

Mayor
MICHAEL KOURIANOS
City Attorney
ERIC JOHNSON
City Recorder
JACI ADAMS
City Treasurer
ZACK TONC
Finance Director
LISA RICHENS



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PRICE CITY COUNCIL

City Council
JOE CHRISTMAN
AMY KNOTT-JESPERSEN
LAYNE MILLER
TANNER RICHARDSON
TERRY WILLIS

PUBLIC NOTICE OF MEETING

Public notice is hereby given that the City Council of Price City, Utah, will hold a Regular Meeting in the Council Chambers, 185 East Main, Price, Utah, at 05:00 PM on 04/23/2025. The Mayor reserves the right to modify the sequence of agenda items in order to facilitate special needs.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. SAFETY SECONDS-Councilmember Miller

4. GENERAL BUSINESS/DISCUSSION

- a. PRESENTATION/DISCUSSION-TORIE NELSON. Torie Nelson will be in attendance to speak about Girls Softball and use of the Price City Fields.
- b. PROCLAMATION. Consideration and possible approval for Mayor Kourianos to proclaim May 1st - 7th, 2025 as Elks National Drug Awareness and Red Ribbon Week.
- c. ORDINANCE NO. 2025-003. Consideration and possible approval of an Ordinance Amending the Fee for Each Person Filing a Declaration of Candidacy or Nomination Petition for Municipal Office.
- d. RESOLUTION NO. 2025-13. Consideration and possible approval of A Resolution Updating and Amending the Price City Personnel Policies and Procedures Manual.
- e. UPPER PRICE RIVER PLAN-EIS ADDITIONAL FUNDING REQUEST-Consideration and possible approval of a request for additional grant funding of \$969,621.00 from the Natural Resource Conservation Service (NRCS) to complete the Upper Price River Plan-EIS Project.

5. CONSENT AGENDA

- a. MINUTES for 04-09-2025 City Council Workshop & City Council.
- b. CAREER LADDERS. Consideration and possible approval of career ladders for: (1) Melanie Adams, lead worker grade 10 to lead worker grade 10 (planned selective salary adjustment); (2) Justin Busk, groundskeeper II grade 6 to groundskeeper II grade III; (3) Kimberly Moosman, groundskeeper

II grade 6 to groundskeeper III grade 8.

- c. HEAT CONTRACT. Consideration and possible approval of the updated HEAT Program Contract between Price City and the State of Utah.
- d. FEE WAIVER REQUEST. Price Elks Lodge #1550 is requesting fees be waived for use of Washington Park, May 6th, 2025, at 5:00 p.m. as part of Drug Awareness and Red Ribbon Week for a youth activity.

6. PUBLIC COMMENTS

7. UNFINISHED BUSINESS

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should contact the City Recorders Office at 185 E. Main Price, Utah, telephone 435-636-3183 at least 24 hours prior to the meeting.

PROCLAMATION



Proclamation

WHEREAS, the Benevolent and Protective Order of Elks National Drug Awareness Program is the largest all volunteer drug awareness programs in the United States; and

WHEREAS, the Elks National Drug Awareness Program strives to educate all children and parents about the dangers of illegal drug use and prevent the misuse and abuse of legalized and prescription drugs; and

WHEREAS, alcohol and drug abuse affect individuals, families, and communities across the nation; and

WHEREAS, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS Red Ribbon Week will be celebrated in communities across the nation on May 1 to 7 and

WHEREAS, businesses, government, law enforcement, media, health care providers, religious institutions, schools, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles by wearing red ribbons and participating in drug prevention activities; and

WHEREAS, our community further commits its resources to ensure the success of Red Ribbon Week,



NOW, THEREFORE, BE IT RESOLVED, WE of PRICE, UTAH do

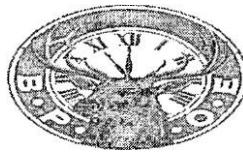
(I/WE) (City/Town/State)

hereby proclaim May 1 to 7 as RED RIBBON WEEK.

During this week, we urge all citizens to join with the Benevolent and Protective Order of Elks in participating in drug prevention education activities, not only during Red Ribbon Week, but also throughout the year, making a visible statement that we are strongly committed to a drug-free healthy lifestyle.

Dated this _____ day of _____
(Day) (Month) (Year)

By _____



Price Elks Lodge #1550'

April 18, 2025

Mayor Kourianos:

The following Elks events for Youth Week and Drug Awareness are the ones we spoke about on the phone.

It would be our privilege if you were able to attend.

May 5th at 5 p.m. at the Elks Lodge, we will have a Cinco De Mayo Party for the Youth Activity along with Drug Awareness. We will do Walking Tacos, Snow Cones, a Cake Walk with some other games.

May 6th at 5 p.m. at Washington Park, we will have a Youth Activity along with Drug Awareness. We will have food coloring Water balloons. Everyone will wear white so they can dye _their shirts. And of course, Pizza!

June 21

Fishn'g with the Fuzz from 12 to 2, at the Fairgrounds Pond. Hot Dogs, chips, and drinks. We may have fishing poles available but just in case, please bring your own.

The Police Officers really enjoyed this last year and requested we do it again.

Also, on Mother's Day, May 11th at noon, we will have a luncheon for mom's and then at 1:30 p.m., we will have our Mother's Day Ritual which we would love to have you at as well, if possible.

We at the Elks appreciate it any time you can attend our functions.

Sincerely,
Kenneth Jensen, Exalted Ruler

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FEE FOR EACH PERSON FILING A DECLARATION OF CANDIDACY OR NOMINATION PETITION FOR MUNICIPAL OFFICE

WHEREAS, Price City is desirous of off-setting costs that are incurred in the administrative processing of municipal election documentation; and,

WHEREAS, from time-to-time the cost of administrative services provision and fees charged by Price City are evaluated and adjusted; and,

WHEREAS, Section 20A-9-203, Utah Code Annotated, 1953, as amended, provides for a fee to be paid for declaration of candidacy in municipal general elections; and,

WHEREAS, Chapter 2.76 of the Price Municipal Corporation Code, entitled "Elections" sets forth certain procedures for general and special elections.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE PRICE CITY COUNCIL AS FOLLOWS:

Section 1. Amendment to Code Section. It shall be hereby amended to the Revised Price City Municipal Code, 1998, Section 2.76.050 and Section 2.76.060, which are to read as follows:

Section 2.76.060. Any person filing a declaration of candidacy for municipal office with the City Recorder shall pay a fee of Two-Hundred Dollars (\$200.00).

Section 2.76.060. Any resident nominating a candidate for municipal office with the City Recorder shall pay a fee of Two-Hundred Dollars (\$200.00).

Section 2. Severability. The provisions of this ordinance and the provisions adopted or incorporated by reference are severable.

Section 3. Repealer. The provisions of other ordinances, resolutions or actions in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. In the opinion of the City Council of Price City, it is necessary for the preservation of the peace, health, and safety of the City and the inhabitants thereof that this ordinance take effect immediately upon its publication.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025 BY THE CITY COUNCIL OF PRICE CITY, STATE OF UTAH.

PRICE MUNICIPAL CORPORATION

**_____
Michael Kourianos, Mayor**

ATTEST:

**_____
Jaci Adams, City Recorder**

DATE OF PUBLICATION: _____

RESOLUTION NO. 2025-_____

A RESOLUTION UPDATING AND AMENDING THE PRICE CITY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, Price City previously adopted, section by section, its Personnel Policies and Procedures Manual (Manual) setting forth personnel policies for the use and benefit of Price City's management and staff; and,

WHEREAS, the provisions of the Manual and the adopting resolution are severable and the Manual explicitly states that Price City has the right to change any of its policies and/or procedures at any time, for any reason; and,

WHEREAS, Price City is desirous of updating and amending the Manual in its entirety to the 2024 version; and,

WHEREAS, Price City desires to provide employee policies and procedures that are legally compliant, financially prudent and marketplace competitive in order to recruit, retain, and be competitive in the full-time employee marketplace.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Price City Council as follows:

Section 1. Adoption: Adopt updated and amended 2025 version of the Manual as constituted in Attachment A and which is attached hereto in its entirety and is hereby adopted.

Section 2. Repealer: All former Sections of the Manual are hereby specifically repealed and the provisions of any other Price City ordinances or resolutions in conflict herewith are hereby repealed. Additionally, if any other content of the Manual is deemed to conflict with the language revision adopted in this Resolution, this Resolution shall prevail.

Section 3. Severability: The provisions of this Resolution and the provisions adopted or incorporated by reference are severable.

Section 4. Necessity: In the opinion of the City Council of Price City, it is necessary for the preservation of the peace, health, and safety of the City and the inhabitants thereof that this Resolution take effect as follows: 2025 version of the Manual shall become effective on July 1st, 2025.

PASSED AND ADOPTED by the City Council of Price City, State of Utah, this _____ day of _____, 2025.

Price City, a Municipal Corporation

By: _____
Michael Kourianos, Mayor

ATTEST:

Jaci Adams, City Recorder

ATTACHMENT A
2025 PRICE CITY POLICY AND PROCEDURE MANUAL

PERSONNEL POLICIES AND PROCEDURES MANUAL

**Price Municipal Corporation
(Price City, Utah)**

*Original Adoption: May 26, 2004
Current Update: July 1st, 2025*

This document supersedes all personnel policies and procedures previously established or adopted by Price Municipal Corporation.

PRICE MUNICIPAL CORPORATION

Acknowledgment of Receipt of Personnel Policies and Procedures Manual

1. I, the undersigned employee, have been introduced to the Personnel Policies and Procedures Manual, originally adopted May 26, 2004 and as amended from time-to-time, which outlines the employment policies, practices and benefits of Price Municipal Corporation. *I accept responsibility for informing myself about these policies by reading them and, if necessary, by asking that they be read and/or explained to me.*
2. Since the information in this Personnel Policies and Procedures Manual is necessarily subject to change, it is understood that the prior or current information I have received may be changed or replaced by other policies and procedures which Price Municipal Corporation may adopt in the future. I understand that Price Municipal Corporation reserves the right to change these policies from time-to-time in the future.
3. I understand and agree that no one at Price Municipal Corporation has authority to offer me employment now or at any time in the future, on terms different than what are stated in the Personnel Policies and Procedures Manual and that all employment at Price Municipal Corporation is considered at-will. Specifically: (1) all employees at Price Municipal Corporation are hired on an at-will basis; (2) each person's employment is for no specific term; (3) Price Municipal Corporation reserves the right to terminate the employment relationship at any time, and; (4) nothing in this Policy and Procedure Manual (sometimes referred to as the handbook) should be construed as a contract or a guarantee of continued employment.¹
4. I have been presented with Price Municipal Corporation policy regarding anti-harassment in the workplace and/or I have been trained on the policy within the prior year. I have read and understand the policy and the expectations of my behavior in the workplace.² I understand that this Policy and Procedure Manual and the policies and procedures contained within it are in the best interest of the operational necessity of Price Municipal Corporation.³
5. Included with my acknowledgment herewith, I pledge to adhere to the code of ethics adopted by Price Municipal Corporation and the State of Utah including, but not limited to, the following: improper use of Price Municipal Corporation position, accepting gifts or loans, disclosing privileged information, retaining a financial or personal beneficial interest in a transaction, attempting to subvert or circumvent established Price Municipal Corporation policy, procedure, protocol or practice, nepotism, misuse of Price City resources or property, improper political activity, fair and equal treatment of individuals. I further acknowledge and pledge that I will disclose all real, potential or reasonably perceived conflict of interest.⁴

Date _____

Printed Name of Employee _____

Signature of Employee _____

Copies of the Price City Personnel Policies and Procedures Manual are maintained in each organizational department and a copy is available on the Price City intranet, www.pricecityutah.com.

¹ Recommended language from Bullet Proof Employee Handbooks author Jane Easter Bahls, update 2020.

² Reference to anti-harassment policy acknowledgment added 2023, NFP HR Dept and Policy Audit Recommendation.

³ Added reference to operational necessity; SHRM recommendation 2024.

⁴ Added Ethical behavior pledge to acknowledgement 2024. Compliance with State of Utah Fraud Assessment Requirements.

PREFACE

It is the policy of Price Municipal Corporation to establish reasonable rules of employment conduct (i.e., policy direction for management and employees to follow; elected officials are subject to State Code) and to ensure compliance with these rules through a program consistent with the best interests of Price Municipal Corporation and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY PRICE MUNICIPAL CORPORATION EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM “AT-WILL” MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MAYOR OF PRICE MUNICIPAL CORPORATION.

It is also the policy of Price Municipal Corporation to comply with Federal and State Equal Employment Opportunity guidelines. All employment decisions will be made without unlawful regard as to race, color, religion, sex, national origin, age, disability, or sexual preference. To this end, Price Municipal Corporation will not engage in any unlawful discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, veterans’ status or sexual preference, and will ensure that applicants and employees are treated without unlawful regard to these characteristics or inclusion in any of the aforementioned classes. Additionally, Price Municipal Corporation shall apply this policy utilizing the covenant of Good Faith Principle, providing the basis for good faith and fair dealing with employees at all times.¹

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

Price Municipal Corporation shall administer this policy with the intent of substantive consistency for all individuals and circumstances. Price Municipal Corporation shall investigate allegations regarding non-compliance with this policy on a reasonable basis and with due diligence.²

Price Municipal Corporation reserves the right to change any of its policies and/or procedures at any time in the future for any reason without prior notice to employees of Price City. Therefore, if you have suggestions or comments concerning the content of this manual, please submit them, in writing, to the Price City Human Resource Director for review.

Thank you.

¹ Added language to reference the Good Faith Principle 2022.

² Added language incorporating substantive consistency and reasonable basis and due diligence in 2022 based on suggestions of legal HR administration training.

INTRODUCTION

Welcome,

Price Municipal Corporation's Personnel Policies and Procedures Manual is a written reference for management and staff to implement the policies contained within it. This manual not only outlines Price Municipal Corporation's policy on the various phases of the employer-employee relationship, it also indicates how policy is to be administered.

Consequently, each employee is able to use this manual as a reference when policy needs to be applied to a given situation. Price Municipal Corporation officials, management and supervisors have a duty of care³ to ensure that these policies provide the basis and tools for all Price Municipal Corporation employees to make good decisions. As an employee of Price Municipal Corporation, you are expected to read, understand, and follow the policies and procedures contained in this manual. For assistance and interpretation of any of the provisions contained herein contact the Price Municipal Corporation Human Resource Director. Where Federal employment law, State of Utah employment law and local policy run in parallel or conflict the greater advantage to the employee shall govern.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Oral representations of employment policies or practices at Price Municipal Corporation may lead to miscommunications and misunderstandings of policies and cannot overrule the written policies⁴. Employees always feel a deeper understanding of their roles in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of all employees of Price Municipal Corporation to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. All employment activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, sex, national origin, age, disability or sexual preference/orientation/identification.

³ Duty of Care reference added 2020 – HR managers training suggestion.

⁴ Oral representations clarification reference added 2020. Recommended language from Bullet Proof Employee Handbooks author Jane Easter Bahls.

And finally, no employee, officer, agent or other representative of Price Municipal Corporation has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual and all employment at Price City is considered at-will.

Price Municipal Corporation

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SECTION 1: DEFINITION OF TERMS

Unless the context requires otherwise, the terms used in these policies and procedures shall have the following meaning:

1. **20% (TWENTY PERCENT) BRIGHT LINE:** Generally, an amount not exceeding twenty percent (20%) of the total compensation that the employer would pay a full-time firefighter that can be paid to a volunteer firefighter that does not endanger volunteer status with FLSA.¹
2. **ABSENT WITHOUT LEAVE:** Occurs when an employee does not report to work as scheduled and has no intention of returning to the job but does not notify Price Municipal Corporation of his or her intention to quit; also called JOB ABANDONMENT².
3. **ACCIDENT REPORT FORM:** The official document that Price Municipal Corporation requires completion for reporting of workplace accidents³
4. **ADDITIONAL INSURED(S):** Refers to adding Price Municipal Corporation to the policy of a primary insurance person/entity Price Municipal Corporation may be conducting business with, by an endorsement to an insurance policy to provide insurance coverage to Price Municipal Corporation for claims arising out of the acts or omissions of the primary insureds⁴.
5. **ADMINISTRATIVE LEAVE WITH PAY:** Leave authorized by Price Municipal Corporation for an employee to be absent from the work place to perform authorized duties in connection to Price Municipal Corporation business⁵.
6. **ADMINISTRATOR:** a Council member (a member of the governing body), appointed by the Mayor and approved by the governing body with the designated authority in charge of those departments through the Department Head, for the purpose of expediting the operation of the department. The administrator reports to the Mayor. An alternate administrator may also be appointed on a permanent or ad-hoc basis to act as the administrator in his/her absence (10-3-811, Utah Code Annotated 1953).
7. **ACKNOWLEDGEMENT:** The signed and dated form that an employee of

¹ 20 Percent added 2023.

² Absent Without Leave added 2020.

³ Accident Report Form added 2020.

⁴ Additional Insured(s) added 2020.

⁵ Administrative Leave with Pay added 2020.

