbal, or physical conduct), that demeans or shows hostility toward an individual based on a protected class.

B. One form of harassment that is explicitly prohibited is sexual harassment. Sexual harassment is a form of harassment with distinguishing characteristics. It consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. Conduct constituting sexual harassment under this policy may include, but is not limited to:

i. Intentional physical conduct that is sexual in nature, such as touching, staring, blocking, pinching, kissing, patting, grabbing, or brushing against another's body;

ii. Physical assaults of a sexual nature, such as: rape, sexual battery, molestation, or attempt to commit these assaults.

iii. Making unwanted sexual advances, propositions, or other sexual comments; using obscene and insulting terms related to gender; making uncalled for, unwelcome or persistent requests for social contacts; making comments about a person's body, sexuality or sexual experience, or other sexually oriented or sexually demeaning or explicit jokes or comments; giving preferential treatment or promises of preferential treatment in exchange for submission to sexual behaviors; or intentionally or unintentionally making performance of an employee's job more difficult because of an employee's gender.

iv. Displaying or publicizing in the workplace, or sending via email or text, sexually oriented displays or publications, such as sexually oriented pictures, posters, cartoons, calendars, graffiti, sexually oriented objects, jokes, stories, or other material.

C. Harassing conduct other than sexual harassment. The conduct identified above is equally prohibited when non-sexual in nature. For example, intentionally touching a person of a particular race in a manner intended to mock that person's race would be considered harassment as well as insulting racial language or pictures or symbols offensive to a person of a particular race or religion.

III. Reporting Process

A. Any employee who believes they have been subjected to discrimination or harassment in the workplace or related to their employment by anyone (including but not limited to supervisors, coworkers, or contractors/vendors) should immediately notify any of the following individuals: the employee's immediate supervisor, department director, human resources manager. Employees are encouraged to submit their complaint by submitting a complaint form to human resources.

B. It is important for employees to know that by law, any retaliation against an employee who opposed any illegal discrimination or harassment or made a complaint or participated in an investigation is prohibited under Title VII of the Civil Rights Act of 1964. No employee will be penalized for factual representation of the events. Employee behaviors that are protected include:

i. resisting advances, discrimination, or other harassment,

ii. registering a complaint of harassment or discrimination,

iii. supporting the claim of another employee,

iv. picketing in protest of illegal discrimination or harassment, and

v. notifying law enforcement authorities.

C. The city will protect the privacy and confidentiality of complaints to the extent possible.

IV. Investigation

A. All allegations of discriminatory or harassing behavior will be taken seriously and investigated in a prompt, thorough, and impartial manner. Where appropriate, immediate corrective action, including termination, may be taken.

B. An investigation may include but is not limited to interviews with the complainant(s), witnesses, and accused person(s) as well as a review of any relevant evidence.

C. All appropriate parties will be notified of the findings of the investigation.

D. The investigation process (including but not limited to who is interviewed, the order of interviews, what information is considered, and how parties are notified) is determined in the sole discretion of the investigator.

E. In the event it is found that the accuser made false claims or used this policy to intimidate, harass or create groundless claims against another this shall result in disciplinary action, up to and including termination against the accuser.

F. Employees accused of sexual harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence to be used against them, and an opportunity to respond before any disciplinary action may be taken.

G. Records and proceedings of sexual harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file.

11.01: Personal Relationships

This policy outlines Helper City's stance on personal relationships in the workplace.

I. Personal Consensual Sexual or Romantic Relationships in the Workplace

A. Consensual romantic or sexual relationships, or any other outside relationships, among peers or colleagues are not prohibited. Non-consensual romantic or sexual relationships are prohibited.

B. Employees are expected to conduct themselves in an appropriate manner that does not interfere with others or impair workplace productivity. Even when employees are in a consensual relationship, if they act inappropriately around other employees or members of the public while at work, on city property, or while representing the city, their behavior is subject to scrutiny under the Anti-Discrimination and Harassment policy in these policies. In the event of such inappropriate behavior, employees may be subject to discipline.

C. Notwithstanding the foregoing, no employee in a supervisory role may begin or be involved in a romantic or sexual relationship with a subordinate employee whom the supervisory employee supervises, whether consensual or not. .

II. Nepotism

Please refer to 3.01: Recruitment and Selection regarding nepotism.

12.01 Workplace Violence

The purpose of this policy is to provide direction on addressing violent, abusive or threatening behavior in the workplace.

I. General

A. The city will not tolerate violent, abusive, or threatening behavior by its employees in the work environment.

B. Employees should report instances of violent, abusive, or threatening behavior to their supervisors immediately. Any employee involved in situations when the employee fears physical violence or where someone has made verbal threats of physical violence should immediately notify the appropriate supervisor or department/division director. If there is a threat of immediate danger the employee should notify the police department.

C. City employees who engage in violent, abusive, or threatening behavior will be subject to disciplinary action, up to and including termination.

13.01: Social Media/Website

The purpose of this policy is to establish the use of official city accounts on non-city controlled social media platforms to amplify timely and relevant information about city events, convey information for citizens, communicate official information publicly and share positive activities undertaken by the city. This policy applies to all city employees, contractors, volunteers, consultants and service providers performing business on behalf of Helper City insofar as they use any city-sponsored social media accounts. It will also serve to establish appropriate conduct on social media sites. Violations of this policy may subject the party to non-disciplinary or disciplinary intervention.

Furthermore, it is Helper City's policy that: (1) Administration of all city social media accounts and website shall reside with the position of Helper City's Recorder. The Recorder will provide access to staff and/or council members based on assignment or direction of the mayor, but at all times shall maintain administrative control of the city's social media accounts including but not limited to: Helper City Facebook page, Helper City Public Works Facebook page, the Rio Theater Facebook page, the Police Facebook page, the Fire Department Facebook page and the Helper City website.

I. General

A. For purposes of this policy, the term "social media" includes, but is not limited to, social media websites (Facebook, Twitter, Instagram, YouTube, LinkedIn, etc.), social networking sites, blogs, comment boards, personal websites, forums, and online reviews of products or services.