PRICE CITY POLICY AND PROCEDURE MANUAL

Section 1: Definition of Terms

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

Price Municipal Corporation completes to verify that the individual employee has reviewed this Policy and Procedure Manual and has access to a copy of the Policy and Procedure Manual and any amendments thereto⁶.

8. **ADVERSE ACTION:** An action taken to attempt to prevent a person from opposing a discriminatory practice or from participating in an employment discrimination proceeding⁷.
9. **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA):** Protects workers age 40 and over by prohibiting discrimination against workers 40 and over in any employment or employment-related decision⁸.
10. **ALCOHOL:** The intoxicating constituent of wine, beer, spirits, and other drinks⁹, Also see additional term definition in Section V.
11. **ALGORITHMIC DISCRIMINATION:** A situation that occurs when automated systems contribute to unjustified different treatment or impacts disfavoring people based on a protected class, status or condition.¹⁰
12. **AMERICANS WITH DISABILITIES ACT:** Forbids employment discrimination against people with disabilities¹¹.
13. **ANNIVERSARY DATE:** The date of the employee's first (1st) day on the job with Price Municipal Corporation¹². Generally the date an annual performance evaluation is completed for the employee.
14. **ANNUAL VACATION TIME:** Paid time off from work at Price Municipal Corporation earned by qualifying Price Municipal Corporation employees for their personal needs¹³.
15. **APPLICANT [JOB]:** A person that makes formal application for employment at Price Municipal Corporation who has not received an conditional offer of employment¹⁴.
16. **APPOINTING AUTHORITY:** An official or group of officials (both elected

⁶ Acknowledgement added 2020.

⁷ Adverse Action added 2020.

⁸ Age Discrimination Act of 1967(AEDA) added 2020.

⁹ Alcohol added 2020.

¹⁰ Algorithmic Discrimination added 2025.

¹¹ Americans with Disabilities Act added 2020.

¹² Anniversary Date added 2020.

¹³ Annual Leave added 2020.

¹⁴ Applicant [Job] added 2020.

PRICE CITY POLICY AND PROCEDURE MANUAL

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

officials and/or employed staff) who have the authority to make appointments to positions in Price Municipal Corporation.

17. **ARTIFICIAL INTELLIGENCE (AI):** A type of computer science which deals with computer systems that perform tasks which usually require human intelligence, such as reasoning, problem solving, perception and language.¹⁵
18. **ATTENDANCE:** The action or state of being present at the employees Price Municipal Corporation station of work at the prescribed date/time¹⁶.
19. **AT WILL:** A term used in U.S. labor law for contractual relationships in which an employee may be dismissed by an employer for any reason as long as the reason is not illegal. The employee may quit for any reason at any time as well. The employer and the employee are free to terminate the employment relationship at any time for any reason¹⁷.
20. **BENEFIT EXTENSION PROGRAM:** A Price Municipal Corporation program whereby an employee that has accumulated a minimum tenure of service years to Price Municipal Corporation may be eligible to privately purchase and participate in medical and dental coverage insurance, subject to conditions¹⁸.
21. **BEREAVEMENT LEAVE:** Paid leave which is available to an employee at the time of death or funeral of a member of the employee's immediate family as defined¹⁹.
22. **BI-WEEKLY:** Every other week on the same day of the week²⁰.
23. **BOMB THREAT:** A threat to detonate an explosive or incendiary device to cause property damage, death, or injuries, whether or not such a device actually exists²¹.
24. **BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ):** Employment qualifications that are considered while making decisions about hiring and retention of employees. BFOQ's relate to essential job duties listed in job descriptions and are considered necessary for completion of the job identified²².

¹⁵ Artificial Intelligence (AI) added 2025.

¹⁶ Attendance added 2020.

¹⁷ At Will added 2020.

¹⁸ Benefit Extension Program added 2020.

¹⁹ Bereavement Leave added 2020.

²⁰ Bi-Weekly added 2020.

²¹ Bomb Threat added 2020.

²² Bona Fide Occupational Qualifications added 2020.

PRICE CITY POLICY AND PROCEDURE MANUAL

Section 1: Definition of Terms

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

25. **BONDING LEAVE:** Bonding Leave is a parental leave in the case of adoption or foster care for the purpose to enable the employee (parent) to care for and bond with a newborn or a newly adopted or placed child, runs concurrently with FMLA leave. Bonding leave is not paid leave by Price Municipal Corporation.²³
26. **BREAK:** An optional and compensated rest from the work day and work performed during a standard work day, twenty (20) minutes or less²⁴.
27. **BULLYING:** Includes cyber-bullying. An intentional and malicious abuse of an individual, abusive words or deeds to discredit, discourage, harm the spirit, dignity, reputation, or integrity of an individual. May include lack of manners and common social graces as well as psychological or physical violence. May also include animosity and lack of respect for individual value and an attempt to control or intimidate an individual²⁵. Also see WORKPLACE BULLYING.
28. **CALL OUT PAY:** A compensation premium paid by Price Municipal Corporation to employees who are called to work for Price Municipal Corporation, generally on an emergency basis, not during a standard work day or work shift period²⁶.
29. **CHATBOT:** An AI software that seeks to mimic human conversation through interactions via text and voice.²⁷
30. **CHAT GPT:** Stands for Chat Generative Pre-Trained Transformer. A complex machine learning model that is able to carry out natural language generation (NLG) tasks with a high level of accuracy.²⁸
31. **CITY MANAGEMENT:** Generally refers to the Department Heads of Price Municipal Corporation working to carry out the policy and direction of the elected officials²⁹.
32. **CIVIL RIGHTS ACT OF 1964, TITLE VII:** Bars discrimination based on race, sex, color, religion or national origin. Remedies include back pay and reinstatement, where appropriate³⁰.
33. **CIVIL RIGHTS ACT OF 1991:** Expands the definition of employment

²³ Bonding Leave added 2023.

²⁴ Break added 2020.

²⁵ Bullying added 2020.

²⁶ Call Out Pay added 2020.

²⁷ Chatbot added 2025.

²⁸ Chat GPT added 2025.

²⁹ City Management added 2020.

³⁰ Civil Rights Act of 1964, Title VII added 2020.

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discrimination and allows courts to award compensatory and punitive damages to victims³¹.

34. **CLASSIFICATION:** The grouping of positions into classes based on the similarities of duties, responsibilities, accountability, working conditions, and know-how. Classifications include: full time; part time; variable, seasonal, volunteer, emergency, contract.
35. **CLOTHING ALLOWANCE:** A Price Municipal Corporation Program whereby a qualifying employee may receive a regular clothing allowance or uniforms provided by Price Municipal Corporation³².
36. **CLOTHING ALLOWANCE – STEEL TOED SHOES:** A Price Municipal Corporation program whereby qualifying employees that are required to wear steel toed safety shoes may be reimbursed a portion of the cost annually.
37. **COMMERCIAL DRIVER’S LICENSE (CDL):** A state-issued driver’s license specifically authorizing the operation of commercial vehicles and equipment such as dump trucks, tractor-trailer and heavy weight vehicles³³.
38. **COMMON LAW EMPLOYEE:** An employee or volunteer that performs services for the employer and the employer has the right to control what will be done and how it will be done, even if the employee has freedom of action. Generally in reference to volunteer firefighters.³⁴
39. **COMPENSATORY TIME:** Also called “comp time” is paid time off the job that is earned and accrued by an employee instead of immediate cash or overtime payment for working overtime hours. Payment of overtime or compensatory time is at the discretion of Price Municipal Corporation³⁵.
40. **CONCERTED ACTIVITY:** Protected discussion among employees regarding the terms and conditions of employment. Does not include disclosure of Price Municipal Corporation business, policies, procedures on social media or other public forums³⁶.
41. **CONCLUDING AND PREPARATORY ACTIVITIES:** Time spent putting on or taking off safety gear or making deliveries for Price Municipal Corporation

³¹ Civil Rights Act of 1991 added 2020.

³² Clothing Allowance and Clothing Allowance – Steel Toed Shoes added 2020.

³³ Commercial Driver’s License (CDL) added 2020.

³⁴ Common Law Employee added 2023.

³⁵ Compensatory Time added 2020.

³⁶ Concerted Activity added 2021.

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on the employee's way to or from work³⁷.

42. **CONFIDENTIAL INFORMATION:** Information considered property of an individual or of Price Municipal Corporation and not generally made available to the public as an open public record. Information that may be considered protected under the Government Records Access Management Act (GRAMA) in the State of Utah.³⁸

43. **CONFIDENTIALITY:** Maintaining a trust and the state of keeping personal or organizational information known because of Price Municipal Corporation secret or private³⁹.

44. **CONFINED SPACE:** A confined space, as defined by OSHA, is made up of Three (3) main parts: (1) the space is large enough for an employee to enter and perform work; (2) the space has limited or restricted means for entry or exit; and (3) the space is not designed for continuous human occupancy⁴⁰.

45. **CONFLICT OF INTEREST:** A situation in which a person may be in a position to derive personal benefit from actions or decisions made in their official Price Municipal Corporation capacity⁴¹.

46. **CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA):** Any employee, who is eligible for benefits, that is separated from employment by Price Municipal Corporation is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985. Requires employers to offer continued access to their health care plans, in certain circumstances, to employees and their families who lose health care coverage as the result of a qualifying event⁴².

47. **CONTROLLED SUBSTANCE:** A drug or chemical whose manufacture, possession, or use is regulated by a government, such as illicitly used drugs or prescription medications that are designated by law. Substances are classified according to schedules and consist primarily of potentially psychoactive substances⁴³. Also see additional term definition in Section V.

48. **CONVERSION [OF MEDICAL HEALTH INSURANCE]:** The right of an employee of Price Municipal Corporation to continue to participate in the

³⁷ Concluding and Preparatory Activities added 2020.

³⁸ Confidential Information added 2021.

³⁹ Confidentiality added 2020.

⁴⁰ Confined Space added 2020.

⁴¹ Conflict of Interest added 2020.

⁴² Clarified definition 2020.

⁴³ Controlled Substance added 2020.

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COBRA insurance program upon termination of employment with Price Municipal Corporation⁴⁴.

49. CONSTRUCTIVE DISCHARGE: A workplace situation or environment that occurs when working conditions are made so unbearable or abusive by the employer or those in the workplace that a reasonable person believes that resignation is the only appropriate action for them to take. When an employee feels forced to resign over unbearable, abusive situations or conditions that may include an environment of immoral, unethical or even unlawful conduct or requirements placed upon the employee. Such situations or conditions may also include employees forced to perform work without credit/acknowledgement, proper pay or possibility for advancement when the employee reasonably believed that such credit/acknowledgement, proper pay or possibility for advancement exists.⁴⁵

50. COURT-JURY LEAVE: Paid time off without employee use of sick or vacation leave for service as a juror or witness⁴⁶.

51. COURT ORDERED COMMUNITY SERVICE. A sentencing option for persons convicted of crimes in which the court orders the defendant to perform a number of hours of unpaid work for the benefit of the public. Community service is appropriate when it is reasonably designed to repair the harm caused by the offense⁴⁷.

52. COVERED INDIVIDUAL: Individuals or groups of individuals that have opposed unlawful practices, participated in proceedings, or requested valid accommodations related to employment discrimination based on protected class status⁴⁸.

53. DAILY LOG: A daily record of significant occurrences, incidents, and progress recorded and reported by a Price Municipal Corporation employee⁴⁹.

54. DANGEROUS WEAPON(S): An instrument capable of inflicting death or serious bodily injury; or an object that is not an instrument capable of inflicting death or serious bodily injury but closely resembles such an instrument.
Examples: firearms; knives with blades longer than three (3) inches; explosive items/devices; various tools.⁵⁰

⁴⁴ Conversion [of Medical Health Insurance] added 2020.

⁴⁵ Added Constructive Discharge 2023.

⁴⁶ Court-Jury Leave added 2020.

⁴⁷ Court Ordered Community Service added 2020.

⁴⁸ Covered Individual added 2020.

⁴⁹ Daily Log added 2020.

⁵⁰ Dangerous Weapons added 2020.

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55. **DEFECTIVE EQUIPMENT:** Any type of mechanical or electronic equipment that is considered dangerous or unsafe to use⁵¹.

56. **DEMOTION:** Any movement of an employee from a position in a class having a higher salary, grade, rank, status, or responsibility to one which is less.

57. **DEPARTMENT HEAD:** The Department Head is an individual employed and tasked to plan, organize, direct, and manage the day-to-day operations of a specific or multiple city services or functions via the Price Municipal Corporation departments. Generally supervises supervisors and employees and reports to the elected officials.

58. **DESIGNEE:** Refers to a person/individual who has been designated to perform some duty or carry out some specific role. It is the person who has been designated. This is also termed as designate⁵².

59. **DISCIPLINARY ACTION:** A process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose for discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists⁵³.

60. **DISQUALIFICATION [OF JOB APPLICANT]:** The discontinuation of consideration of an applicant for a position for reasons not related to any protected class or status⁵⁴.

61. **DISPARATE TREATMENT:** A way to prove illegal employment discrimination. An employee who makes a disparate treatment claim alleges that he or she was treated differently than other employees who were similarly situated, and that the difference was based on a protected characteristic or other prohibited or unlawful manner⁵⁵.

a. **DISPARATE IMPACT:** Practices in employment that adversely affect one group of people of a protected characteristic more than another, even though rules applied by employers or landlords are formally neutral.

62. **DOMESTIC PARTNER:** In the context of medical insurance benefits and coverage, a domestic partner means a person selected by an employee that meets defined criteria for eligibility for inclusion on the Price Municipal Corporation

⁵¹ Defective Equipment added 2020.

⁵² Designee added 2020.

⁵³ Disciplinary Action added 2020.

⁵⁴ Disqualification added 2020.

⁵⁵ Disparate Treatment and Disparate Impact added 2020.

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group medical insurance plan.⁵⁶

63. DRIVERS LICENSE [UTAH]: A document issued by the state of Utah authorizing the bearer to operate a motor vehicle⁵⁷. See also COMMERCIAL DRIVER'S LICENSE (CDL).

- a. Driver's License Endorsements: Provide additional driving privileges.
- b. Driver's License Restrictions: Limits when a person may drive or requires that the individual meet specific conditions to drive.

64. DRIVER'S QUALIFICATION: The standard set by Price Municipal Corporation, at its sole discretion, to determine eligibility of an employee or potential employee to use and operate motor vehicles and equipment owned by Price Municipal Corporation⁵⁸.

- a. Acceptable: Driver/operator of Price Municipal Corporation vehicles or equipment does not pose a safety concern based on at-fault accidents and/or moving violations.
- b. Borderline: Driver/operator of Price Municipal Corporation vehicles or equipment may present a safety concern based on at-fault accidents and/or moving violations.
- c. Unacceptable: Driver/operator of Price Municipal Corporation vehicles or equipment poses a safety concern based on at-fault accidents and/or moving violation and may not be permitted to use or operate Price Municipal Corporation vehicles or equipment.

65. DRUG FREE WORKPLACE ACT OF 1988: Requires federal contractors and grantees to certify that they will provide drug-free workplaces⁵⁹.

66. DUTY CLASSIFICATION(S) – RETURN TO WORK:

- a. Alternate or Alternate Duty: means Price Municipal Corporation may alter existing job duties or offer work within a different department/work group to fit within existing restrictions of a medical professional opinion for an employee to return to work after a workplace injury until healed.
- b. Light or Modified Duty: means Price Municipal Corporation may place an employee returning to work after a workplace injury in a less physically or mentally demanding job until healed and in compliance with any

⁵⁶ Added Domestic Partner 2025.

⁵⁷ Driver's License added 2020.

⁵⁸ Driver Qualification: Acceptable; Borderline; Unacceptable added 2020.

⁵⁹ Drug Free Workplace Act of 1988 added 2020.

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restriction(s) imposed by a medical professional.

- c. **Restricted Duty:** means job duties that are restricted from being attempted or completed by an employee returning to work after a workplace injury on the direct order of a medical professional.
- d. **Transitional Duty:** means temporary work that an employee may be offered until fully recovered from a workplace injury when returning to work and is temporary in nature. Must be in compliance with any restriction(s) ordered by a medical professional.

67. ECONOMIC REALITIES TEST: A test to determine if an individual is in business for themselves, as an independent contractor and/or as a public sector volunteer, such as a volunteer firefighter, or is economically dependent upon the business for work.⁶⁰

68. EDUCATIONAL ASSISTANCE: An optional program of Price Municipal Corporation whereby an employee may, under certain circumstances, receive reimbursement from Price Municipal Corporation for educational costs⁶¹.

69. EFFECTIVE CAREER LADDER: The submission of a career ladder type promotion request for a position that does not have a career ladder attached to it. Generally done in the interest of employee retention.⁶²

70. E-VERIFY: An electronic system operated by the federal government, allows an employer to determine the eligibility of an employee to work in the United States using information reported on that employee's Form I-9, Employment Eligibility Verification⁶³.

71. EMERGENCY EMPLOYEE: An employee hired by Price City to address an emergent need, activity, task or situation only⁶⁴.

72. EMERGENCY LEAVE: Paid leave limited to three (3) working days or less issued to qualifying employees for qualifying circumstances to accommodate Price Municipal Corporation or employee emergencies⁶⁵.