B. Although city employees have some constitutional and statutory protections, individuals doing work for a governmental entity are held to a higher standard with respect to the way they conduct themselves on social media when engaged in speech that is related to their duties with the city. As such, individuals doing work for the city are cautioned that their behavior and conduct, including online behavior and conduct, has the potential to reflect upon the city as a governmental entity and may affect their employment if their conduct on these sites (1) can be construed as conduct related to their duties as an employee, (2) is criminal, or (3) in other ways violates the policies and procedures of the city.

C. While the city respects the right of individuals to engage in social media, individuals doing work for the city are advised that social media postings and other similar content that negatively impact or disrupt the workplace and/or the city may subject the employee to disciplinary intervention, regardless of whether the employee identifies themselves as a city employee.

II. Monitoring

A. The city monitors and manages postings on the city's website and social media accounts consistent with applicable laws and city policies. Individuals doing work for the city are advised and cautioned that they should have no expectation of privacy while participating in social media on the city's website and social media accounts. Postings on social media can be reviewed by anyone.

B. Although city employees have some constitutional and statutory protections in their participation on private website and social media accounts, the city reserves the right to monitor comments or discussions on the Internet or social media about the city (including its employees and agents). The city's

right to monitor applies to all postings, whether made by a city employee, non-city employee or elected official.

III. Content of postings and blog entries made by city employees

A. Individuals doing work for the city are strictly prohibited from making social media postings that contain confidential, proprietary, or non-public information pertaining to the internal operations or administration of the city or of its police department and fire department that was obtained in the course and scope of the individual's work for the city. Information published by an employee on social media should comply with all applicable city confidentiality and disclosure policies, procedures, rules, and guidelines. Individuals doing work for the city's are strictly prohibited from:

i. posting information regarding ongoing investigations or the results of investigations conducted by the city or agencies working with the city;

ii. posting information pertaining to the issuance of warrants or other law enforcement matters (whether internal or external);

iii. posting confidential, personal, or identifying information pertaining to any person suspected of committing a crime; and

iv. posting confidential, personal, or identifying information pertaining to any call for service received or the results of the call for service.

B. If an individual doing work for the city chooses to identify themselves as such, all social media postings that relate to city business must contain a disclaimer that the posting is solely the opinion of the individual and does not reflect the opinion, view, or philosophy of the city or its elected officials, employees, or agents.

C. The city seal or any other logo, symbol, or trademark used to identify the city may not be used on social media without first obtaining prior written consent from the mayor's office.

IV. Responsible and Respectful Postings

A. When using social media, employees and elected officials are encouraged to be respectful of the city and its employees, agents, and residents.

V. Copyright and Other Legal Issues

A. Individuals doing work for the city shall comply with applicable laws regarding copyright, plagiarism, and other issues while posting on these sites as part of their duties.

VI. Reporting Violations

A. The city strongly encourages employees to report potential violations of the city's social media policy to their department director or the human resources department. Violations may include, but are not limited to, postings which are derogatory to any individual or group, are pornographic, lewd, indecent, or of a sexual nature, or are of a defamatory or threatening nature or which are discussing or

divulging confidential or proprietary information pertaining to the internal operations or administration of the city or of its police department and fire department.

VII. Disciplinary Action

A. Individuals doing work for the city who violate this policy may be subject to disciplinary action, up to and including termination of employment. The city also reserves the right to take appropriate legal action against any individual who engage in prohibited or unlawful conduct.

14.01 Reporting Governmental Waste, Fraud, and Abuse

I. General Policy.

No employee may be subject to any adverse action as that term is defined in the Utah Protection of Public Employee's Act (UPPEA), currently codified at Utah Code § 67-21-1, et seq., because the employee communicates in good faith the waste or misuse of public funds, property, or manpower, a violation of a federal, state, or local law, rule, or regulation. Moreover, no employee may be subject to adverse action because he or she has objected to or refused to carry out a directive that the employee reasonably believes violates a federal, state, or local law, rule, or regulation adopted by the federal, state, or local government.

II. Reporting.

An employee may report such conduct by giving written notice or otherwise formally communicating the alleged conduct to (a) a person having authority over the alleged perpetrator, (b) the Utah attorney general's office, (c) law enforcement (if the conduct is criminal in nature), (d) a member of the city council, or (e) the mayor.

III. Copy of Statute.

As required by UPPEA, a copy of the statute follows.

67-21-1. Short title

This chapter is known as the "Utah Protection of Public Employees Act."

History:
Enacted by Chapter 216, 1985 General Session

67-21-2. Definitions

As used in this chapter:

(1) "Abuse of authority" means an arbitrary or capricious exercise of power that:
  (a) adversely affects the employment rights of another; or
  (b) results in personal gain to the person exercising the authority or to another person.
(2) "Communicate" means a verbal, written, broadcast, or other communicated report.
(3) "Damages" means general and special damages for injury or loss caused by each violation of this chapter.
(4) "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied.
(5) "Employer" means the public body or public entity that employs the employee.
(6) "Employer" includes an agent of an employer.

(7) "Good faith" means that an employee acts with:
  (a) subjective good faith; and
  (b) the objective good faith of a reasonable employee.
(8) "Gross mismanagement" means action or failure to act by a person, with respect to a person's responsibility, that causes significant harm or risk of harm to the mission of the public entity or public body that employs, or is managed or controlled by, the person.
(9) "Judicial employee" means an employee of the judicial branch of state government.
(10) "Legislative employee" means an employee of the legislative branch of state government.
(11) "Political subdivision employee" means an employee of a political subdivision of the state.
(12) "Public body" means any of the following:
  (a) a state officer, employee, agency, department, division, bureau, board, commission, council, authority, educational institution, or any other body in the executive branch of state government;
  (b) an agency, board, commission, council, institution member, or employee of the legislative branch of state government;
  (c) a county, city, town, regional governing body, council, school district, special district, special service district, or municipal corporation, board, department, commission, council, agency, or any member or employee of them;
  (d) any other body that is created by state or local authority, or that is primarily funded by or through state or local authority, or any member or employee of that body;
  (e) a law enforcement agency or any member or employee of a law enforcement agency; and
  (f) the judiciary and any member or employee of the judiciary.
(13) "Public entity" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
(14) "Public entity employee" means an employee of a public entity.
(15) "Retaliatory action" means the same as that term is defined in Section 67-19a-101.
(16) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.
(17) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