73. EMPLOYEE INFORMATION CHANGE/STATUS CHANGE FORM: A form completed by an employee of Price Municipal Corporation requesting and

⁶⁰ Economic Realities Test added 2023.

⁶¹ Educational Assistance added 2020.

⁶² Effective Career Ladder added 2022.

⁶³ E-Verify added 2020.

⁶⁴ Emergency Employee added 2020.

⁶⁵ Emergency Leave added 2020.

authorizing a change to the information contained in the employee's personnel file and information⁶⁶.

74. EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988: Prohibits certain employers from subjecting prospective employees to lie detector tests⁶⁷.

75. EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA): Protects the interests of participants and their beneficiaries

in employee benefit plans by establishing standards of conduct, responsibility and obligations for fiduciaries of employee benefit plans⁶⁸.

76. EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC): Equal employment opportunity (EEO) means freedom from discrimination on the basis of protected classes such as race, color, sex, national origin, religion, age, disability, sexual preference or genetic information. The Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit employment discrimination beginning with Title 7 of the Civil Rights Act of 1944⁶⁹.

77. ELECTED OFFICIAL: The Mayor or a City Councilmember of Price Municipal Corporation currently holding office via the regular election process or appointment to fill a mid-term vacancy. Does not include members of the elected official's family.⁷⁰

a. Pursuant to this definition Price Municipal Corporation Elected Officials as defined above, are not considered employees of Price Municipal Corporation. Price Municipal Corporation Elected Officials have determined themselves to be 'part time' as defined by Utah Retirement Systems (URS) and shall be certified not eligible for URS participation by Price Municipal Corporation.⁷¹

78. EMERGENCY RESPONSE PLAN: Refers to the planning for natural and manmade disaster emergency response by Price Municipal Corporation and its' employees⁷².

⁶⁶Employee Information Change Form added 2020.

⁶⁷Employee Polygraph Protection Act of 1988 added 2020.

⁶⁸Employee Retirement Income Security Act added 2020.

⁶⁹Equal employment opportunity (EEO) and Equal Employment Opportunity Commission (EEOC) added 2020.

⁷⁰Definition of Elected Official added February 2019 to accommodate use of Price City passenger vehicles by elected officials.

⁷¹Clarified URS ineligible status in 2022 update, based on 2021 training provided by URS to Price City staff.

⁷²Emergency Response Plan added 2020.

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79. **EMPLOYEE:** A person holding a position in the public service of Price Municipal Corporation under appointment. Contract employees may not be designated as employees in determining eligibility to receive certain employee benefits.

80. **EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA):** Protects the interests of retirement plan participants and their beneficiaries in employee benefit plans by establishing standards of conduct, responsibility and obligations for fiduciaries of employee benefit plans⁷³.

81. **EQUAL PAY ACT:** Bars employers from paying one gender less than the other if they are working on jobs that require equal skill, effort and responsibility, and if those jobs are performed under similar working conditions⁷⁴.

82. **ERGONOMIC(S):** Ergonomics is the science of designing the physical workplace, keeping in mind the capabilities and limitations of the worker. A workplace ergonomics improvement process removes risk factors that lead to musculoskeletal injuries and allows for improved human performance and productivity.⁷⁵

83. **EXECUTIVE LEAVE:** A distribution of time off (compensation mechanism) for exempt employees to provide a time offset to qualifying employees and address added time spent working during non-work hours during the year. Executive Leave to be distributed and utilized according to the compensation time policies and procedures. Does not create a real or implied FLSA non-exempt situation or status for any employee that is FLSA exempt.⁷⁶

84. **EXEMPT:** Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Law Statutes, shall be exempt from minimum wage and mandatory overtime payment regulations.

85. **EXIT INTERVIEW:** An interview held with an employee about to leave employment with Price Municipal Corporation, typically in order to discuss the employee's reasons for leaving and their experience of working for Price Municipal Corporation⁷⁷. The Exit Interview Questionnaire and Termination Checklist form examples are attached as Exhibit 1 to Section 10 of this Policy.⁷⁸

⁷³ Employee Retirement Income Security Act of 1974 (ERISA) added 2020.

⁷⁴ Equal Pay Act added 2020.

⁷⁵ Ergonomics added 2021 in conjunction with remote working section.

⁷⁶ Added Executive Leave 2025.

⁷⁷ Exit Interview added 2020.

⁷⁸ Added reference to form of exit interview and termination checklist in Section 10 per NFP HR and policy audit 2023.

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86. **FAIR LABOR STANDARDS ACT (FLSA):** Provides guidelines on employment status, child labor, minimum wage, overtime pay, and record-keeping requirements. It determines which employees are exempt from the FLSA (not covered by it) and which are non-exempt (covered by the FLSA)⁷⁹.

87. **FAMILY AND MEDICAL LEAVE ACT (FMLA):** Requires employers of fifty (50) or more employees to give employees up to twelve (12) weeks of unpaid leave per year when they have a new child in the family; have a serious health condition; or must care for an ill child, spouse, parent. Also allows covered employees to take two (2) types of military leave: qualifying exigency leave (subject to the same twelve (12) week limit) and military caregiver leave (up to twenty-six (26) weeks in one year)⁸⁰.

88. **FEDERAL DRUG FREE WORKPLACE ACT OF 1988.** An act of the United States which requires some federal contractors and all federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency⁸¹. Price Municipal Corporation subscribes to the provisions of the act.

89. **FITNESS FOR DUTY [REPORT OR CERTIFICATION]:** A report or certification from the employee's health care provider that certifies that the employee is able to resume work at Price Municipal Corporation from an accident or illness and complete the Bona Fide Occupational Qualifications and duties outlined in the respective job description with or without restrictions⁸².

90. **FRATINERZATION:** a relationship that falls outside of normal work-related interactions and communications, which is usually (but not necessarily) romantic or sexual in nature⁸³.

91. **FULL-TIME EMPLOYEE:** An employee hired for an indefinite period of time in a position for which the normal work schedule is forty (40) hours per week.

92. **GARDEN LEAVE:** Optional leave that may be allowed by Price Municipal Corporation authorizing a qualifying and terminating employee to forgo attending work and be paid out the final days of scheduled work during the employee's resignation/termination period⁸⁴.

⁷⁹ Fair Labor Standards Act (FLSA) added 2020.

⁸⁰ Family and Medical Leave Act (FMLA) added 2020.

⁸¹ Federal Drug Free Workplace Act of 1988 added 2020.

⁸² Fitness for Duty [Report or Certification] added 2020.

⁸³ Fraternization added 2020.

⁸⁴ Garden Leave added 2020.

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93. **GARNISHMENT:** A court order directing that money be withheld from the pay of an employee of Price Municipal Corporation and paid to the court or to a third party to satisfy a debt owed by the employee to a plaintiff creditor⁸⁵.

94. **GARRITY [RIGHTS, IMMUNITY]:** Garrity rights protect public sector employees from being compelled to incriminate themselves during an investigatory interview or process conducted by the employer – in this case Price Municipal Corporation. For public employees, the employer is the government itself, if being questioned by the employer they are being questioned by the government. Garrity immunity is based on the 5th Amendment protection against self-incrimination in a criminal prosecution and employment action. Statements made or taken by other employees may be used in a criminal prosecution or employment action against the subject employee.⁸⁶

95. **GENERAL APTITUDE TEST BATTERY (GATB):** The General Aptitude Test Battery (GATB) is a work-related cognitive test developed by the U.S. Employment Service (USES), a division of the Department of Labor. It has been extensively used to study the relationship between cognitive abilities, primarily general intelligence, and job performance⁸⁷.

96. **GENERAL LIABILITY INSURANCE [COVERAGE]:** A standard insurance policy purchased by Price Municipal Corporation to protect itself against liability claims for bodily injury (BI) and property damage (PD) arising out of premises, operations, products, and completed operations; and personal injury (PI) liability as well as other risks⁸⁸.

97. **GENERATIVE AI:** Technology that uses both computer algorithms and large volumes of data to create new content including audio, video, code, documents, and images.⁸⁹

98. **GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA):** Bars employers from discriminating against employees based on their genetic information⁹⁰.

99. **GOALS AND GOAL SETTING:** The process of identifying certain objectives, guidelines and ways which can help the employees to understand Price Municipal Corporation goals and how employees should approach their work. Goals should

⁸⁵ Garnishment added 2020.

⁸⁶ Garrity added 2020 based upon recommendation of Utah Local Governments Trust during training session on 4-16-20.

⁸⁷ General Aptitude Test Battery (GATB) added 2020.

⁸⁸ General Liability Insurance [Coverage] added 2020.

⁸⁹ Generative AI added 2025.

⁹⁰ Genetic Information Non-Discrimination Act (GINA) added 2020.

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be specific, measurable, achievable, realistic, and time bound⁹¹. Define in broad terms the underlying purpose of a given activity or set of activities.

100. **GOOD STANDING [EMPLOYEE]:** An employee of Price Municipal Corporation is considered to be in good standing when the employee has no recent or active formal discipline matters, no recent or active performance improvement plans or other disciplinary documentation or communication.⁹²
101. **GOOD FAITH PRINCIPLE:** The principle and covenant that Price City strives to administer this policy wherein all employee interactions shall follow good faith and fair dealing in all matters.⁹³
102. **GOVERNMENT RECORDS MANAGEMENT ACT (GRMA):** A series of laws designed to guarantee that the public has access to public records of government bodies at all levels in Utah⁹⁴.
103. **GRADE:** All classes placed in the same salary grade come within the same salary range or wage rates.
104. **GRIEVANCE:** A claim by an employee that he or she is adversely affected by the misinterpretation or misapplication of a written company policy by another employee or official of Price Municipal Corporation⁹⁵.
105. **HARASSMENT:** A course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. Harassing behavior may include, but is not limited to, epithets, derogatory comments or slurs and lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons⁹⁶.
106. **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA):** The Health Insurance Portability and Accountability Act established a national standard to be used in all doctors' offices, hospitals and other businesses where personal medical information is stored. Establishes standards for privacy of individually identifiable Protected Health Information

⁹¹ Goals and Goal Setting added 2020.

⁹² Good Standing [employee] added 2020, particular in reference to authorization for remote work.

⁹³ Good Faith Principal added 2022.

⁹⁴ Government Records Management Act (GRMA) added 2020.

⁹⁵ Grievance added 2020.

⁹⁶ Harassment – general definition – added 2020.

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(PHI)⁹⁷.

107. **HIRING MANAGER:** The Price Municipal Corporation department supervisor or Department Head that initiates, authorizes and arranges the hiring of an employee to work in a department. The supervisor of the hired employee⁹⁸.

108. **HOLD HARMLESS AGREEMENT:** A legal agreement that states that one party will not hold another party liable for risk, often physical risk or damage. In the context of Price Municipal Corporation business, the agreement specifies that Price Municipal Corporation shall be held harmless from contractor caused losses or liabilities⁹⁹.

109. **HOLIDAY LEAVE:** Specific days, identified by Price Municipal Corporation at its option, to be paid days off for qualifying employees¹⁰⁰.

a. **PERSONAL CHOICE HOLIDAY:** Variable/random paid day(s) away from work that Price Municipal Corporation allows employees to use during the work year.

110. **HORSEPLAY:** Uncondoned rough or rowdy play or pranks that occur at the workplace, may include joking that includes physical contact, playing around, racing, grabbing, foolish vehicle operation, social pressure to participate in unsafe acts, harassment and unauthorized contests; it is a deviation from employment and a departure from the course of employment any duties at Price Municipal Corporation and for reasons or purposes that are entirely personal. Employees participating in horseplay and becoming injured may not be eligible for worker's compensation insurance coverage.¹⁰¹

111. **IMMEDIATE FAMILY:** Immediate family for the purpose of this policy is defined as: husband, wife, mother, father, son, daughter, son-in-law, daughter-in-law, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, step-child, grandparent, spouses' grandparent, and grandchild, first aunt or uncle or qualifying domestic partner¹⁰².

112. **IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA):** Prohibits the employment of individuals who are not legally authorized to work in the United States or in an employment classification that they are not authorized

⁹⁷ Health Insurance Portability and Accountability Act (HIPPA) added 2020.

⁹⁸ Hiring Manager added 2020.

⁹⁹ Hold Harmless agreement added 2020.

¹⁰⁰ Holiday Leave and Personal Choice Holiday added 2020.

¹⁰¹ Horseplay added 2022.

¹⁰² Adds 1st aunt or uncle and qualifying domestic partner 2025.

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to fill¹⁰³.

113. **INCOMPETENCE:** Inadequate for or unsuited to a particular purpose or application.

114. **INTRODUCTORY PERIOD:** An introductory period is period of time established by Price Municipal Corporation after the hire of an employee during which Price Municipal Corporation and the new employee evaluate whether a successful employment relationship may be created. During this period the employer determines whether the employee has the skills and other qualifications needed to succeed. The employee uses the period to evaluate whether he or she is a good match for the position and the company. The introductory period(s) at Price Municipal Corporation usually may generally last between six (6) months and twelve (12) months from the date of hire¹⁰⁴.

115. **IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA).** Prohibits the employment of individuals who are not legally authorized to work in the United States or in an employment classification that they are not authorized to fill¹⁰⁵.

116. **IMPAIRED PERFORMANCE:** When an employee or volunteer's¹⁰⁶ ability to compete job functions and activities has been degraded, impacted or seriously impaired primarily due to use of alcohol or drugs, but may also be due to illness, injury, bereavement or other critical personal circumstances¹⁰⁷.

117. **INCOMPETENCE:** Denotes the inability of an employee of Price Municipal Corporation to complete a job, task or other workplace requirement to a satisfactory standard¹⁰⁸.

118. **INDEMNITY PROVISION CONTRACT:** A contract under which one party (or both parties) commit to compensate the other (or each other) for any harm, liability, or loss arising out of the contract; in this context Price Municipal Corporation will typically be one of the parties to the contract¹⁰⁹.

119. **INDUSTRIAL COMMISSION:** The state agency responsible for: Regulating workers' compensation activities in Utah, including companies licensed to issue workers' compensation policies. The industrial commission

¹⁰³ Immigration Reform and Control Act of 1986 (IRCA) added 2020.

¹⁰⁴ Introductory Period added 2020.

¹⁰⁵ Immigration Reform and Control Act of 1986 (IRCA) added 2020.

¹⁰⁶ Added Volunteer 2025.

¹⁰⁷ Impaired Performance added 2020.

¹⁰⁸ Incompetence added 2020.

¹⁰⁹ Indemnity Provision Contract 2020.

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ensures that employers have workers' compensation coverage as required by law¹¹⁰.

120. **INJURY LEAVE:** When an employee is absent from work at Price Municipal Corporation due to an injury or illness acquired/sustained while working on behalf of Price Municipal Corporation¹¹¹.
121. **IN LOCO PARENTIS:** A Latin term meaning instead of a natural parent or in place of a natural parent. Refers to a person or entity that is standing in the role of a natural parent.¹¹²
122. **INSUBORDINATION:** Failure or refusal to recognize or submit to the authority of a superior.
123. **INVESTIGATION:** The process and act of researching an issue between or with employees and or Price Municipal Corporation¹¹³. Workplace investigations shall be conducted in good faith and be completed promptly, thoroughly and impartially. Workplace investigations may be completed internally or utilizing third-party professionals.¹¹⁴
124. **INVOLUNTARY TERMINATION:** The respective supervisor or Department Head may conclude that an employee should be involuntarily terminated (against the position of the employee) for no reason or for cause.
125. **IRS MILEAGE RATE:** The standard mileage rate used to calculate the reimbursement amount for operating a personal automobile for business on behalf of Price Municipal Corporation¹¹⁵.
126. **JOB ABANDONMENT:** Job abandonment occurs when an employee does not report to work as scheduled and has no intention of returning to the job but does not notify the employer of his or her intention to quit. Price Municipal Corporation considers an employee not reporting to work for a period of three (3) consecutive days as job abandonment¹¹⁶.
127. **JOB ACCOMMODATION NETWORK (JAN):** An association that provides information and technical assistance to employers regarding issues of ADA, accommodation, avoiding retaliation and types of disabilities covered by

¹¹⁰ Industrial Commission added 2020.

¹¹¹ Injury Leave added 2020.

¹¹² In Loco Parentis added 2020.

¹¹³ Investigation added 2020.

¹¹⁴ Added good faith, prompt, thorough, impartial and internal or third-party 2023.

¹¹⁵ IRS Mileage Rate added 2020.

¹¹⁶ Job Abandonment added 2020.

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the ADA¹¹⁷.

128. **JOB DESCRIPTION:** A written description consisting of a title, a definition, examples of duties, and minimum qualifications required as approved by the Mayor and City Council. A job description gives an employee a clear and concise resource to be used as a guide for job performance. A supervisor may use a job description as a measuring tool to ensure an employee is meeting job expectations¹¹⁸.

129. **JOB OFFER [LETTER]:** An offer of employment made to an applicant for a job with Price Municipal Corporation that is conditional upon completion of any General Aptitude Battery Testing (GABT) or other post-offer, pre-work compliance/testing such as, but not limited to background checks, credit checks, motor vehicle record checks or drug screening¹¹⁹.