History:

Amended by Chapter 16, 2023 General Session,§146, eff. 2/27/2023. Amended by Chapter 174, 2022 General Session,§2, eff. 5/4/2022. Amended by Chapter 427, 2013 General Session,§7, eff. 5/14/2013. Amended by Chapter 329, 2007 General Session

67-21-3. Reporting of governmental waste or violations of law -Employer action - Exceptions

(1)
  (a) An employer may not take retaliatory action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith:
    (i) the waste or misuse of public funds, property, or manpower;
    (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or any recognized entity of the United States; or
    (iii) as it relates to a state government employer:
      (A) gross mismanagement;

(B) abuse of authority; or

(C) unethical conduct.

(b) For purposes of Subsection (1)(a), an employee is presumed to have communicated in good faith if the employee gives written notice or otherwise formally communicates the conduct described in Subsection (1)(a) to:

(i) a person in authority over the person alleged to have engaged in the conduct described in Subsection (1)(a);

(ii) the attorney general's office;

(iii) law enforcement, if the conduct is criminal in nature;

(iv) if the employee is a public entity employee, public body employee, legislative employee, or a judicial employee:

(A) the state auditor's office;

(B) the president of the Senate;

(C) the speaker of the House of Representatives;

(D) the Office of Legislative Auditor General;

(E) the governor's office;

(F) the state court administrator; or

(G) the Division of Finance;

(v) if the employee is a public entity employee, but not an employee of a state institution of higher education, the director of the Division of Purchasing and General Services;

(A) if the employee is a political subdivision employee:

(B) the legislative body, or a member of the legislative body, of the political subdivision;

(C) the governing body, or a member of the governing body, of the political subdivision;

(D) the top executive of the political subdivision; or

(E) any government official with authority to audit the political subdivision or the applicable part of the political subdivision; or

(vi) if the employee is an employee of a state institution of higher education:

(A) the Utah Board of Higher Education or a member of the Utah Board of Higher Education;

(B) the commissioner of higher education;

(C) the president of the state institution of higher education where the employee is employed; or

(D) the entity that conducts audits of the state institution of higher education where the employee is employed.

(c) The presumption described in Subsection (1)(b) may be rebutted by showing that the employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.

(2) An employer may not take retaliatory action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the public body.

(3) An employer may not take retaliatory action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of this state, a political subdivision of this state, or the United States, or a rule or regulation adopted under the authority of the laws of this state, a political subdivision of this state, or the United States.

(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document:
- (a) the waste or misuse of public funds, property, or manpower;
- (b) a violation or suspected violation of any law, rule, or regulation; or
- (c) as it relates to a state government employer:
  - (i) gross mismanagement;
  - (ii) abuse of authority; or
  - (iii) unethical conduct.

History:

Amended by Chapter 174, 2022 General Session,§3, eff. 5/4/2022. Amended by Chapter 365, 2020 General Session,§197, eff. 7/1/2020. Amended by Chapter 178, 2018 General Session,§2, eff. 5/8/2018. Amended by Chapter 427, 2013 General Session,§8, eff. 5/14/2013. Amended by Chapter 324, 2010 General Session

67-21-3.5. Administrative review of retaliatory action against a public entity employee

(1) A public entity employee who believes that the employee's employer has taken retaliatory action against the employee in violation of this chapter may file a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5 and subject to Section 67-21-4.

(2) If the Career Service Review Office determines that retaliatory action is taken in violation of this chapter against the public entity employee, the Career Service Review Office may order:
- (a) reinstatement of the public entity employee at the same level held by the public entity employee before the retaliatory action;
- (b) the payment of back wages, in accordance with Subsection 67-19a- 406(5)(b);
- (c) full reinstatement of benefits;
- (d) full reinstatement of other employment rights; or
- (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the employee had been promoted.

(3) A public entity employer has the burden to prove by substantial evidence that the public entity employer's action was justified.

(4) A public entity employee or public entity employer may appeal a determination of the Career Service Review Office as provided in Section 67- 19a-402.5.

History:

Amended by Chapter 174, 2022 General Session,§4, eff. 5/4/2022. Amended by Chapter 390, 2018 General Session,§14, eff. 5/8/2018. Added by Chapter 427, 2013 General Session,§9, eff. 5/14/2013.

Related Legislative Provision:

See Chapter 427, 2013 General Session, §17.

67-21-3.6. Administrative review for political subdivision employees

(1)

(a) A political subdivision may adopt an ordinance to establish an independent personnel board to hear and take action on a complaint alleging retaliatory action.

(b) The ordinance described in Subsection (1)(a) shall include:

(i) procedures for filing a complaint and conducting a hearing; and

(ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.

(2) If a political subdivision adopts an ordinance described in Subsection (1), a political subdivision employee may file a complaint with the independent personnel board alleging retaliatory action.

(3) If an independent personnel board finds that retaliatory action is taken in violation of the ordinance described in Subsection (1)(a), the independent personnel board may order:

(a) reinstatement of the employee at the same level as before the retaliatory action;

(b) the payment of back wages;

(c) full reinstatement of fringe benefits;

(d) full reinstatement of seniority rights; or

(e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.

History:

Amended by Chapter 174, 2022 General Session,§5, eff. 5/4/2022. Added by Chapter 427, 2013 General Session,§10, eff. 5/14/2013.

67-21-3.7. Administrative review for state institution of higher education employees

(1)

(a) As used in this section, "independent personnel board" means a board where no member of the board:

(i) is in the same department as the complainant;

(ii) is a supervisor of the complainant; or

(iii) has a conflict of interest in relation to the complainant or an allegation made in the complaint.

(b) A state institution of higher education shall adopt a policy to establish an independent personnel board to hear and take action on a complaint alleging retaliatory action.

(c) The policy described in Subsection (1)(b) shall include:

(i) procedures for filing a complaint and conducting a hearing; and

(ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.

(2)

(a) An employee of a state institution of higher education may file a complaint with the independent personnel board described in Subsection (1)(b) alleging retaliatory action.

(b) An independent personnel board that receives a complaint under Subsection (2)(a) shall hear the matter, resolve the complaint, and take action under Subsection (3) within the later of:

(i) 30 days after the day on which the employee files the complaint; or

(ii) a longer period of time, not to exceed 30 additional days, if the employee and the independent personnel board mutually agree on the longer time period.

(3) If an independent personnel board finds that retaliatory action is taken in violation of the policy described in Subsection (1)(b), the independent personnel board may order, or recommend to a final decision maker:

(a) reinstatement of the employee at the same level as before the retaliatory action;

(b) the payment of back wages;

(c) full reinstatement of fringe benefits;

(d) full reinstatement of seniority rights; or

(e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.

(4) A final decision maker who receives a recommendation under Subsection (3) shall render a decision and enter an order within seven days after the day on which the final decision maker receives the recommendation.

History:

Amended by Chapter 174, 2022 General Session,§6, eff. 5/4/2022. Amended by Chapter 178, 2018 General Session,§3, eff. 5/8/2018. Added by Chapter 427, 2013 General Session,§11, eff. 5/14/2013.

67-21-4. Choice of forum - Remedies for employee bringing action- Proof required

(1)

(a) Except as provided in Subsection (1)(b) or (d), and subject to Subsections (1)(d) through (e), an employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.

(b) Except as provided in Subsection (1)(d):

(i) an employee of a political subdivision that has adopted an ordinance described in Section 67-21-3.6:

(A) may bring a civil action described in Subsection (1)(a) within 180 days after the day on which the employee has exhausted administrative remedies; and

(B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies; and

(ii) an employee of a state institution of higher education:

(A) may bring a civil action described in Subsection (1)(a) within 180 days after the day on which the employee has exhausted administrative remedies; and

(B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies.

(c) Except as provided in Subsection (1)(d), a public entity employee who is not a legislative employee or a judicial employee may bring a claim of retaliatory action by selecting one of the following methods:

(i) filing a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5; or

(ii) bringing a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.

(d)

(i) A claimant may bring an action after the 180-day limit described in this Subsection (1) if:

(A) the claimant originally brought the action within the 180-day time limit;

(B) the action described in Subsection (1)(d)(i)(A) failed or was dismissed for a reason other than on the merits; and

(C) the claimant brings the new action within 180 days after the day on which the claimant originally brought the action under Subsection (1)(d)(i)(A).

(ii) A claimant may commence a new action under this Subsection (1)(d) only once.

(e) A public entity employee who files a grievance under Subsection (1)(d)(i):

(i) may not, at any time, bring a civil action in relation to the subject matter of the grievance;

(ii) may seek a remedy described in Subsection 67-21-3.5(2); and

(iii) waives the right to seek a remedy or a type of damages not included in Subsection 67-21-3.5(2).

(f) A public entity employee who files a civil action under Subsection (1)(d)(ii) may not, at any time, file a grievance with the Career Service Review Office in relation to the subject matter of the civil action.

(2) An employee who brings a civil action under this section shall bring the action in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has the person's principal place of business.

(3)

(a) An employee who brings an action under this section has the burden of proving by a preponderance of the evidence that the employee, in good faith, engaged in protected reporting and suffered a retaliatory action.

(b) If the employee satisfies the burden described in Subsection (3)(a), the employer has the burden of proving by substantial evidence that the employer's action was justified.

(c) If the employer satisfies the burden described in Subsection (3)(b), the employee has the burden of proving by a preponderance of the evidence that the employer's justification is pretextual.

History:
Amended by Chapter 174, 2022 General Session,§7, eff. 5/4/2022. Amended by Chapter 178, 2018 General Session,§4, eff. 5/8/2018. Amended by Chapter 427, 2013 General Session,§12, eff. 5/14/2013. Amended by Chapter 177, 1999 General Session

67-21-5. Court orders for violation of chapter

(1) A court, in rendering a judgment in an action brought under this chapter, may order reinstatement of the employee at the same level, the payment of back wages, full reinstatement of fringe benefits and seniority rights, damages, or any combination of these remedies.

(2) A court shall award the complainant all or a portion of the costs of litigation, which are defined to include reasonable attorney fees and witness fees, if the court determines that the complainant prevails.

History:

Amended by Chapter 427, 2013 General Session,§13, eff. 5/14/2013. Amended by Chapter 177, 1999 General Session

67-21-6. Civil fine

(1)
- (a) A person who violates this chapter is liable for a civil fine of not more than $500.
- (b) The person who takes a retaliatory action against an employee in violation of this chapter, and not the public body that employs the employee, shall, after receiving notice and an opportunity to be heard, pay the civil fine under this Subsection (1).
- (c) If a person is ordered to pay a civil fine under this Subsection (1), the employer may dismiss the person who took the retaliatory action in violation of this chapter.

(2) A civil fine ordered under this chapter shall be submitted to the state treasurer for deposit in the General Fund.

(3) The civil fine described in this section may be imposed if a violation of this chapter is found by:
- (a) an independent personnel board described in Subsection 67-21-3.6(1)(a) or 67-21-3.7(1)(a);
- (b) the Career Service Review Office; or
- (c) a court.

History:

Amended by Chapter 174, 2022 General Session,§8, eff. 5/4/2022. Amended by Chapter 427, 2013 General Session,§14, eff. 5/14/2013. Enacted by Chapter 216, 1985 General Session

67-21-7. No impairment of employee rights under collective bargaining agreement

This chapter shall not be construed to diminish or impair the rights of an employee under any collective bargaining agreement.

History:

Enacted by Chapter 216, 1985 General Session

67-21-8. No compensation when participation in public inquiry

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by a public body in accordance with Section 67-21-3.