130. **JOINT EMPLOYER:** A legal term that refers to when different entities exercise enough control over a worker that they have each formed an employment relationship with that worker. An employer relationship may be established if the employer possesses the authority to control (directly, indirectly or both) or exercises the power to control (directly, indirectly or both) one or more of the employees' essential terms and conditions of employment regardless of whether the employer exercises such control or the manner in which such control is exercised. The essential terms and conditions are separated into seven (7) categories:¹²⁰

- a. Wages, benefits and other compensation.
- b. Hours of work and scheduling.
- c. Assignment of duties performed.
- d. Supervision and performance of duties.
- e. Work rules and directions governing the manner, means and methods of the performance of duties and the grounds of discipline.
- f. Tenure of employment, including hiring and discharge.
- g. Working conditions related to the safety and health of employees.

131. **KNOWINGLY AND VOLUNTARY:** Consciously or with knowledge or complete understanding of the facts or circumstances and done, given, or acting of one's own free will¹²¹.

132. **LATERAL POSITION STARTING WAGE:** A methodology whereby

¹¹⁷ Job Accommodation Network (JAN) added 2020.

¹¹⁸ Updated Job Description definition 2020.

¹¹⁹ Job Offer and Job Offer Letter added 2020.

¹²⁰ Joint Employer added 2024.

¹²¹ Knowingly and Voluntary added 2020.

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prior job years of experience, certifications, education, and other factors are considered when authorizing a starting wage for an experienced candidate for a position of employment with Price City.¹²²

133. **LEAD PERSON:** An experienced employee within a department that is not the actual supervisor or Department Head, but has been assigned work crew leadership responsibilities by the supervisor or Department Head¹²³.

134. **LEAVE WITHOUT PAY:** Leave from work granted to a qualifying employee at the option of Price Municipal Corporation without pay from Price Municipal Corporation for a qualifying or disciplinary purpose¹²⁴.

135. **LICENSING [PROPER]:** The obtainment of a credential or other form of competency from a relevant and respective authority or issuing entity relating to operation of vehicles, machinery, equipment or other workplace items¹²⁵.

136. **LILLY LEDBETTER FAIR PAY ACT:** A law enacted by Congress on Jan. 29, 2009, that bolstered worker protections against pay discrimination. The act allows individuals who face pay discrimination to seek rectification under federal anti-discrimination laws¹²⁶. Removed a one-hundred eighty (180) to three hundred (300) day limit to file a lawsuit.

137. **LIMITED ENGLISH PROFICIENCY (LEP):** A classification of persons that may not fully understand the English language, verbal or written, and potentially may necessitate assistance with language understanding, translation or interpretation services.¹²⁷

138. **LAYOFF (ALSO REDUCTION IN FORCE):** A temporary or permanent separation from employment generally due to lack of work or lack of funds¹²⁸.

139. **LOCAL TRAVEL ALLOWANCE:** An amount paid to an employee of Price Municipal Corporation to compensate for local, regular use of the employees' private vehicle in the conduct of Price Municipal Corporation business¹²⁹.

¹²² Lateral position starting wage added 2022.

¹²³ Lead Person added 2020.

¹²⁴ Leave Without Pay added 2020.

¹²⁵ Licensing [Proper] added 2020.

¹²⁶ Lily Ledbetter Fair Pay Act added 2020.

¹²⁷ Limited English Proficiency (LEP) added 2022.

¹²⁸ Layoff added 2020.

¹²⁹ Local Travel Allowance added 2020.

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140. **LOOKBACK PERIOD:** The time-frame in which Price Municipal Corporation may ‘look back’ into an employee’s or potential employees driving record¹³⁰.

141. **LUNCH/MEAL PERIOD:** A one (1) hour or less unpaid time for employees to eat a meal during a standard work day. Employee’s must not complete any Price Municipal Corporation work while on an unpaid lunch/meal break¹³¹.

142. **MALFEASANCE:** Misconduct or wrongdoing, especially by a public official.

143. **MANAGEMENT:** Includes all employees charged with administering a Price Municipal Corporation Department or program and who report to the Mayor.

144. **MANMADE DISASTER:** Is disaster resulting from man-made hazards as opposed to natural disasters resulting from natural hazards and involves an element of human intent, negligence, or error; or involving a failure of a man-made system¹³².

145. **MASS LAYOFF:** See WARN Act. A reduction in force that is (1) not the result of a business closing, but (2) leads to an employment loss at the employment site of 500 or more employees during a 30-day period, or a loss of 50-499 employees if they make up at least 33% of the employer's active workforce¹³³.

146. **MATERNITY LEAVE:** A period of approved absence from work at Price Municipal Corporation for a parent granted for the purpose of giving birth and taking care of infant children¹³⁴.

147. **MAXIMUM MEDICAL IMPROVEMENT (MMI):** A term used under workers compensation laws to describe the point in an injured worker’s healing process when they are not expected to further improved with generally accepted medical treatment.¹³⁵

148. **MEDICAL HEALTH INSURANCE:** A type of insurance coverage that pays for medical and surgical expenses incurred by the insured.

¹³⁰ Lookback Period added 2020.

¹³¹ Lunch/Meal Break added 2020.

¹³² Manmade Disaster added 2020.

¹³³ Mass Layoff added 2020.

¹³⁴ Maternity Leave added 2020.

¹³⁵ Maximum Medical Improvement added 2022.

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Health insurance can reimburse the insured for expenses incurred from illness or injury, or pay the care provider directly¹³⁶.

149. **MERIT PAY/MERIT INCREASE:** Merit pay is pay-for-performance; a merit increase is a raise in pay based on a set of criteria set by Price Municipal Corporation. Merit pay increases generally are provided following a successful annual employment review on the anniversary date of the employee¹³⁷.

150. **MIDPOINT:** The middle of a pay range for each pay grade in the Price Municipal Corporation compensation system¹³⁸.

151. **MILEAGE REIMBURSEMENT:** The refund of the mileage costs associated with the use an employees' private vehicle for Price Municipal Corporation business purposes¹³⁹.

152. **MILITARY LEAVE:** Employment leave by an employee that is not a public officer from Price Municipal Corporation pursuant to military orders to enter active duty, active duty for training, inactive duty training or, state active duty¹⁴⁰.

153. **MINOR:** A minor is a person who does not have the legal rights of an adult. A minor is usually defined as someone who has not yet reached the age of majority, age eighteen (18) in Utah and for purposes of this policy and Price Municipal Corporation.¹⁴¹

154. **MISCONDUCT:** Behavior not conforming to prevailing standards, policies and procedures, or laws.

155. **MISFEASANCE:** Improper and unlawful execution of an act that in itself is lawful and proper.

156. **MODIFIED TRANSITIONAL DUTY:** Alternate duty arranged and authorized by Price Municipal Corporation to assist employees return to work after the occurrence of a workplace injury or illness. Modified Transitional Duty may take one or more of the following forms¹⁴²:

- Alternate or Alternative Duty: may alter existing job duties or offer work

¹³⁶ Medical Health Insurance added 2020.

¹³⁷ Merit Pay and Merit Increase added 2020.

¹³⁸ Midpoint added 2020.

¹³⁹ Mileage Reimbursement added 2020.

¹⁴⁰ Military Leave added 2020.

¹⁴¹ Minor added 2020.

¹⁴² Modified Transitional Duty and classification thereof added 2020.

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within a different department/work group to fit within the restrictions of a medical professional for an employee returning to work after an injury until healed.

- b. Light or Modified Duty: may place an employee returning to work after an injury in a less physically or mentally demanding job until healed and incompliance with any restrictions imposed by a medical professional.
- c. Restricted Duty: job duties that are restricted from being attempted or completed by an employee returning to work after an injury on the direct order of a medical professional.
- d. Transitional Duty: temporary work that an employee may be offered until fully recovered from an injury when returning to work and is temporary in nature. Must be in compliance with any restrictions ordered by a medical professional.

157. **MOTOR VEHICLE RECORD (MVR):** A Motor Vehicle

Record (MVR) is a report of an individual persons driving history, as reported from the state Department of Motor Vehicles. Information on this report may include Drivers' License information, point history, violations, convictions, and license status for the driving record¹⁴³.

158. **NATURAL DISASTER:** A natural event such as a flood, earthquake, or other natural calamity that causes great damage or loss of life¹⁴⁴.

159. **NEGLIGENCE:** A negligent act or a failure to act. Failure to exercise the degree of care considered reasonable under the circumstances, resulting in an unintended injury to another party.

160. **NEGLIGENT RETENTION:** Keeping an employee of Price Municipal Corporation employed or engaged who is known, or reasonably known, to pose a safety threat to themselves, other employees or the public¹⁴⁵.

161. **NEGLIGENT SUPERVISION:** When an employee of Price Municipal Corporation injures themselves, other employees or the public based in part or in full on the employee being improperly trained or supervised¹⁴⁶.

162. **NOMINAL FEE:** Also know as the 20% bright line; an amount not exceeding twenty percent (20%) of the total compensation that the employer would pay a full-time firefighter that can be paid to a volunteer firefighter that does not endanger volunteer status with FLSA.¹⁴⁷

¹⁴³ Motor Vehicle Record added 2020.

¹⁴⁴ Natural Disaster added 2020.

¹⁴⁵ Negligent Retention added 2020.

¹⁴⁶ Negligent Supervision added 2020.

¹⁴⁷ Nominal Fee added 2023.

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163. **NEPOTISM:** Favoritism shown or patronage granted to relatives or favoritism shown to relatives by individuals in a position of authority¹⁴⁸.

164. **NON CITY EMPLOYEE:** An individual that is not an employee of Price Municipal Corporation¹⁴⁹.

165. **NON-EXEMPT:** Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Law Statutes and which are covered by provisions for minimum wage and mandatory overtime payment regulations.

166. **NON-FEASANCE:** Failure, omission or neglect to perform an act that is either an official duty or a legal requirement.

167. **OBJECTIVE:** Specify what should be achieved during an employee's employment with Price Municipal Corporation, a procedural step that contributes to an employee's achievement of his or her goals¹⁵⁰.

168. **OCCUPATIONAL SAFETY AND HEALTH ACT**
[ADMINISTRATION] (OSHA): Regulates safety practices and hazards in the workplace. Congress created the Occupational Safety and Health Administration (OSHA) to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance¹⁵¹.

- a. OSHA Notice: A written letter or other notification received by Price Municipal Corporation from OSHA. Typically must be posted in a conspicuous place in the work area.
- b. OSHA Inspector: Also called compliance safety and health officers, are experienced, well-trained industrial hygienists and safety professionals whose goal is to assure compliance with OSHA requirements and help employers and workers reduce on-the-job hazards and prevent injuries, illnesses, and deaths in the workplace.
- c. OSHA General Duty Clause: Each employer shall furnish to each employee employment and a place of employment which is free from recognized hazards that are causing or likely to cause serious injury or death.¹⁵²

169. **OFFICIAL:** Any elected or appointed Price Municipal Corporation

¹⁴⁸ Updated Nepotism definition 2020.

¹⁴⁹ Non-City Employee added 2020.

¹⁵⁰ Objective added 2020.

¹⁵¹ Occupational Health and Safety Act [Administration]; OSHA Notice; OSHA Inspector added 2020.

¹⁵² OSHA General Duty Clause added 2021.

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officer authorized by Price Municipal Corporation or State Statute to exercise certain powers and make management decisions affecting delivery of Price Municipal Corporation services or personnel administration.

170. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

PROGRAM (OASDI) [SOCIAL SECURITY]: Also known as Social Security, is a federal program that provides income and health insurance to retired people, the disabled, the poor and other groups¹⁵³.

171. OLDER WORKERS BENEFIT PROTECTION ACT: Requires that

employers seeking waivers or releases from employees concerning their AEDA rights must reach an agreement with the worker that meets the “knowing and voluntary” standard. Also stipulates guidelines for early retirement incentive plans¹⁵⁴.

172. ON DUTY – OFF DUTY: Engaged (or not engaged) in one's regular work at Price Municipal Corporation¹⁵⁵.

173. OPPOSITION: A potential form of unlawful discrimination wherein an employee informs an employer that a practice being engaged in by employees or the employer is prohibited discrimination. Opposition is protected from retaliation¹⁵⁶.

174. OUTSIDE ACTIVITY: An Outside Activity is just what the name implies. Outside: It is outside of, or not related to Price Municipal Corporation official work. It is done outside of the Price Municipal Corporation work area, using the employee's own or the outside entity's resources, not Price Municipal Corporation resources¹⁵⁷.

175. OUTSIDE EDUCATIONAL COURSE: Any voluntary course of study taken outside the normal work shift which is directly related to an employee's work at Price Municipal Corporation and which will ultimately improve the employee's effectiveness on the job, but which is not a requirement for the job.

176. OVERTIME: Non-exempt employees must be paid time and a half for any hours worked more than 40 in a workweek. Compensatory time may be substituted for overtime¹⁵⁸.

¹⁵³ Old Age, Survivors, and Disability Insurance Program (OASDI) [Social Security] added 2020.

¹⁵⁴ Older Workers Benefits Protection Act added 2020.

¹⁵⁵ On Duty – Off Duty added 2020.

¹⁵⁶ Opposition added 2020.

¹⁵⁷ Outside Activity added 2020.

¹⁵⁸ Overtime added 2020.

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177. **PART-TIME EMPLOYEE:** An employee hired for an indefinite period in a position for which the normal work schedule is generally less than twenty-nine (29) hours¹⁵⁹ per week and always less than forty (40) hours per week.

178. **PAY DIFFERENTIAL:** The compensation premium paid for work performed when at least four (4) hours of a regular scheduled work shift at Price Municipal Corporation occur between the time of 10:00pm through 5:00am¹⁶⁰.

179. **PAYROLL DEDUCTIONS:** Deductions from Price Municipal Corporation employee payroll include:

- Mandatory: Social Security, Federal Tax, State Tax
- Optional: Credit union loans; credit union savings; union dues; group life insurance, hospitalization, major medical insurance, pension fund, savings plan.

180. **PER DIEM:** A set daily rate that Price Municipal Corporation may provide to cover expenses such as the cost of food when an employee is away from home and/or the cost of a night's stay in a hotel¹⁶¹.

181. **PERFORMANCE BONUS:** A form of additional compensation paid to an employee as a reward for achieving specific goals or in recognition of personal contribution to Price Municipal Corporation¹⁶².

182. **PERFORMANCE EVALUATION(S):** A constructive process to acknowledge the performance of an employee of Price Municipal Corporation. An employee's evaluation shall be sufficiently specific to inform and guide the employee in the performance of her/his duties. Performance evaluation is not in and of itself a disciplinary procedure¹⁶³.

183. **PERFORMANCE PLAN:** A written plan completed between supervisors and employees that jointly identifies and defines both goals and objectives for the next performance evaluation period and compares performance and progress against expectations¹⁶⁴.

184. **PERFORMANCE STANDARD:** The minimum acceptable employee performance required to maintain employment at Price Municipal Corporation¹⁶⁵.

¹⁵⁹ Clarified 29 hour or less part time employment practice 2020.

¹⁶⁰ Pay Differential added 2020.

¹⁶¹ Per-Diem added 2020.

¹⁶² Performance Bonus added 2020.

¹⁶³ Performance Evaluation added 2020.

¹⁶⁴ Performance Plans added 2020.

¹⁶⁵ Performance Standard added 2020.

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185. **PERSONAL VEHICLE:** A vehicle used by an employee of Price Municipal Corporation in the conduct of Price Municipal Corporation business that is not owned by Price Municipal Corporation, generally owned by the employee using the vehicle¹⁶⁶.

186. **PERSONNEL FILES & RECORDS:** Are records pertaining to employees of Price Municipal Corporation. These records are accumulated, factual and comprehensive information related to the employer-employee relationship. All information with effect to human resources in the organization are kept in a systematic order¹⁶⁷.

187. **PHASED RETIREMENT:** An optional program within the Utah Retirement Systems (URS) that allows continuing employment on a half-time basis of a retiree with the same participating employer following the retiree's retirement date while the retiree receives 50% of the retiree's monthly retirement allowance. Specific URS rules apply.¹⁶⁸

188. **POLICIES:** Policies are the philosophies of management, and state the intent of management in broad, general terms. Policies tell department personnel how to go about performing their duties. Policies are flexible and permit justifiable exceptions. Policy is subject to change at any time a better guideline is discovered. Policy should state in broad terms what is to be done by employees. It sets limits of discretion. A policy statement deals with the principles and values that guide the performance of activities.

189. **POLICY AND/OR POLICY AND PROCEDURE [MANUAL]:** The statements made in this manual and the manual itself. This manual in its entirety including all revisions from time-to time. Consists of a text that details aspect of company policy, the procedures for following those policies and the forms needed to complete each process. The Price Municipal Corporation policies and procedures manual is a reference tool for managers and supervisors¹⁶⁹.

190. **POLITICAL ACTIVITY:** Refers to activities in support of or against a. political party, candidate, group/association or agenda-for example, actively discussing or promoting a. political candidate, party or idea¹⁷⁰.

191. **PORTAL TO PORTAL ACT OF 1947:** Defines the general rules for hours worked based on the time an employee is required to be on the employer's premises, on duty, or at a prescribed workplace. Includes on-call time, stand by

¹⁶⁶ Personal Vehicle added 2020.

¹⁶⁷ Personnel Files and Records added 2020.

¹⁶⁸ Added Phased Retirement 2025.

¹⁶⁹ Policy and Procedure Manual added 2020.

¹⁷⁰ Political Activity added 2020.

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time, preparatory and concluding time, waiting time, travel time and training time¹⁷¹.

192. **POSITIVE TEST:** Any test result showing a blood alcohol content (BAC) of 0.02 or greater or exceeding the legal limit for operation of vehicles/equipment by the State of Utah or the presence of any controlled substances in excess of the recommended therapeutic level in the test subject¹⁷². See Section V definition also. Refusal or non-availability by an employee to test may be determined a positive test.¹⁷³

193. **POST ACCIDENT TESTING:** The performance of a drug and/or alcohol test on a Price Municipal Corporation employee or volunteer¹⁷⁴ involved in accidents occurring during work time or on Price Municipal Corporation property and in compliance with the conditions in Section V¹⁷⁵.

194. **PREGNANCY DISCRIMINATION ACT:** Prohibits discrimination against an employee or applicant based on pregnancy, childbirth and related medical conditions¹⁷⁶.

195. **PREPARATORY AND CONCLUDING ACTIVITIES:** Time spent putting on or taking off safety gear or making deliveries for Price Municipal Corporation on the employee's way to or from work¹⁷⁷.

196. **PRICE CITY LIMITS:** The demarcation boundary line that separates the incorporated boundaries of Price Municipal Corporation from the unincorporated area of Carbon County, Utah¹⁷⁸.

197. **PRICE MUNICIPAL CORPORATION:** Price Municipal Corporation is the incorporated unit of local political subdivision of government commonly known as Price City, the company that is led by elected officials and managed by employees to deliver services to the community¹⁷⁹.

198. **PRIVATE VEHICLE:** Any vehicle, other than a Price Municipal Corporation owned, leased or rented vehicle that is used on Price Municipal

¹⁷¹ Portal to Portal Act of 1947 added 2020.

¹⁷² Positive Test added 2020.

¹⁷³ Added reference to refusal to take test 2023.

¹⁷⁴ Included Volunteer 2025

¹⁷⁵ Post-Accident Testing added 2020.

¹⁷⁶ Pregnancy Discrimination Act added 2020.

¹⁷⁷ Preparatory and Concluding Activities added 2020.

¹⁷⁸ Price City Limits added 2020.

¹⁷⁹ Price Municipal Corporation added 2020.

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Corporation business by an employee¹⁸⁰.

199. **PRIVILEGED INFORMATION:** Pertains to the rule of evidence in legal situations, certain subject matters are privileged, and cannot be inquired into in any way. Such privileged information is not subject to disclosure or discovery and cannot be asked about in testimony¹⁸¹.

200. **PROCEDURE:** A set of established steps taken to accomplish a specific task.

201. **PROMISORY ESTOPPL:** The doctrine that a party (employee or Price Municipal Corporation) may recover damages on the basis of a promise made when the party's reliance on that promise was reasonable and the party attempting to recover detrimentally relied on the promise.¹⁸²

202. **PROMOTION:** Any movement of an employee from a position to a grade having a higher salary rate or grade. May be referred to as a 'career ladder'.

203. **PROTECTED ACTIVITY:** Activities that include the opposition to a practice believed to be unlawful discrimination based on a reasonable, good faith belief that the practice in question violates antidiscrimination law and the manner of opposition is reasonable. May also include requesting valid reasonable accommodation based on religion or disability¹⁸³.

204. **PROTECTED CLASS(ES):** Initially established by Title VII the Civil Rights Act of 1964. The classes of individuals that are illegal to discriminate against, including: race, color, religion, gender, pregnancy, or national origin. Amended to include pregnancy, age, sexual orientation¹⁸⁴.

205. **PROXIMATE CAUSE:** The primary cause of an injury, not necessarily the closest cause in time or space nor the first event that sets in motion a sequence of events leading to an injury; proximate cause produces particular, foreseeable consequences without the intervention of any independent or unforeseeable cause; may also be called 'legal cause' or 'direct cause'.¹⁸⁵

206. **PUBLIC OFFICIAL.** Anyone in a position of official authority at Price Municipal Corporation who holds a legislative, administrative, or judicial position

¹⁸⁰ Private Vehicle added 2020.

¹⁸¹ Privileged Information added 2020.

¹⁸² Promissory Estoppel added 2022.

¹⁸³ Protected Activity added 2020.

¹⁸⁴ Protected Class(es) added 2020.

¹⁸⁵ Proximate Cause added 2022.

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of any kind, whether appointed or elected¹⁸⁶.

207. **PUBLIC PROPERTY:** Price Municipal Corporation public property is any real or personal property acquired with tax, grant or governmental funds or from any source. Property owned, held, controlled or managed by Price Municipal Corporation remains the property of Price Municipal Corporation at all times and the privilege to use Price Municipal Corporation property may be revoked at any time. Any authorization for personal use of Price Municipal Corporation property does not create any employee right to use the property and does not create an expectation of privacy while using Price Municipal Corporation public property¹⁸⁷.

208. **PUBLIC SAFETY [EMPLOYEES]:** Employee's engaged in public safety activities such as law enforcement and fire protection¹⁸⁸.

209. **PUMP ACT:** Stands for Providing Urgent Maternal Protections. The PUMP Act expands new mothers' rights to express breast milk at work.¹⁸⁹

210. **PUNCH IN/PUNCH OUT:** The act of an employee marking a time sheet or time card with the time the employee began a work shift and ended a work shift at Price Municipal Corporation¹⁹⁰.

211. **QIWD:** Qualified Individual [for a position of employment] With or Without a Disability.¹⁹¹

212. **RANDOM TESTING:** Means a method of selection of employees or volunteers¹⁹² for testing (drug, alcohol or other work performance indicative testing), performed by an outside third party that selects those individuals tested in an unplanned way, without any predetermined direction, purpose or method¹⁹³.

213. **RATER BIAS:** When people evaluate someone or something, all their evaluations reflect the person being assessed and the personal biases of the person who is conducting the evaluation. Bias when becomes bigger and bigger, it results in the employee evaluation being general, vague and abstract¹⁹⁴.

¹⁸⁶ Public Official added 2020.

¹⁸⁷ Public Property added 2020 to clarify compliance with 2019 HB 163.

¹⁸⁸ Public Safety ([Employees] added 2020.

¹⁸⁹ PUMP Act added 2024.

¹⁹⁰ Punch In/Punch Out added 2020.

¹⁹¹ QIWD added 2021 to confirm job descriptions reflect ADA compliance.

¹⁹² Added Volunteer 2025.

¹⁹³ Random Testing added 2020.

¹⁹⁴ Rater Bias added 2020.

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214. **RATING [OF EMPLOYEES]:** The performance ranking of Price Municipal Corporation employee's, generally during a formal performance review process, against established standards.

- a. Unsatisfactory: Employee performance fails to meet the minimum requirements of the position.
- b. Marginal: Employee performance does not meet all the requirements of the position.
- c. Satisfactory: Employee performance meets all requirements of the position.
- d. Good: Employee performance exceeds all requirements of the position.
- e. Exceptional: Employee performance consistently exceeds all requirements of the position.¹⁹⁵.

215. **REASONABLE ACCOMMODATION:** Any modification or adjustment to a job, an employment practice or the work environment that makes it possible for an individual with a bona-fide disability to enjoy equal employment opportunity¹⁹⁶. Price Municipal Corporation may request or require cost sharing for the implementation of reasonable accommodations to mitigate the potential for the creation of an undue hardship circumstance.¹⁹⁷ Price Municipal Corporation, per the ADA Association Provision, may not provide a reasonable accommodation to an employee without a disability due to the employees association or relationship with someone with a disability.¹⁹⁸

216. **REASONABLE PERSON [STANDARD]:** The reasonable person standard aims to avoid the potential for parties to claim they suffered harassment when most people would not find such instances offensive if they themselves were the subject of such acts. To determine whether harassment is sufficiently severe or pervasive to create a hostile [work] environment, the harasser's conduct should be evaluated from the objective standpoint of a reasonable person¹⁹⁹. A reasonable person is an ordinary, prudent person who normally exercises due care while avoiding extremes of both audacity and caution. The reasonable person standard denotes a hypothetical person in society who exercises average care, skill, and judgment in conduct and serves as a comparative standard for determining liability.

217. **REASONABLE SUSPICION:** When supervisors have evidence or reasonable cause to suspect an employee or volunteer²⁰⁰ of drug or alcohol use

¹⁹⁵ Rating [of Employee] added 2020.

¹⁹⁶ Reasonable Accommodation added 2020.

¹⁹⁷ Cost share reference to Reasonable Accommodation added 2023. Per Pryor HR Law Training.

¹⁹⁸ Added and clarified ADA Association Provision 2023, HR Law training.

¹⁹⁹ Reasonable Person [Standard] added 2020.

²⁰⁰ Added Volunteer 2025

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and/or intoxication on the job²⁰¹. Also see additional term definition in Section V.

218. **REASSIGNMENT:** Appointment to a different employment position or work task²⁰².

219. **RECLASSIFICATION:** A change from one job position/title to another that typically results in an increase in pay²⁰³.

220. **RECRUITMENT [INTERNAL OR EXTERNAL]:** The process of announcing job openings to employees [internal] or the community at large [external]²⁰⁴.

221. **REFERENCE(S):** A Price Municipal Corporation employment applicants' personal and/or professional past associates that may provide positive or negative comments about the applicants' prior performance provided to Price Municipal Corporation²⁰⁵.

222. **REFUSAL [TO SUBMIT TO TESTING]:** Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he/she is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process²⁰⁶. Also see definition in Section V.

223. **REGULAR EMPLOYEE:** An employee that has been retained in his/her position after successful completion of his/her probationary period. A regular employee may be full-time or part-time. Regular employees have no existing or implied employment contract with Price Municipal Corporation and are at-will.

224. **REGULAR RATE OF PAY:** The regular hourly or weekly rate of pay of an employee that is determined by dividing total renumeration (pay rate, bonuses, etc.) for employment by the total number of hours actually worked in that workweek for which such compensation was paid. Regular Rate of pay may change the calculation for overtime pay.²⁰⁷

225. **REHIRE:** To hire a former Price Municipal Corporation employee

²⁰¹ Reasonable Suspicion added 2020.

²⁰² Reassignment added 2020.

²⁰³ Reclassification added 2020.

²⁰⁴ Recruitment (internal and external) added 2020.

²⁰⁵ Reference added 2020.

²⁰⁶ Refusal [to submit to testing] added 2020.

²⁰⁷ Regular Rate of Pay added 2022 based on FLSA Training .

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back into Price Municipal Corporation after prior termination or separation of employment²⁰⁸.

226. **REIMBURSEMENT:** The act of compensating an employee of Price Municipal or other bona-fide person/entity presenting an authorized/qualified expense to Price Municipal Corporation for an out-of-pocket expenses by paying them an amount of money equal to what was spent²⁰⁹.

227. **REINSTATEMENT:** placing a worker back in a job lost without loss of seniority or other job benefits. Usually ordered by an agency, such as the National Labor Relations Board, or judicial authority, together with back pay, as a remedy in discrimination cases. May be the result of completion of the grievance process²¹⁰.

228. **REMOTE WORK.** May also be called telecommuting, web commuting, flexible work, telework, or Work From Home (WFH). A work task completion arrangement specifically allowed by Price Municipal Corporation that may allow certain employees with job duties that may be completed off site (from home) to complete those work task from an off-site location consistent with all required Price Municipal Corporation protocols, policies, procedures.²¹¹

229. **RESIGNATION:** The act of an employee of Price Municipal Corporation voluntarily retiring or giving up a position of employment with Price Municipal Corporation²¹².

230. **RETALIATION:** An overt act that occurs when an employee or employer takes adverse action against a covered individual because he or she engaged in a protected activity²¹³.

231. **RETIREMENT:** Voluntary termination at the end of an employee's career.

232. **RETURN TO SERVICE [NOTICE]:** A signed and dated statement from a physician attending to a Price Municipal Corporation employee for an injury/accident/illness stating that the employee may return to active work at Price Municipal Corporation with or without workplace restrictions²¹⁴.

²⁰⁸ Rehire added 2020.

²⁰⁹ Reimbursement added 2020.

²¹⁰ Reinstatement added 2020.

²¹¹ Remote work added 2021, also see work from home (WFH).

²¹² Resignation added 2020.

²¹³ Retaliation added 2020.

²¹⁴ Return to Service [Notice] added 2020.

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233. **RULES:** Rules require strict conformance, as stated, and do not permit deviation. Rules govern behavior, while policies guide judgments. Rules are requirements for certain action or non-action.

234. **SAFE HARBOR:** A provision allowed by law whereby Price Municipal Corporation may investigate any claims of pay discrepancies, particularly in regard to overtime pay, with employees and act to correct any instances of a discrepancy such that certain Price Municipal Corporation conduct will be deemed not to violate a given rule or law²¹⁵.

235. **SAFETY LEAVE:** Leave authorized by a supervisor, Department Head or the Mayor allowing employees that may not be able to safely report to work due to environmental or other extraneous conditions (such as a snow day) not to report to work until safe to do so.

236. **SAFETY SENSITIVE DUTIES:** Include But Are Not Limited To - Any duties requiring a Commercial Driver's License (CDL), Firefighter Duties, Law Enforcement Duties, operation of heavy or light duty equipment or any other duties or positions deemed applicable²¹⁶. Further, a Safety Sensitive Position, along with Safety Sensitive Duties, is one where an employee may impact both their own safety, the safety of others or the safety of the public²¹⁷. See definition in Section 10 also.

237. **SALARY:** The amount of cash compensation or other negotiated cash equivalents paid to an employee by Price Municipal Corporation for work performed. Generally, a fixed regular payment, typically paid on a monthly or biweekly basis but often expressed as an hourly, monthly or annual sum.²¹⁸

238. **SEASONAL EMPLOYEE:** A person who is retained in a position of employment, not approved by the Mayor and City Council as a regular position, for a maximum of six (6) months usually in the summer or winter months.

239. **SECONDARY EMPLOYMENT:** When a Price Municipal Corporation employee works a job outside of their employment with Price Municipal Corporation. Price Municipal Corporation employment is considered primary and other employment is considered secondary²¹⁹.

240. **SELECTIVE SALARY ADJUSTMENT:** An adjustment to the salary of an employee due to an inequity caused by a merit increase or other Price

²¹⁵ Safe Harbor added 2020.

²¹⁶ Safety Sensitive Duties added 2020.

²¹⁷ Additional detail to Safety Sensitive Duties 2023.

²¹⁸ Salary added 2020.

²¹⁹ Secondary Employment added 2020.

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Municipal Corporation compensation program circumstances²²⁰.

241. **SERIOUS HEALTH CONDITION:** In the context of the Family and Medical Leave Act (FMLA), an illness or injury or impairment or any physical or mental condition that requires inpatient medical care or continuing treatment by a health care provider²²¹. Generally, a serious health conditions results from one or more of the following:

- a. A health condition lasting more than three (3) consecutive, full calendar days;
- b. Any period of incapacity due to pregnancy;
- c. Any period of incapacity due to a chronic, serious health condition;
- d. A permanent or long-term condition;
- e. Any absence to receive multiple treatments.

242. **SERVICE ANIMAL:** Not a comfort animal. Any domestic animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items²²². Pursuant to the U.S. Department of Justice, Civil Rights Division, Disability Rights Section, as of March 15, 2011:

- a. Only dogs are recognized as services animals under Titles II and III of the ADA;
- b. The dog must be individually trained to do work or perform tasks for a person with a disability;
- c. Service animals may accompany people with disabilities in all areas where members of the public are allowed to go;
- d. Service animals must be under control through voice, signal or other effective controls;
- e. Price Municipal Corporation may ask: (1) is the dog (animal) required because of a disability; and, (2) what work or task has the dog been trained to perform.

243. **SHARED OR JOINT LIABILITY.** Allows and/or subjects parties or individuals to share the risks associated with administering authorized policies, regulations, rules, ordinances in the event of lawsuits. In the context of Price Municipal Corporation, shared liability means that public officials may be personally liable for arbitrary, capricious or disparate actions as it relates to

²²⁰ Selective Salary Adjustment added 2020.

²²¹ Serious Health Condition added 2020.

²²² Service Animal added 2020.

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administration of established polices, regulations, rules, ordinances, etc.²²³.

244. **SICK LEAVE:** Paid time off from work that employees may use to stay home to address their health and safety needs without losing pay²²⁴. Sick leave is considered an employee's privilege rather than a right.

245. **SICK LEAVE ASSISTANCE:** A policy of Price Municipal Corporation whereby a qualifying employee who has had a serious accident or illness, requiring an extended (thirty (30) days or more) absence from work and whose leave benefits have been or will be exhausted may be provided donated needed sick leave from a qualifying employee²²⁵.