History:

Enacted by Chapter 216, 1985 General Session

67-21-9. Notice of contents of this chapter - Posting

(1) An employer shall post notices and use other appropriate means to keep employees informed of their protections and obligations under this chapter.
(2) An employer shall provide an employee with a copy of this chapter:
    (a) when the employee is hired;
    (b) upon a request by the employee; and
    (c) when the employee files a grievance under this chapter.

History:

Amended by Chapter 178, 2018 General Session,§5, eff. 5/8/2018. Amended by Chapter 427, 2013 General Session,§15, eff. 5/14/2013. Enacted by Chapter 216, 1985 General Session

67-21-10. False accusations

(1) An employee violates this chapter if the employee knowingly makes a false accusation against an employer under this chapter.
(2) An employee who violates Subsection (1), is subject to:
    (a) a fine not to exceed $5,000; and
    (b) dismissal from employment.

History:

Added by Chapter 427, 2013 General Session,§16, eff. 5/14/2013.

15.01: Alcohol and Drug Testing Policy

Drug and alcohol abuse is a serious problem which causes grief for afflicted employees and significant costs to Helper City. Our goal is to maintain a drug-free workplace in order to prevent errors, injuries, and other problems stemming from chemical/substance abuse. The purpose of this procedure is to provide guidelines and information for employees and supervisors regarding alcohol and drug screening for random, follow-up, post-accident, reasonable suspicion, and repeat positive tests, and for preemployment drug screening. This procedure, which applies to all city employees, is intended to comply with the Omnibus Transportation Employee Testing Act of 1991 and department of transportation rules covering commercial driver's license (CDL) operations.

I. General

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

i. In order to achieve an alcohol and drug-free work place, employees and applicants for employment shall be required to participate in all of the following alcohol and controlled substances testing.

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

(b) When there is a reasonable suspicion to believe the employee has used illegal drugs, has illegally used legal drugs, or has the presence of illegal drugs or alcohol in his or her system.

(c) When the employee has been involved in an accident on-duty or because of unsafe work practices.

(d) On a random basis if the employee is in a safety-sensitive position.

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

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

(g) As part of preannounced periodic testing.

B. This policy covers all employees and applicants for employment at Helper City.

C. Definitions

i. The terms "alcohol" and "drugs" are defined according to Utah Code Ann. § 34-41-101(1), as amended. The term "controlled substance" means any Schedule I drug as defined under Utah Code Ann. § 58-37-4, as amended; a Schedule II, III, IV or V drug, or a prescription medication used or consumed by the employee without a lawful prescription. The term "controlled substance" does not include any medication which has been lawfully prescribed for an employee by his or her physician and taken as directed.

ii. On Duty Accident or Citation – Any accident involving injury to person or property including the loss of life, injury to the employee or others, damages to personal property, or an accident in a vehicle resulting in the issuance of a moving traffic citation to the employee.

iii. Drug and Alcohol Test – A drug or alcohol test is defined to mean a blood, urine, saliva, hair, breath, and/or any other scientifically recognized test to determine the presence of alcohol or controlled substance or the metabolite of a controlled substance using any scientifically reliable analytical method.

iv. Positive Test – The results of any drug and alcohol test showing the presence of alcohol or any controlled substance in an employee's system at or above the cutoff levels defined below.

(a) Controlled Substance Cutoff Levels shall be the Drug Test Cutoff Levels generally accepted by the drug testing community or levels established by any scientifically reliable analytical method.

(b) Alcohol Cutoff Level shall be a Blood Alcohol Content ("BAC") level of 0.04 grams/ml or more.

v. Refusal to Submit to Testing – Failure to provide an adequate sample without a valid and verified medical explanation after the employee has received notice that he/she is being tested or engages in conduct that clearly obstructs the testing process, including, but not limited to, delaying the test to avoid the efficacy of the testing methodology used.

vi. Reasonable Suspicion – An articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee is in violation of the city's drug and alcohol policy.

vii. Safety Sensitive Duties – Any duties which directly affect the safety of governmental employees, the general public, or duties involving access to controlled substances as defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of performing job duties.

viii. Sample – A sample means urine, blood, breath, saliva, hair, or any other substance from which a drug and alcohol test can reliably identify the presence of alcohol and/or drugs in a person's body.

II. Testing Policy

A. Testing Notice

i. Before performing any alcohol or drug test authorized by this policy, Helper City through its' designated representative, shall notify the employee being tested, verbally or in writing whether the test being administered is required by Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.

ii. Helper City employees who, under applicable job descriptions, are required to hold a commercial driver's license (CDL) are required under rules established by the Federal Highway Administration to be subjected to pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing.

iii. When conducting any of the above noted tests on CDL employees, Helper City shall provide the employee with the following notice:

(a) The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991.

(b) If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including termination.

iv. City employees are subject to pre-employment, reasonable suspicion, random (if employment involves safety-sensitive duties), post-accident, return-to-duty and follow-up drug and alcohol testing under this policy. When conducting any of the above noted tests on non-CDL employees, Helper City shall provide the employee with the following notice:

(a) The drug and/or alcohol test you are being required to take is required by the policies and procedures of Helper City.

(b) If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including termination.

B. Pre-Employment Testing – The city requires an applicant selected for a position with the city to undergo an alcohol and drug screen test to detect the presence of alcohol and controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a BAC of 0.04 or higher may be denied employment with Helper City.

i. Drug and alcohol testing shall be conducted after the selected applicant has been extended a conditional offer of employment but before beginning work.

ii. All of the city's job announcements and conditional offers of employment shall contain the following notice:

(a) All applicants selected for employment with Helper City shall be required to take a drug and alcohol test with negative results as a precondition of employment.

(b) A positive test result or failure to submit to the required testing shall result in a withdrawal of any conditional offer of employment with City.

iii. If the final applicant tests positive for drugs or alcohol as set forth above, or refuses to submit to testing as defined by this policy, the conditional offer of employment shall be withdrawn in writing and the applicant shall not be employed by Helper City.