246. **SMOKING:** The inhalation of the smoke of burning tobacco encased in cigarettes, pipes, and cigars, also includes use of smokeless tobacco products (Vape)²²⁶.

247. **SOCIAL MEDIA:** An umbrella term that defines the various activities that integrate technology, social interaction and content creation. Examples include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn and Instagram.²²⁷

248. **SPEAK OUT ACT:** A federal law passed in 2022 that prohibits the use of nondisclosure and nondisparagement agreements/contracts in the case of sexual harassment and assault, nullifies such agreements/contracts, applies to such agreements/contracts signed before a dispute arises (not afterward). Does not pertain to other workplace or behavior misconduct such as age and race discrimination.²²⁸

249. **SUPERVISOR:** The leader of a department of work at Price Municipal Corporation. Generally with more experience and work-flow understanding than other employees. Typically reports to a Department Head²²⁹.

250. **SUSPENSION:** The placing of an employee, for disciplinary or work performance reasons, in a temporary status of not reporting to work at Price Municipal Corporation. Suspension may be with or without pay²³⁰.

²²³ Shared Liability added 2020.

²²⁴ Sick Leave added 2020.

²²⁵ Sick Leave Assistance added 2020.

²²⁶ Smoking added 2020.

²²⁷ Social Media added 2022.

²²⁸ Added Speak Out Act 2023.

²²⁹ Supervisor added 2020.

²³⁰ Suspension added 2020.

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251. **SYMPTOM MAGNIFICATION:** In a workers compensation injury or illness situation: a circumstance when a conscious or sub-conscious behavioral pattern is exhibited wherein an individual subjective report of symptoms are inconsistent with known impairment.²³¹

252. **SYSTEM (THE):** Data, information, messages, programming or communications created, developed, sent stored or transmitted from computers and equipment owned by Price Municipal Corporation as well as the computers and equipment of Price Municipal Corporation as well as the Price Municipal Corporation wired and wireless communications network²³².

253. **TARDY – TARDINESS:** Delaying or delayed beyond the right or expected time for an employee to report to their individual and respective Price Municipal Corporation station of work; late for work²³³.

254. **TEMPORARY EMPLOYEE:** An employee hired for a position of employment for a specific duration, usually six (6) months or less but not more than nine (9) months. Generally temporary employees, either full-time or part-time are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project are temporarily scheduled to work for a limited duration.²³⁴

255. **TERMINATION:** When an employee's job ends and the employer-employee relationship is finished²³⁵.

256. **THEFT:** Intentionally and fraudulently taking of Price Municipal Corporation property without permission or authorization or consent and with intent to convert the item(s) to the taker's use²³⁶.

257. **THEORY X:** Developed by social psychologist Douglas McGregor. Assumes that people dislike work, have little ambition, and are unwilling to take responsibility²³⁷. Context of employee performance reviews.

258. **THEORY Y:** Developed by social psychologist Douglas McGregor. Assumes that people will exercise self-direction and self-control in the achievement of organizational objectives to the degree that they are committed to

²³¹ Symptom Magnification added 2020.

²³² System (The) added 2020.

²³³ Tardy-Tardiness added 2020.

²³⁴ Amended and added language to Temporary Employee definition based on URS training suggestions.

²³⁵ Termination added 2020.

²³⁶ Theft added 2020.

²³⁷ Theory X added 2020.

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those objectives²³⁸. Context of employee performance reviews.

259. **TIME SHEET/TIME CARDS:** A piece of paper whereon the number of hours worked, including time in lieu of hours worked such as vacation time, sick time, etc. by a Price Municipal Corporation employee are recorded²³⁹.

260. **TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 [AND AMENDMENTS THERETO]:** Prohibits discrimination in virtually every employment circumstance on the basis of race, color, religion, gender, pregnancy, or national origin, amended to include pregnancy, age, sexual orientation²⁴⁰.

261. **TOOL ALLOWANCE:** A payment from Price Municipal Corporation to a qualifying employee to offset the employee's personal cost to purchase personal tools (generally hand tools) for the performance of a job task when the tools necessary are not provided by Price Municipal Corporation²⁴¹.

262. **TRANSITION [OF INSURANCE]:** The change of a Price Municipal Corporation sponsored medical health insurance plan to an individual insurance policy in accordance with the terms and conditions of the group insurance plan²⁴².

263. **TRANSFER:** Any movement of an employee from a position in a class or related class with the same grade or salary.

264. **TRAVEL TIME:** A specified period of time spent in by an employee of Price Municipal Corporation traveling during work or from the entrance of Price Municipal Corporation to the place where work is actually done²⁴³. SEE PORTAL TO PORTAL ACT.

265. **UNEMPLOYMENT INSURANCE:** The Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law), and meet other eligibility requirements of state law²⁴⁴.

266. **UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT:** Bans discrimination against employees or applicants because of their military service obligations, including National

²³⁸ Theory Y added 2020.

²³⁹ Time Sheet/Time Cards added 2020.

²⁴⁰ Title VII of the Civil Rights Act of 1964 added 2020.

²⁴¹ Tool Allowance added 2022.

²⁴² Transition (of Medical Health Insurance) added 2020.

²⁴³ Travel Time added 2020.

²⁴⁴ Unemployment Insurance added 2020.

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Guard and Reserve²⁴⁵.

267. **UTAH RETIREMENT SYSTEMS (URS):** Administers pension plans and retirement savings plans for public employees in the State of Utah²⁴⁶.

268. **VACATION TIME:** See Annual Vacation Time above.

269. **VARIABLE EMPLOYEE:** An employee hired for a position with undetermined regular work hours over the employment period and may vary by season or budget availability²⁴⁷.

270. **VEHICLE ALLOWANCE:** A payment of money from Price Municipal Corporation on a regular basis-typically monthly to compensate employees for local area use of personal vehicles in the conduct of Price Municipal Corporation business²⁴⁸.

271. **VERBAL WARNING:** A verbal warning occurs when a supervisor verbally counsels an employee about an issue of concern. A written record of a verbal warning may be created and maintained by Price Municipal Corporation²⁴⁹.

272. **VOLUNTARY RESIGNATION:** A voluntary termination of employment occurs when an employee submits a written or verbal notice of resignation, including intent to retire, to his or her supervisor or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment)²⁵⁰.

273. **VOLUNTEER:** A person who freely offers to take part in a project or undertake a task on behalf of Price Municipal Corporation or the Price City community at-large. Volunteers are not compensated in any manner by Price Municipal Corporation and volunteers are not employees of Price Municipal Corporation and therefore not eligible for any Price Municipal Corporation insurance coverage, benefits, etc. Volunteers donating their individual time or effort on behalf of Price Municipal Corporation or the Price City community at-large by or through Price Municipal Corporation shall sign and date liability waivers. In this context volunteer is not applicable to members of the Price City Volunteer Fire Department.²⁵¹

²⁴⁵ Uniformed Services Employment and Reemployment Rights Act added 2020.

²⁴⁶ Utah Retirement Systems (URS) added 2020.

²⁴⁷ Variable Employee added 2020.

²⁴⁸ Vehicle Allowance added 2020.

²⁴⁹ Verbal Warning added 2020.

²⁵⁰ Voluntary Resignation added 2020.

²⁵¹ Volunteers added 2020.

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274. **W-4 FEDERAL WITHHOLDING STATEMENT.** An IRS form that an employer uses to gather tax withholding information for an employee²⁵².

275. **WAITING TIME:** Time spent by an employee ‘engaged to wait’ by a supervisor or Department Head on or off from Price Municipal Corporation Property²⁵³.

276. **WEINGARTEN CONCEPT:** Generally used as a function of organized labor. Allows an employee to be accompanied during an investigatory interview with a supervisor by an impartial third party when the employee reasonably believes that the interview may lead to disciplinary action. Accompanying person cannot be an attorney or family member as they are not deemed impartial²⁵⁴.

277. **WHISTLEBLOWER:** A person, generally an employee, who reports activity of a questionable nature that may be considered to be illegal or dishonest. Price Municipal Corporation shall protect any bona-fide whistleblower from retaliation.²⁵⁵

278. **WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN):** Offers some protection to workers, their families and communities against plant closings and/or mass layoffs, by requiring certain employers with one-hundred (100) or more employees to give their workers sixty days’ notice before a plant closing or mass layoff (temporary or permanent)²⁵⁶.

279. **WORKER’S COMPENSATION:** The insurance program Price Municipal Corporation utilizes to provide medical reimbursement and disability benefit payments for job related injury or illness²⁵⁷.

280. **WORKPLACE BULLYING:** Repeated, unreasonable actions of individuals or groups directed toward an employee or group of employees, which is intended to intimidate and creates a risk to the health and safety of the employee(s)²⁵⁸.

281. **WORK DAYS:** Typically the period Monday through Friday of each week or as directed and indicated by a supervisor or Department Head²⁵⁹.

²⁵² W-4 Form added 2020.

²⁵³ Waiting Time added 2020.

²⁵⁴ Weingarten Concept and definition added 2020.

²⁵⁵ Whistleblower added 2022.

²⁵⁶ Worker Adjustment and Retraining Notification Act added 2020.

²⁵⁷ Worker’s Compensation added 2020.

²⁵⁸ Workplace Bullying added 2020.

²⁵⁹ Work Days added 2020.

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282. **WORK FROM HOME (WFH):** A work task completion arrangement specifically allowed by Price Municipal Corporation that may allow certain employees with job duties that may be completed off site (from home) to complete those work task from an off-site location consistent with all required Price Municipal Corporation protocols, policies, procedures.²⁶⁰

283. **WORK HOURS:** The hours of a work day or work week an employee is assigned to be in attendance at their job site for Price Municipal Corporation as assigned by a supervisor or Department Head²⁶¹.

284. **WORK WEEK:** The period beginning on Sunday at 12:01 am and ending on the following Saturday at 12:00pm (midnight)²⁶².

285. **WRITTEN REPRIMAND/WRITTEN WARNING:** A documented formal conversation between a supervisor and an employee about a disciplinary or performance problem. The purpose of the Written Reprimand/Written Warning is to correct a performance or behavior problem by discussing it with the employee and providing a written record of that conversation²⁶³.

²⁶⁰ Work From Home added 2020 as a result of new work completion orientations initiated by the COVID19 pandemic.

²⁶¹ Work Hours added 2020.

²⁶² Work Week added 2020.

²⁶³ Written Reprimand/Written Warning added 2020.

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SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

1. **GENERAL POLICY** - It is the policy of Price Municipal Corporation to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, etc., without unlawful regard to protected classes defined by federal, state and local laws or Price Municipal Corporation ordinances; including race, religion, sex, gender identity, sexual orientation, age, disability, national origin or veteran status, including based on a persons relationship or association with a person of a protected class or disability¹.
2. **SUPERVISOR RESPONSIBILITIES** - Each Price Municipal Corporation elected official, department head, department supervisor or lead person will ensure that Price Municipal Corporation is in compliance with all of the personnel policies and procedures in this manual, including all EEO standards. Additionally, the respective Department Heads will ensure that employees in every department have access to a copy of this Personnel Policies and Procedures Manual and that each employee signs and dates an Acknowledgment of Receipt of Personnel Policies and Procedures Manual form confirming they were introduced to the Personnel Policies and Procedures Manual and that they accept responsibility for informing themselves about the policies therein and updates to the policies that occur from time-to-time. Price City will then file the signed and dated Acknowledgment Form in the employee's personnel file.
3. **EMPLOYEE RESPONSIBILITIES** - Employees are responsible for informing and educating themselves about the policies, practices, and benefits set forth in Price Municipal Corporation's Personnel Policy and Procedures Manual, and any updates that occur from time-to-time, by reading them and, if necessary, asking that they be read and or explained to them. Additionally, all employees are required to sign and date an Acknowledgment of Receipt of Personnel Policies and Procedures Manual form confirming they have been introduced to the Manual, know where copies are available, and agree to the requirements set forth in this paragraph. For clarification and explanation of any of the provisions contained in this Personnel Policies and Procedures Manual contact the Price City Human Resource Director.

¹ Related and associated persons added based on Pryor HR Law seminar attendance on 4-9-20.

SECTION 3: EMPLOYEE HIRING

1. **EMPLOYMENT** - Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
2. **RECRUITMENT** - All recruitment shall be conducted in accordance with Price Municipal Corporation's equal opportunity guidelines, and the following:
 - A. Internal Promotions - It is Price Municipal Corporation's policy to give first consideration to current City employees desiring to fill an open job position.
 - B. External Advertising
 - (1) Only the Price City Human Resources Director, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
 - (2) Each Job Opening Notice should contain a statement indicating that Price Municipal Corporation is an equal opportunity employer.
 - (3) Job Opening Notices may be advertised in the appropriate media (the Department of Workforce Services should be utilized whenever possible), and through any other channels the Human Resources Director deems appropriate, on at least three (3) separate days or other basis relevant to the respective job opening.
 - (4) All Job Opening Notices must specify the name and the office of the person from whom a Job Application may be obtained, the name and office of the person to whom the completed application must be returned, and the deadline for filing the completed application.
 - (5) Advertisements may state that job applicants residing within the Price City boundaries or the surrounding area may be given hiring preference.

3. SELECTION

- A. Nepotism - It is the policy of Price Municipal Corporation to comply with the provisions of 52-3-1 through 52-3-4, Utah Code Annotated, 1953, as amended, i.e. Chapter 3 entitled "Prohibiting Employment of Relatives".

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- B. Employment of Minors - It is the policy of Price Municipal Corporation that no one under the age of sixteen (16) shall be hired for any position.
- C. Rehires - Job applications received from former employees of Price Municipal Corporation will be processed using the same procedures and standards that govern all other non-employee applications. Length of time of original Price Municipal Corporation service, length of time since original employment separation and other employee performance factors shall be considered. The Human Resources Director will review the former employee's personnel records and the circumstances surrounding termination of previous employment with Price Municipal Corporation and provide relevant comments and recommendations.
 - (1) Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire.
 - (2) Former employee/applicants who are rehired shall be required to serve a probationary period.
- D. Job Applications - All interested job applicants shall complete a Job Application.
 - (1) All applications and resumes received for a job opening will be forwarded to the Price City Human Resources Department. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one (1) year.
 - (2) Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature. The job applicant's signature shall also certify to allow Price Municipal Corporation to conduct all requisite post-offer, pre-employment testing, report verifications and background checks. The job applicant shall provide a copy of certified educational transcripts or other certification/licensing verification when required, with the application or upon hire.
- E. General Aptitude Test Battery (GATB) - When necessary, job applicants may be required to take the GATB. If administration of the GATB is deemed necessary, it may be administered by the Department of Workforce Services or other provider authorized by Price City.

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F. Other Tests - Job Applicants may be required to take other tests which Price Municipal Corporation deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When Price Municipal Corporation uses other ability tests, Price Municipal Corporation shall make reasonable accommodations for disabled applicants. Price Municipal Corporation may request or require cost sharing for the implementation of reasonable accommodations to mitigate the potential for the creation of an undue hardship circumstance.¹

G. Job Applicant Disqualification - Any job application may be rejected for, but not limited to, the following reasons:

- (1) Does not meet minimum qualifications established for the position identified in the job description.
- (2) Is physically or mentally unable to perform the essential duties and responsibilities of the position, the bona-fide occupational qualifications listed in the job description², with or without reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant). Reasonable accommodations shall: (1) not unduly disrupt or interfere with normal operations of Price Municipal Corporation; (2) threaten safety or health; (3) contradict a business necessity of Price Municipal Corporation; and (4) impose any significant undue hardship based on the capacity of Price Municipal Corporation.³ Price Municipal Corporation may request or require cost sharing for the implementation of reasonable accommodations to mitigate the potential for the creation of an undue hardship circumstance.⁴
- (3) Has falsified a material fact or failed to complete the application.
- (4) Has failed to timely file the application.
- (5) Has an unsatisfactory employment history or poor work references.
- (6) Has failed to attain a passing score, if an examination is required.

¹ Possible cost share for Reasonable accommodation implementation added 2023. Per Pryor HR Law Training.

² Added bona-fide occupational qualification language 2020.

³ Added additional reasonable accommodation guidance 2022.

⁴ Possible cost share for Reasonable accommodation implementation added 2023. Per Pryor HR Law Training.

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- (7) Has an unsatisfactory background check (civil or criminal).
- (8) Has unsatisfactory drug test results.
- (9) Has submitted unrequested application materials to Price Municipal Corporation that includes documents or other information (such as personal photographs) that may lead to identification of a protected class or other disparate impact. Price Municipal Corporation shall not inquire regarding prior salary history of applicants.⁵
- (10) Job applicants that fail or have unsatisfactory post-offer, pre-employment test results or reports (drug test, MVR, other certifications, background check, credit check, etc.) shall be provided a reasonable opportunity to correct the record in a timely manner⁶.

H. Interviewing

- (1) The identified hiring manager will select applicants to interview from those who have passed the preliminary screening tests. Job related duties and qualifications will provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.
- (2) Individuals conducting job interviews shall only ask questions that pertain to the job position.

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

4. PLACEMENT

- A. Job Offers - After a job applicant is approved by Price Municipal Corporation, the hiring manager shall notify the successful job applicant

⁵ Added reference to not inquire about salary history per HB 202, 2022 Legislature.

⁶ Added 2020 – consistent with the FCRA standards, HR managers training.

of his/her conditional selection through a written Job Offer Letter. The written conditional Job Offer Letter shall clearly state the job description, salary conditions, and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional Job Offer Letter shall clearly state that the offer is not accepted until the applicant signs the written conditional Job Offer Letter and returns it to Price Municipal Corporation by the requested date. The original Job Offer Letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional Job Offer Letters should also include the following:

- (1) A clear statement of the job description including bona-fide occupational qualifications⁷.
- (2) The employee's starting salary. Starting salary offers for exempt positions shall be based on a specified period, such as a two (2) week period. Starting salary offers for non-exempt positions shall be based on an hourly wage.
- (3) The employee's job title.
- (4) The employee's supervisor.
- (5) Any relocation commitments, if applicable.
- (6) Price Municipal Corporation's at-will employment policy.
- (7) The employee's starting date.
- (8) The length of the employee's probationary period.
- (9) Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

- B. Job Rejection Letters - Within five (5) working days after the job offer has been accepted, non-selected job applicants may be notified. The hiring manager may send a Job Rejection Letter to each job applicant who was not selected for a job opening or otherwise notify the non-selected applicant(s).
- C. Medical Examinations - Once Price Municipal Corporation has extended a conditional job offer to a job applicant, a medical interview or

⁷ Added bona-fide occupational qualifications language 2020.

examination may be conducted by a health professional chosen by Price Municipal Corporation to determine a job applicant's ability to fulfill essential job related requirements – the bona-fide occupational qualifications. Only the Human Resources Director or designee may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be paid by Price Municipal Corporation. The prospective employee must authorize in writing a release of this information to Price Municipal Corporation.

D. **Reinstatements** - Employees who are reinstated into Price Municipal Corporation may maintain their original employment anniversary dates for seniority purposes as well as for those benefit programs governed by the anniversary date. Reinstatement of employees may include imposition of a probationary period (see below)⁸. The policy will be as follows:

- (1) **Layoffs** - Employees who terminate because of reduction in work force will maintain their original anniversary dates for seniority purposes if they are re-employed by Price Municipal Corporation within one (1) year after date of termination.
- (2) **Voluntary Resignations** - Employees who voluntarily terminate their employment with Price Municipal Corporation may maintain their original anniversary dates, subject to City Council approval, if they are re-employed by Price Municipal Corporation within six months after date of termination.

E. **Hiring New Employees**

- (1) **Required for All Employees** - The hiring manager is responsible to have new employees fill out all pre-employment forms, benefit applications, and enrollment forms and provide basic information on Price Municipal Corporation's policies concerning pay, vacation, holidays, sick leave, benefits, parking and work hours during the employee's first day of work.
- (2) **Additional Requirement for All Part-Time, Temporary, and Seasonal Employees Only** - If applicable, the hiring manager, is responsible to fill out Part-Time/Temporary/Seasonal Employment Agreements.
- (3) **Additional Requirement for Employment of Minors** (employers may protect themselves from unintentional violation of the child

⁸ Clarified probation period option for reinstated employees 2020.

labor provisions by keeping on file an employment or age certification for each minor employed to show that the minor meets the minimum age requirements for the job.):

- (a) Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - a. No child under age 14 shall be employed by Price Municipal Corporation.
 - b. A child between the ages of 14 and 15 shall not be allowed to work in a hazardous area or position and subject to non-school time employment.
 - c. A child between the ages of 16 and 17 shall not be allowed to work in a hazardous area⁹.
- (b) Unless otherwise exempt, a minor employee must be paid according to the statutory minimum wage and overtime provisions (currently one and one half (1/2) times the employee's regular wage after forty (40) hours worked in a work week) of the Fair Labor Standards Act of 1938, as amended.
- (c) Employees sixteen (16) and seventeen (17) years old are subject to Department of Labor Orders when working in any occupations which the Secretary of Labor "shall find and by order declare to be particularly hazardous or detrimental to their health and well-being" as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

F. Orientation - Newly hired Price Municipal Corporation employees shall complete all required paperwork and receive an orientation on their first (1st) day of work.

- (1) 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 Verification Form. The employee must sign under penalty of perjury that he/she is a U.S. citizen, a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
- (2) All new employees shall complete and sign a Form W-4 Federal

⁹ Age references added 2021 based on Pryor HR Law seminar held 4-9-20.

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Withholding Statement.

- (3) All new employees should be given a tour of the respective work place with a brief overview of company rules and benefits.

G. Introductory¹⁰ Period

- (1) All new employees, or current employees that have applied for and been selected to a different position within Price Municipal Corporation¹¹, shall be subject to a minimum six (6) month, or maximum twelve (12) month introductory period. During this period, introductory employees may be terminated, with or without notice, for any or no reason, without any right to due process, notice, explanation or appeal in connection with said termination.
- (2) Introductory periods begin on the first day of employment and continue for the duration of the introductory period. Management will provide guidance to probationary employees so that they understand work requirements.
- (3) An employee, new employee or current employee in a new position, in the introductory period shall be given a performance evaluation at the end of the introductory 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 introductory employee nor shall it create any real or implied employment contract or property/due process rights for the introductory employee relative to his/her job/position. End of employee introductory period, new employee or current employee in a new position, does not indicate or require that a salary adjustment will be made.¹²

5. VOLUNTEERS

¹⁰ Probationary period changed to introductory period 2020. Clarifies that no contract of employment extends beyond the probationary period and preserves at-will employment.

¹¹ Clarified that current employees that have APPLIED and been selected to a different position are subject to the introductory period and eligible for the end of introductory period salary increases. Done to separate this circumstance from a career ladder promotion and introductory period not required and salary adjustment not eligible. See Section 14 for career ladder circumstance treatment.

¹² Added language in support of separation of career ladder and applied for position changes in regard to introductory period and possible salary increase.

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- A. "Court Ordered" Community Service Labor may be accepted after a review by the Human Resources Director and the respective Department Head. Based upon the recommendation of the Human Resources Director and the respective Department Head, Price City reserves the right to refuse, reject, or terminate court ordered community service labor.
- B. The Mayor or respective Department Head, with approval of the City Council, may establish volunteer programs.
- C. The respective Department Head shall develop guidelines for use of volunteers.
- D. Prior to accepting any volunteer services, the respective Department Head and the volunteer shall sign an agreement defining the nature and terms of the volunteer services. The respective Department Head, reserves the right to refuse, reject, or terminate volunteer service labor at any time for any reason.
- E. A volunteer shall not be provided the benefits and protections of an employee of Price Municipal Corporation and shall not be considered an employee.
- F. A volunteer shall not operate Price Municipal Corporation owned vehicles or equipment. (This does not apply to members of the Price City Fire Department.)

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SECTION 4: ALCOHOL AND DRUG FREE WORKPLACE

1. **GENERAL POLICY** - The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee or volunteer use or abuse of alcohol, controlled substances, and/or medication. All below references to employees shall include volunteers.¹
2. **EMPLOYEE RESPONSIBILITIES**
 - A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
 - B. Any employee convicted under a federal or state statute regulating controlled substances shall notify his/her supervisor and the Mayor within five days after the conviction.
 - C. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or meal breaks.
 - D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
 - E. No employee shall represent Price Municipal Corporation in an official capacity while impaired by alcohol, illegal drugs, or medication.
 - F. No employee using medication that may impair performance shall operate a Price Municipal Corporation motor vehicle, Price Municipal Corporation equipment or engage in safety sensitive functions while on duty for Price Municipal Corporation.
 - G. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his/her supervisor.
 - H. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor, the Department Head or other member of Price City management².
3. **DISCIPLINARY ACTION** - Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action will be taken, up to and including termination, in the event of an employee's violation of any provision set forth herein.

¹ Added volunteers 2025.

² Management includes all director level employees and elected officials.

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Section 4: Alcohol and Drug Free Workplace

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SECTION 5: DRUG TESTING

1. GENERAL STATEMENT

- A. It is the policy of Price Municipal Corporation that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or the distribution, dispensation, possession, or use of alcohol in the workplace is expressly prohibited. This policy shall apply to volunteers as well as employees.¹
 - (1) In order to achieve a drug-free work place, employees in, and applicants for, safety sensitive positions may be required to participate in one or more of the following alcohol and controlled substances testing:
 - (a) When an applicant has been extended a conditional offer of employment but before beginning work. Job applicants that fail or have unsatisfactory post-offer, pre-employment test results shall be provided a reasonable opportunity to correct the record in a timely manner². Refusal or non-availability to test may be considered a positive test.³
 - (b) When there is a reasonable suspicion to believe that the employee may be in an impaired state. Reasonable suspicion determinations to be made by trained and qualified personnel.
 - (c) When the employee has been involved in an accident on-duty or because of unsafe work practices.
 - (d) On a random basis.
 - (e) As a condition for return to duty after testing positive for controlled substances or alcohol.
 - (f) As part of follow-up procedures to employment related drug or alcohol violations.
 - (2) Applicants for all other positions shall, as a condition of employment, be required to participate in alcohol and controlled substance testing after the applicant has been extended a

¹ Added volunteers 2025.

² Updated 2020 – pursuant to the standards of the FCRA and HR management training.

³ Added reference to refusal to test 2023.

conditional offer of employment but before beginning work.

- B. Scope - This policy covers all employees of and applicants to Price Municipal Corporation.
- C. Definitions
 - (1) Alcohol - Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
 - (2) Controlled Substances - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other substances which may only be legally obtained and used pursuant to a physician's prescription.
 - (3) On Duty Accident or Citation - Any accident involving the loss of life, injury to the employee or others, damages to personal property, or the issuance of a moving traffic citation to the employee.
 - (4) Positive Test - Any test result showing a blood alcohol content (BAC) of 0.02 or greater or exceeding the legal limit for operation of vehicles/equipment by the State of Utah or the presence of any controlled substances in excess of the recommended therapeutic level in the test subject. Refusal or non-availability to test may be considered a positive test.⁴
 - (5) Refusal to Submit to Testing - Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he/she is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.
 - (6) Reasonable Suspicion - Knowledge sufficient to induce a reasonably prudent and cautious person under the circumstances to believe that a prohibited activity is occurring.
 - (7) Safety Sensitive Duties May Include But Are Not Limited To - Any duties requiring a Commercial Drivers License (CDL), Firefighter Duties, Law Enforcement Duties, operation of tools or equipment, location of work, exposure to chemicals or

⁴ Added reference to refusal to text 2023.

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contaminants or any other duties or positions deemed applicable in which job performance may affect the safety of the employee or others.⁵

2. POLICY

A. Testing Notice

- (1) Before performing any alcohol or drug test authorized by this policy, Price Municipal Corporation, through its designated representative, shall notify the employee being tested, verbally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this policy.
- (2) Price Municipal Corporation employees who, under Price Municipal Corporation requirements, hold a commercial drivers 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.

When conducting any of the above noted tests on employees with Commercial Drivers Licenses (CDL's), Price Municipal Corporation shall provide the employee with the following notice:

- (a) The drug and/or alcohol test being required is required under rules established by the Federal Highway Administration pursuant to the Omnibus Transportation Employees Testing Act of 1991.
- (b) Refusal to submit to the required testing, may subject the employee to disciplinary action, up to and including termination.
- (3) Price Municipal Corporation employees who are not required by Price Municipal Corporation to hold a Commercial Driver's License (CDL), but who are employed in safety sensitive positions, while not subject to testing under federal statute, are subject to pre-employment, reasonable suspicion, random, 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 safety

⁵ Added and clarified safety sensitive position determination 2023.

sensitive employees, Price Municipal Corporation shall provide the employee with the following notice:

(a) The drug and/or alcohol test being required is required by the policies and procedures of Price Municipal Corporation.

(b) Refusal to submit to the required testing you may subject the employee to disciplinary action, up to and including termination.

B. Pre-Employment Testing - Price Municipal Corporation requires all applicants selected for an employment position with Price Municipal Corporation to undergo an alcohol and drug screen test to detect the presence of alcohol and illegal drugs or 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 .02⁶ or higher may be denied employment with Price Municipal Corporation. Refusal or non-availability to test may be considered a positive test.⁷

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

(2) All of Price Municipal Corporation's job announcements and conditional offers of employment shall contain the following notice:

(a) All applicants selected for employment with Price Municipal Corporation shall be required to take a drug and alcohol test and must achieve negative results as a precondition of employment and prior to commencing actual work.

(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 Price Municipal Corporation.

(3) 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

⁶ Amend from .04 to .02 to be consistent with Section 1.C.(4) above.

⁷ Added reference to refusal to test 2023.

the applicant shall not be eligible to be employed by Price Municipal Corporation.

C. Prohibited Conduct

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

D. Reasonable Suspicion Testing

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

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also be based on observation of indications of the chronic and withdrawal effects of controlled substances.

- [1] The required observations underlying reasonable suspicion testing must be made by a supervisor or Price Municipal Corporation 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 Price Municipal Corporation 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 who makes the reasonable suspicion determination.

(2) Special requirements associated with reasonable suspicion alcohol testing:

- (a) Alcohol testing is authorized only if the observations set forth above are made during, just proceeding, or just after the performance of safety sensitive functions.
- (b) If an alcohol test is not administered within two (2) hours following the identification of reasonable suspicion, the supervisor shall prepare and maintain documentation stating why the test was not administered within two (2) hours.
- (c) If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor shall cease attempts to administer an alcohol test and shall prepare and maintain documentation stating why the test was not administered within eight (8) hours.

(3) Special requirements associated with reasonable suspicion drug testing: If a drug test is not administered within thirty two (32) hours following the identification of reasonable suspicion, the

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

- (4) Upon required testing due to reasonable suspicion, the employee tested shall not engage in the operation of any Price Municipal Corporation vehicles or equipment or engage in any employment related duties, which his/her supervisor deems dangerous to the employee or others until the results of the tests are received and the employee is released back to work.

E. Random Testing

- (1) Employees assigned to, or performing, safety sensitive duties may be subject to random drug/alcohol tests in the sole discretion of Price Municipal Corporation.
- (2) Random tests shall be both of the following:
 - (a) Unannounced.
 - (b) Reasonably spread throughout the year.
- (3) Each employee within a testing pool must have an equal chance of being tested each time a random test is conducted.
- (4) Random Testing for CDL Drivers
 - (a) CDL drivers may be subjected to random alcohol testing only while performing safety sensitive functions, just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.
 - (b) Drug tests may be performed at any time the driver is on duty.
- (5) Random Testing for Non-CDL Safety Sensitive Employees - Non-CDL safety sensitive employees may be subjected to random alcohol and drug tests any time the employee is on duty.
- (6) Pool Testing/Consortiums

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- (a) Price Municipal Corporation may join a consortium with testing pools having a large enough total employee/individual base so that Price Municipal Corporation'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 Price Municipal Corporation chooses to join a drug/alcohol testing consortium, Price Municipal Corporation 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

- (1) Any surviving employee involved in an accident resulting a citation for a moving traffic violation or loss of human life, or a surviving employee in a safety sensitive position involved in an accident involving the loss of human life, shall be tested as soon as practical for alcohol and controlled 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. Refusal or deemed refusal may lead to disciplinary action up to and including termination.
 - (b) The results of tests conducted by Federal, State, or local law enforcement officers having independent authority to

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conduct tests to detect alcohol or controlled substances may be used by the employer to meet post-accident testing requirements.

(c) Time frames for testing and consequences of failure to test:

[1] Alcohol

[a] If the test is not administered within two (2) hours following the accident, the supervisor shall prepare and submit documentation stating why the test was not administered within two (2) hours.

[b] If the test is not administered within eight (8) hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and submit documentation stating why the test was not administered within eight (8) hours.

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

(2) Upon required testing due to an accident or reasonable cause, the employee tested shall not engage in the operation of any Price Municipal Corporation vehicles or equipment or engage in any employment related duties, which his/her supervisor deems dangerous to the employee or others until the results of the tests are received and the employee is released back to work.

G. Consequences of Positive Drug/Alcohol Test

(1) Alcohol

(a) If any alcohol test result shows a blood alcohol content of 0.02⁸ or greater, the employee shall be removed from, and cannot return to, a safety sensitive function until, at a

⁸ Amend from .04 to .02 to be consistent with Sections above

minimum, all of the following are met:

- [1] The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.
- [2] The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
- [3] The employee undergoes a return-to-duty test with a result of less than 0.02 BAC.

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

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

- (a) The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation.
- (b) The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
- (c) The employee undergoes a return-to-duty test with a verified negative test result for controlled substances.

(3) General

- (a) If through any of these detection methods, or on his/her initiative, an employee tests positive or seeks rehabilitation treatment, Price Municipal Corporation may pay for an initial substance abuse evaluation.
- (b) Price Municipal Corporation encourages employees to enroll in a counseling or rehabilitation program in the event of a positive drug or alcohol test. An employee will be required to sign a document agreeing to the following

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conditions in order to remain employed with full rights and benefits:

- [1] Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. Price 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. Dual compensation period shall be considered a violation of this policy⁹. Each incident will be reviewed on a case-by-case basis.
- [2] If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his/her former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.