C. Prohibited Conduct

i. Employees shall not use, be under the influence of or be in possession of alcohol or controlled substances while on duty, on city premises or while in city vehicles. City premises include buildings, parking lots, grounds and vehicles owned or leased by the city or personal vehicles being used for city business.

ii. Employees shall not use, be under the influence or, be in possession of, or be in such a condition as to test positive for alcohol or controlled substances while on duty, on city premises or while in city vehicles. City premises include buildings, parking lots, grounds, vehicles owned or leased by the city, or personal vehicles being used for city business.

iii. Employees using, possessing, distributing, dispersing or being at the workplace under the influence of alcohol or controlled substances shall be subject to questioning and disciplinary action.

iv. Any employee violating this policy may be subject to immediate termination.

D. Reasonable Suspicion Testing

i. When a designated supervisor determines there is reasonable suspicion to believe that any employee, full-time, part-time or temporary is using or has used and has alcohol or controlled substances in his/her system, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.

(a) The supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of alcohol or controlled substances.

1. The required observations underlying reasonable suspicion testing must be made by a supervisor or Helper City official who has received at least two (2) hours of training on the physical, behavioral, speech and performance indicators of alcohol and drug use.

2. Observations underlying the reasonable suspicion testing must be documented in writing and signed by the supervisor or Helper City designated official within twenty-four (24) hours or before the results of the test are announced, whichever is later.

(b) Reasonable suspicion testing may not be conducted by the same supervisor or responsible individual who makes the reasonable suspicion determination.

(c) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any city equipment or engage in any employment related duties until the results of the tests are received and the employee is released back to work.

E. Random Testing

i. Employees assigned to or performing safety sensitive duties are subject to random drug/alcohol tests.

ii. Random tests shall be both of the following:

(a) Unannounced.

(b) Reasonably spread throughout the year.

iii. Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.

iv. Random Testing for CDL Drivers

(a) CDL employees may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

(b) Drug tests may be performed at any time the driver is on duty.

v. Random Testing for Non-CDL Safety Sensitive Employees – Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.

vi. Pool Testing/Consortiums

(a) The city may join a consortium with testing pools large enough so that the city's CDL employees are always subject to random testing and the required annual testing rate shall be met by tests conducted of employees within the pool.

(b) If and when the city chooses to join a drug/alcohol testing consortium the city shall designate a liaison to coordinate with the testing consortium and obtain and maintain all of the following records and information:

1.How the random selection pool was assembled.

2.The method of selection and notification of employees.

3.The location of collection sites.

4.Methods of reporting the test results on each employee.

5.Summary reports on the consortium's program showing that the consortium tested at the prescribed minimum annual rates for alcohol and/or controlled substances.

F. Post Accident Testing

i. Any surviving employee involved in an on duty accident or citation shall be tested as soon as practical for alcohol and controlled substances.

(a) An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.

(b) The results of tests conducted by Federal, State or local law enforcement officers having independent authority to conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.

ii. Upon required testing due to an on duty accident or citation or reasonable suspicion, the employee tested shall not engage in the operation of any Helper City equipment or engage in the operation of any city equipment or engage in any employment related duties until the results of the tests are received and the employee is released back to work.

G. Preannounced Periodic Testing.

i. The city may test all of its employees on a regular, periodic basis so long as the testing is conducted pursuant to a schedule that identifies periodic intervals for the testing and that the employees who are to be tested on any scheduled test date are notified, at least, two weeks in advance of the date of the test. Additionally, the testing schedule should be available for employees' inspection after the schedule is set.

H. Testing Requirements

i. Except for in situations described below in Subsection (i)(a), all drug and alcohol tests conducted pursuant to this Section shall require a split urine sample of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. Employee discipline cannot occur unless the sample was taken by split urine sample.

(a) If an employee attempts to evade an alcohol or drug test and delays taking the test past the time that a drug test on a sample of urine will be effective to identify illegal drug or alcohol use, the city may test a sample in any other approved method identified in this policy that will effectively test for the presence of alcohol or illegal drugs.

ii. The test shall be conducted during or immediately after the regular work period of the employee and shall be considered paid work time for the employee.

iii. The city shall pay all the expenses of the sample collection, testing, and transportation for testing conducted off the worksite.

iv. A test shall be conducted by an entity that is independent of the city and certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology. All instructions, chain of custody forms, and collection kits used for sample collection shall be prepared by that entity. Additionally,

(a) The entity taking the samples shall ensure that (1) the collection of samples is performed under reasonable and sanitary conditions, (2) the collection method ensures the privacy of the person being tested, and (3) the manner is reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.

(b) The entity shall also ensure that (1) the samples are labeled and sealed so as to reasonably preclude the probability of erroneous identification of test results, (2) those being tested have a chance to provide identification of currently used or recently used prescription or nonprescription drugs or other relevant medical information, (3) sample collection, storage, and transportation to the place of testing are performed in a manner that reasonably precludes the

probability of sample misidentification, contamination, or adulteration, and (d) sample testing conforms to scientifically accepted analytical methods or procedures.

(c) The entity shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods.

v. The city shall ensure that the employee or prospective employee be notified as soon as possible the results of the test and of the employee's option to have the 15 ml urine sample tested at the equally shared expense of the employee and the city. The notice shall be given (a) by telephone at the employee's last known telephone number, or (b) in writing at his or her last known address of the results of the initial test.

I. Drug/Alcohol Test Results

i. Alcohol – If an employee's drug/alcohol test result shows a blood alcohol content of 0.04 or greater, the employee shall be removed from and cannot return to, a safety sensitive function until, at a minimum, all of the following are met:

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

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

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

In the event a test establishes a BAC level under 0.04 grams/ml but establishes a BAC level at or between 0.01 to 0.039 grams/ml, the City shall retest an employee after fifteen minutes. If after retest, the BAC level is at or over 0.04 grams/ml, the test shall be considered a positive test result.

If after retest, the BAC level is 0.02 to .039 grams/ml, the employee shall not be permitted to perform any safety-sensitive functions and shall suffer no disciplinary sanctions.

If after retest the BAC level is at or below 0.01 to 0.019 grams/ml, the employee shall (a) suffer no disciplinary sanction and (b) have no restriction unless signs and indicators of impairment are evident and articulated. If, after the evaluation, it appears that the employee is impaired, he or she shall not be permitted to perform any safety related function.

ii. Drugs/Controlled Substances – If an employee's drug/alcohol test result shows positive for a controlled substance, the employee shall subject to discipline as outlined in this manual and shall be removed from, and cannot be returned to, a safety sensitive position until, at a minimum, all of the following are met:

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

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

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

iii. General

(a) If through any of these detection methods, or on his/her initiative, an employee tests positive or seeks rehabilitation treatment, the employee will be responsible for an initial substance abuse evaluation.

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

1. Any employee for whom treatment is recommended with be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. Helper Municipal Corporation will pay the employee's benefit package during the allotted treatment time. Additional wage supplements, i.e., workers' compensation, will not be paid in addition to the outside source of payment. Each incident will be reviewed on a case-by-case basis.

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

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

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

K. General

i. Helper City maintains the right to conduct unannounced inspections of Helper City owned property, work stations, equipment, desks, cabinets, vehicles, etc. This property is the property of the city and individual employees should expect no privacy with respect to the use of this property.

ii. Helper City maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine or other tests, and the use of electronic detection equipment and trained animals.

iii. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.

16.01: Disciplinary Action

The purpose of this policy is to outline the duration and termination of employment, discipline, and appeal process for employees.

I. Duration and Termination of Employment

A. Career Service Employees of Helper City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in this chapter or as otherwise provided by applicable federal, state, or local statute, ordinance, or regulations. The provisions of this chapter do not apply to any other employees other than Career Service Employees nor do they apply to a discharge or transfer as the result of a layoff, reorganization, or other non-disciplinary reason.

II. Corrective Action

A. Corrective action may include, but is not limited to, verbal coaching and counseling, discussions regarding performance improvement, required retraining, and/or verbal or written warnings.

III. Progressive Discipline

A. Progressive discipline typically proceeds in the following sequence: verbal warning; corrective action; suspension without pay; and termination. Demotion may also be a part of the progressive discipline process.

B. However, progressive discipline is not required and deviation from the typical progressive discipline sequence may be appropriate in light of the severity (as determined by the supervisor in question) of an employee's job performance, conduct or behavior.

C. Progressive discipline may proceed in the typical sequence even if the job performance, conduct or behavior presently at issue differs from the type of performance, conduct or behavior for which the employee previously received corrective action or discipline.

D. An employee's history of prior corrective action and discipline will be considered in determining the appropriate level of discipline.

IV. Levels of Corrective Action and Discipline

A. Tier 1 – Verbal Warning

i. Whenever grounds for disciplinary action exist, and the Mayor, Human Resource Manager or Department Director, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee. Written documentation of the reprimand will be recorded for future reference.

B. Tier 2 – Written Warning

i. The Mayor, Department Director, Human Resource Manager, or an employee's supervisor may reprimand an employee.

ii. Prior to issuing a written warning, the disciplining authority shall provide the employee with a notice that he or she intends to issue a written warning. The notice should give the employee an opportunity to respond to the notice within, at least, one working day verbally or in writing. If the employee provides a response, the disciplining authority will consider the response before deciding to issue the written warning. After considering the response or if no response is provided, the disciplining authority shall determine whether he or she will issue the written warning.

ii. In the event that a written warning issued, a copy of the written warning shall be permanently placed in the employee's personnel file.

C. Tier 3 – Suspension without Pay, Discharge, or Involuntary Transfer

i. The Mayor, Department Director, Human Resource Manager, or an employee's supervisor may suspend, discharge, or involuntarily transfer an employee.

ii. Prior to issuing such discipline, the disciplining authority shall provide the employee with a notice that he or she intends to issue the discipline to be imposed. The notice should give the employee an opportunity to respond to the notice within, at least, three working days verbally or in writing. If the employee provides a response, the disciplining authority will consider the response before deciding to issue the discipline. After considering the response or if no response is provided, the disciplining authority shall determine whether he or she will issue the written warning.

ii. In the event that discipline is issued, a copy of the written warning shall be permanently placed in the employee's personnel file.

V. Discharge, Suspension without Pay, or Involuntary Transfer; Grievance and Appeal Process

A. Career Service Employees may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief or incident to, or through changes, either in the elective officers, governing body, or heads of departments.

B. If a Career Service Employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee may appeal the final decision to discharge, suspend without pay, or involuntarily transfer to an appeal board or hearing officer.

C. Each appeal of a final decision shall be taken by filing written notice of the appeal with the city recorder within 10 calendar days after the discharge, suspension, or involuntary transfer. Upon the filing of an appeal, the city recorder shall refer a copy of a properly filed appeal to the appeal board or hearing officer. Upon receipt of the referral from the city recorder, the appeal board or hearing officer shall schedule a hearing to take and receive evidence and fully hear and determine the matter which relates to the reason for the discharge, suspension, or transfer.

D. An employee who is the subject of the discharge, suspension, or transfer may: appear in person and be represented by counsel, have a hearing open to the public, confront the witness whose testimony is to be considered, and examine the evidence to be considered by the appeal board. An employee or the municipality may request the hearing be open to the public.

E. A decision of the appeal board shall be by secret ballot. The appeal board or the hearing officer shall certify a decision by the appeal board or hearing officer, respectively, with the city recorder no later than 15 days after the day on which the hearing is held, except, for good cause, the appeal board or hearing officer may extend the 15-day period under to a maximum of 60 calendar days, if the employee and city both consent. If the appeal board or hearing officer finds in favor of the employee, the appeal board or hearing officer shall provide that the employee shall receive:

(i) the employee's salary for the period of time during which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or

(ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

17.01: Termination of Employment

There are various types of terminations for employees. Any involuntary termination or termination of any full-time employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process rights are not violated.

I. Required Notice

A. All employees must notify Helper City at least two (2) weeks before retiring or voluntarily resigning to be eligible for payment of any unused, accrued leave that is payable as described elsewhere in these policies or to be eligible for re-hire.

B. If Helper City eliminates an employee's position or terminates an employee's employment as a result of a layoff or reduction in force or as a result of an employee's disability or medical condition, the city will pay the employee his or her unused, accrued vacation leave (if applicable) and vested sick leave (if applicable). If an employee dies while still employed, the city shall pay his or her estate any applicable unused accrued vacation and sick leave.

II. COBRA

A. Any employee who is eligible for benefits that is separated from Helper City is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985.

18.01: Travel Policy

Helper City has adopted the travel policy, which outlines the different variables of travel and guide decisions for booking and expense reporting. This aligns with the culture and objectives of Helper City and all of those involved in the process.

I. Authorization for Travel: All travel outside of the city limits during city work hours that is conducted in the normal course of business or the employee's normal job duties shall be authorized by the mayor or department director. Emergency travel outside of the city limits shall exempt from the authorization requirement. A log of all such travel exceeding sixty (60) mile radius of Helper City shall be kept. This log shall include the reason for the trip, the time the employee departed, the time the employee returned and the vehicle used.

II. Preauthorization: Advance approval must be obtained from the mayor or designee prior to any travel/training, which requires payment for registration, materials, meals, airfare and/or overnight stay. Submission of a Travel Request Form is required prior to official business travel, unless is not practical under the circumstances, and such Travel Request Form(s) shall be approved by the mayor or department director. The travel request will state the nature of the trip, destination and dates of beginning and end of official leave and estimates of cost. All travel requests for employees should be budgeted and approved by the department director, with final approval required by the mayor or designee.

City Council approval is also required for members of the various city commissions, boards and committees. The mayor has the authority to approve for the City Attorney and Council Members. The mayor pro temp approved travel for the mayor.

III. Reimbursement Requests: Any requests for travel reimbursement must be submitted to the city within sixty (60) days of the travel and with valid receipts. If an employee fails to submit a request for reimbursement within sixty (60) days, the city shall not reimburse the employee.

IV. Vehicles: Travel for legitimate city purposes in city vehicles may be authorized when use of the vehicle does not detract from the operational needs of the city. Overnight use of city vehicles for travel purposes shall be authorized by the mayor or department director.

Use of an employee's personal vehicle may be authorized when circumstances warrant. The employee shall keep track of the mileage associated with the approved travel and submit a request for reimbursement to the mayor based upon this record. The reimbursement shall be determined by the standard mileage rate published by the Internal Revenue Service for business miles in effect at the time of travel.

V. Lodging: Overnight lodging is an eligible expense if the destination is at least sixty (60) miles from the employee's place of employment, and may be allowed subject to the department director and mayor approval. If attending a conference where a block of rooms has been designated for attendees, the employee is required to participate at reduced costs. If an employee waits too long to participate in

lodging at reduced costs and the reduced costs are no longer available, the employee shall pay the difference between the reduced rate and the current lodging rate. Only single room rates are reimbursable with the exception being if two (2) employees share a room. An itemized hotel receipt must be submitted to the city for any overnight stay, regardless of whether the city prepays the hotel room or the employee is reimbursed for the cost, and it must indicate the room rate.

As a general rule, the day preceding the day in which a conference/seminar begins is considered a travel day. Lodging expense is eligible for the night preceding the conference/seminar. However, if the conference does not begin until 12:00 P.M. (noon), lodging expense for the preceding night is not eligible. Also, if the return trip home can reasonably be made the same day the conference ends, reimbursement for an additional overnight stay will not be eligible.

VI. Meals: Employees may be reimbursed for meals on a per diem basis for any given day of travel. Per diem reimbursement shall be determined in accordance with the current Utah Administrative Code per diem rate (for travel within Utah) or the current Internal Revenue Service per diem rate (for travel outside of Utah) in effect at the time of travel. The city's per diem reimbursement shall not exceed the current rate of reimbursement allowed under the standard meal rate method for computation of business expenses pursuant to the Utah Administrative Code or Internal Revenue Code.

VII. Registration Fees: Registration fees for conferences, seminars and conventions are paid by the city, if deemed as city business. Registration prepaid by the city must include documentation (copy of completed registration form, dates of trip, costs, location, times, etc.). If the registration is not prepaid and the employee receives the amount as a reimbursement, a valid registration receipt must be included with backup material upon submission of the travel expenses attachments.

VIII. Air Travel: Only "coach" flights will be authorized for air travel to conferences or meetings. Advance purchase, non-refundable tickets are considered standard air travel. In some instances, other classes of airfare may be requested, but prior approval must be obtained by the mayor or department director.

IX. Other Out-of-Pocket Expenses:

A. Parking Fees: Parking fees are reimbursable at the actual cost as supported by a receipt.

B. Taxi, WIFI, etc.: All city business related expenditures are reimbursable at actual cost as supported by a receipt.

X. Family/Companion Travel: If an employee's family member or any other person accompanies them on travel, the employee is required to pay the difference between the single room rate and the rate for two (2) or more persons and to pay the difference between the per diem meal reimbursement rate and meal cost.

CERTIFICATE OF POSTING

I, THE DULY APPOINTED AND ACTING RECORDER FOR THE CITY OF HELPER, HEREBY CERTIFY THAT COPIES OF THE FOREGOING RESOLUTION NO. 2024-13 WERE POSTED IN THE FOLOWING PLACES.

1. HELPER CITY HALL 58 SOUTH MAIN HELPER, UTAH.

2. UTAH PUBLIC NOTICE WEBSITE
   HTTPS://WWW.UTAH.GOV/PMN/SITEMAP/PUBLICBODY/5729.HTML.

3. HELPER CITY WEBSITE
   HTTPS://WWW.HELPERCITY.NET/CITY-COUNCIL.

DATED THIS 12TH DAY OF NOVEMBER 2024

Zack Tonc

ZACK TONC
HELPER CITY RECORDER