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

- (1) Employees subject to follow-up testing will be tested a minimum of six (6) times in the first (1st) twelve (12) months following their return to duty.
- (2) Follow-up testing beyond one (1) year shall be based on a needs assessment provided by a substance abuse professional and agreed upon by both the employee and Price City.

I. General

- (1) Price Municipal Corporation maintains the right to conduct unannounced inspections of Price Municipal Corporation owned property, work stations, equipment, desks, cabinets, etc.

⁹ Dual compensation language added 2020 – consistent with time off section of policy.

- (2) Price Municipal Corporation maintains the right to utilize reasonable and customary detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
- (3) Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.

J. Employees may direct any questions regarding this policy to their supervisor, Department Head or the Human Resources Director.

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SECTION 6: DISCRIMINATION AND HARASSMENT

1. GENERAL POLICY

This policy applies to all employees and all individuals that may impact or be impacted by the employment relationship at Price Municipal Corporation. Unlawful discrimination and/or harassment of any type related to the employment relationship, on or off duty, based on Federal, State, Local or Price Municipal Corporation anti-discrimination laws or policies including race, religion, sex, gender identity (Lesbian, Gay, Bi-Sexual, Transgender (LGBT) identification/status/sexual orientation.¹, sexual orientation, age, disability, national origin, veteran status, racial or ethnic hairstyle² shall not be tolerated. Additionally, discrimination and/or harassment directed toward a person because of their relationship or association with an individual of a protected class or disability shall not be tolerated within the Price Municipal Corporation workplace³. While the ADA prohibits adverse employment action based on an association or relationship with a person with a disability, it does not require Price Municipal Corporation to provide a reasonable accommodation to a person (employee) without a disability due to the employee's association/relationship with someone of a protected class or disability.⁴ The discrimination or harassment may be implicit or explicit. Harassing behavior may be in one or more of the following forms, but not limited to: (1) physical harassment; (2) verbal harassment; and, (3) visual harassment.⁵ Harassing behavior related to the employment relationship that is contrary to a professional and respectful workplace according to reasonable persons and standards is also prohibited. Allegations of harassment will be investigated. Harassment will generally fall into one or both of the following categories: (1) quid pro quo; (2) pervasive. Price Municipal Corporation shall not allow any non-disclosure or non-disparagement agreements in the case of sexual harassment or sexual assault in violation of the Speak Out Act.⁶

- A Employees accused of harassment and facing disciplinary action shall be entitled to receive notice of charges, the evidence and/or findings to be used against them, and an opportunity to respond before any disciplinary action may be taken.
- B. False or bad faith claims regarding harassment may result in disciplinary action, up to and including termination,

¹ LBGT status clarified 2020 to accommodate trending case law.

² Added hairstyle based on HB117, 2022 Legislature proposed bill.

³ Related or associated person discrimination/harassment added 2021 based on advice at Pryor HR Law Seminar held 4-9-20.

⁴ Clarified associated persons and reasonable accommodation requirements 2023, based on HR Law training.

⁵ Added reference to physical, verbal and visual harassment per Pryor HR Law Training 2023.

⁶ Added reference to Speak Out Act 2023.

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Section 6: Discrimination and Harassment

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- C. Records and proceedings of harassment claims, investigations, or resolutions are confidential and shall be maintained in a limited access manner separate and apart from the employee's regular personnel files.
- D. All employees, supervisors and management personnel shall receive training on the harassment policy and grievance procedures during orientation and other training. All employees and officials of Price City shall be required to participate in anti-harassment training a minimum of one (1) time per year.⁷
- G. Violation of this policy will result in disciplinary action, up to and including termination.

2. **CORRECTIVE ACTION** - Price Municipal Corporation expects that all employees, contractors, customers, etc. will act responsibly to establish a pleasant, professional and respectful work environment. If an employee witnesses or feels they have been subjected to any form of harassment or violation of this policy, including retaliation one or more of the actions described as follows should be followed.

- A. Firmly and clearly tell the person(s) engaging in the harassing conduct that it is unwelcome, offensive, and should stop at once. This notification may be verbal or written, and can be anonymous. Employees experiencing or witnessing harassment ARE NOT required to take this step prior to reporting harassment to a supervisor, department head, or human resources. If the conduct does not stop immediately it must be promptly reported to a supervisor, department head, or human resources.
- B. Report the alleged harassment or conduct to a supervisor. It is anticipated that reports will follow the chain-of-command from direct supervisor to the next level supervisor, etc. as a matter of organizational order and respect. However, it IS NOT required that this chain-of-command be followed in allegations of harassment. Supervisors will take the report seriously and must take action that will include all of the following:
 - (1) Investigate the alleged misconduct in as timely and confidential of a manner as practicable.
 - (2) Take action to correct any and all harassing conduct.
 - (3) Assure that no retaliation is tolerated.
 - (4) Complete appropriate feedback, including to the victims or reporting parties.
 - (5) Prepare a written supervisor record of the allegation, investigation, and resolution.
- C. Occasionally, reporting to a supervisor about harassing conduct is not an

⁷ Clarified annual training requirement language 2020.

option, or an employee or individual(s) may feel that their complaint has not been or cannot be properly handled. Reports of harassment may be made to Department Heads, or the Director of Human Resources or the Price City Attorney. All reports will be taken seriously, will be investigated, and appropriate corrective action will be taken. Reports of discrimination or harassment made to this organizational level will be filed with the Director of Human Resources or if that is not appropriate with the City Attorney and must include:

- (1) Written allegation prepared by the Department Head, Director of Human Resources, or City Attorney and signed by the complainant.
- (2) An investigative plan.
- (3) Record of investigation results.
- (4) Damage the victim suffered as a result of conduct.
- (5) Statement regarding how the victim would like the matter settled.
- (6) How retaliation will be prevented.
- (7) Documentation of appropriate feedback, including to the victims or reporting parties.

Harassment complaint files shall be opened and released only by authorization of the Human Resources Director, City Attorney or a Court of Law.

3. RETALIATION

Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing relative to discrimination or harassment.

Retaliation, as it relates to the FLSA, indicates that it is unlawful (not just a violation of Price Municipal Corporation policy) for any person to discharge or in any other manner discriminate against any employee because such employee has filed any complaint to instituted or caused to be instituted any proceeding under or related to the FLSA laws, or has testified or is about to testify in any such proceeding or has served or is about to serve on an industry committee.⁸

Any Price Municipal Corporation employee choosing to make a claim of retaliation shall be required to provide information, details and confirmation that: (1) the employee has either participated in the grievance/complaint process or opposed some form of discrimination; (2) that an adverse action has been taken by Price Municipal Corporation in regard of the employee's employment status; and, (3) that there is a causal connection between the adverse employment action

⁸ Added FLSA retaliation specific paragraph 2023, based on HR Law training.

and the employee's participation in the grievance/complaint process.⁹

- (A) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
- (B) Retaliation is an additional and separate disciplinary offense.
- (C) Retaliation may consist of, but is not limited to, any of the following:
 - (1) Open hostility;
 - (2) Exclusion or ostracism;
 - (3) Special or more closely monitored attention to work performance;
 - (4) Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

⁹ Added requirement for submission of a retaliation claim 2023, based on HR Law training.

SECTION 7: EMPLOYEE CODE OF CONDUCT

1. **PROFESSIONALISM** - Price Municipal Corporation is a professional organization whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to high standards of public service that emphasize professionalism and courtesy. Employees are required to efficiently carry out their respective assignments, to maintain good moral conduct, and to maintain good working relationships with their supervisors, fellow employees, the public, and other governmental and quasi-governmental employees and officials.
 - A. **WHISTLEBLOWER** – Price Municipal Corporation shall protect employees from being retaliated against because an employee raises a bona-fide concerns or questions regarding violations of this Policy or other laws or regulations by other employees or officials of Price Municipal Corporation.¹
 - B. **CONTACT WITH THE MEDIA** – To ensure that Price Municipal Corporation and all employees communicate the media in a consistent, timely and professional manner regarding matters relating to Price Municipal Corporation, employees must notify their supervisor and / or the Price Municipal Corporation Public Information Officer (PIO) to ensure clear communication of messages. Price Municipal Corporation employees should not respond to media inquiries and request without authorization from their supervisor or the PIO. Employees may be permitted to speak with the media on behalf of Price Municipal Corporation but only after being authorized to do so.²
 - C. **REAL OR PERCEIVED COMPRIMISING SITUATIONS**. Price Municipal Corporation employees shall refrain from environments or circumstances in which an adult employee may be alone with minors or students in a non-public setting. Additional adults and / or settings open to the public shall be the standard for interaction between adult employees of Price Municipal Corporation and minors or students.³
2. **PRIVILEGED INFORMATION** - Price Municipal Corporation employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Price Municipal Corporation plan or activity, this situation must be disclosed and reported to the employees' direct supervisor, Department Head or other Price City management immediately. Each employee is charged with the

¹ Whistleblower reference added 2022.

² Media policy added 2023 upon recommendation of NFP audit of HR and polices completed.

³ Standard for adults not being alone with minors or students added 2023 at the request of insurance provider and as a condition of liability insurance policy.

responsibility of ensuring that only information that should be made available to the general public is released, as required in the Government Records Access and Management Act. Protection of Personally Identifiable Information is a top priority.⁴

3. **CONFLICT OF INTEREST** – Employees of Price City are required to declare to their department head any actual or potential conflicts of interest between their official Price Municipal Corporation public duties and their private interests. This declaration is intended to include inter-personal relationships impacting employment beyond the Price Municipal Corporation 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.
4. **CONFIDENTIALITY** - Price Municipal Corporation employees have an unquestionable right to expect that all personal information about themselves, their illnesses, their families and financial circumstances be kept confidential. Every employee has an obligation to protect this confidence. Price Municipal Corporation employees shall never discuss confidential information with others who are not authorized to receive it, either inside or outside the office. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released, as required in the Government Records Access and Management Act.
5. **GIFTS AND GRATUITIES** - Price Municipal Corporation 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 Price Municipal Corporation, or from any person within or outside Price Municipal Corporation employment whose interests may be affected by the employee's performance or nonperformance of official duties. Price Municipal Corporation employees will not accept gifts or gratuities except under circumstances allowed by the Utah Public Officers' and Employees' Ethics Act Section 10-3, 1304, et. seq., Utah Code Annotated, 1953 as amended.
6. **ATTENDANCE** - Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid creation of extra work for fellow employees. Therefore, when an employee is going to be late or will not be able to report to work, the employee must notify his/her supervisor prior to the scheduled work time. If the employee is ill or has an emergency, he/she should notify his/her supervisor as soon as possible on each day of absence.
7. **TARDINESS** - When an employee is tardy he/she will be penalized for the time lost. As set forth below and unless otherwise indicated, a grace period is allowed before the lost pay time is put into effect. The allowance and penalties are calculated in increments of

⁴ Added reference to Personally Identifiable Information 2025.

1/4th of an hour as follows:

<u>Clock In</u>	<u>Lost Pay Time</u>
5:59 minutes late	No lost time pay
6:00 minutes late	1/4 hour lost pay
21:00 minutes late	1/2 hour lost pay
36:00 minutes late	3/4 hour lost pay
51:00 minutes late	1 hour lost pay

Chronic offenders (more than twice a month or other patterns of tardiness observed and documented) may not be allowed the grace period of six minutes if the supervisor so decides. Employees should not punch in more than six (6) minutes before the start of the shift or punch out more than six (6) minutes after the end of a shift unless on approved overtime.

8. **APPEARANCE** - Price Municipal Corporation expects its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress and grooming shall be appropriate to the job and the tasks to be accomplished and will conform to the contemporary standards of the community. Radical departures from conventional dress or personal grooming standards shall not be permitted, regardless of the job performed. Employees are expected to dress in a manner that is normally acceptable in their line of work and to ensure personal employee safety.

All employees shall wear shirts, pants, skirts or dresses, and shoes, except for swimming pool personnel as permitted by the Department Head. Office employees, particularly those who interact or meet with the public, are expected to wear businesslike attire. The wearing of sexually suggestive attire (short shorts, mini skirts, low cut or revealing tops), t-shirts with inappropriate logos, writing or pictures, tank tops and similar items of casual attire are not permitted. Semi-casual attire may be permitted when and where the Department Head deems such apparel appropriate.

Beards and mustaches should be neatly trimmed and kept short enough to avoid the potential to become a safety problem. As a general guideline (head hair, beards, sideburns, and mustaches) shall not extend beyond a reasonable length that may create a safety hazard or draw undesired attention from the community at large. Long hair will be tied back or combed in such a manner that it not only looks professional but it also avoids the risk to personal safety. A supervisor may forbid or require certain standards of attire or grooming if there is a bona-fide safety requirement involved.

Employees who are uncertain about the appropriateness of their work attire or personal grooming should address their questions to their immediate supervisors or Department Head.

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The Mayor and City Council reserve the right to require or forbid, within the constraints of the law and reasonableness, standards of conduct, dress and grooming for all Price City employees.

9. **SMOKING** - In compliance with the Utah Indoor Clean Air Act smoking is not permitted within 25 feet of Price Municipal Corporation facilities. Price Municipal Corporation maintains a smoke and tobacco free environment in and on all Price City owned, leased, rented or operated vehicles and equipment. No smoking or use of tobacco products includes but is not limited to cigarettes, pipes, cigars, snuff, chewing tobacco or vaping.
10. **PERSONAL USE OF PRICE MUNICIPAL CORPORATION CHATTEL PROPERTY BY PRICE MUNICIPAL CORPORATION EMPLOYEES⁵**. Price Municipal Corporation wants to ensure that employees that use Price Municipal Corporation chattel property do so according to state law and within the best interest of Price Municipal Corporation. Price Municipal Corporation believes that the best way to accomplish this is to establish guidelines for the proper use of Price Municipal Corporation chattel property and explicitly authorize personal use of Price Municipal Corporation property by employees so long as the use is de minimus, incidental and consistent with these guidelines and the sections below.
 - A. Employee is authorized to use or possess Price Municipal Corporation public property to fulfill job duties;
 - B. The primary purpose or the use or possession of Price Municipal Corporation public property is to fulfill job duties;
 - C. Use of Price Municipal Corporation public property cannot interfere with the employee's primary duties or Price Municipal Corporation operations;
 - D. A use of Price Municipal Corporation public property is for Price Municipal Corporation training and/or skill development;
 - E. Public value or use or possession of Price Municipal Corporation public property by an employee substantially outweighs any personal benefit to the employee;
 - F. Employee use of Price Municipal Corporation public property has been pre-authorized by the respective Department Head in compliance with Price Municipal Corporation policy;
 - G. Use or possession of Price Municipal Corporation public property imposes little or no cost to Price Municipal Corporation;
 - H. Any use of Price Municipal Corporation public property is brief, limited in scope and of reasonable duration;
 - I. Employee use of Price Municipal Corporation public property does not interfere with the use of the same property for official Price Municipal Corporation business;
 - J. Use of Price Municipal Corporation public property does not disrupt the performance

⁵ Section added 2020 to ensure compliance with 2019 HB 163.

of the employee's official duties; and,

- K. Employee use of Price Municipal Corporation public property does not create risk of liability or harm to Price Municipal Corporation including reputational damage and does not violate any law or Price Municipal Corporation policy;
- L. Use of Price Municipal Corporation public property is not for private financial gain;
- M. The Price Municipal Corporation public chattel property or space is provided by Price Municipal Corporation as an employee convenience, such as lunchrooms, breakrooms, kitchens, restrooms, fitness equipment, nursing facilities, lockers or other similar accommodations or equipment provided as an employee benefit;

11. PERSONAL USE OF PRICE MUNICIPAL CORPORATION OFFICE ITEMS

- A. Postage Meters - No employee shall be allowed to use Price Municipal Corporation owned postage metering machines at any time for posting and mailing of any material of a personal nature.
- B. Fax, Copying Machines, and Printing Devices - Any employee desiring to use Price Municipal Corporation owned fax machines, copying machines, or any other printing devices for items of a personal nature may do so by paying for such incremental use at the employee rate which is in effect at the time of use.
- C. Telephone Calls (including cell phones)
 - (1) Employees must pay for personal long distance phone calls made on Price Municipal Corporation owned telephones.
 - (2) All employees will use Price Municipal Corporation owned telephones for local personal calls judiciously. Local telephone calls will be limited to necessity and must not disrupt the carrying out of employees' official Price City employment responsibilities.

12. PRICE MUNICIPAL CORPORATION COMPUTER AND COMMUNICATION SYSTEM

- A. Price Municipal Corporation has provided electronic equipment, network access points, and other communication services and equipment to help City employees accomplish the goals and objectives of Price Municipal Corporation. These may include but are not limited to the following: personal computers, laptops, e-mail, voice mail, fax machines, telephone systems, cellular phones, pagers, internet access, intranet, remote access connections (any City network access), video conferencing equipment, telecommuting equipment, etc. All data, information, messages, programming, or communications created, developed, sent, stored, or transmitted, from any location, on the system shall be known as the Computer and

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Communication System and will be referred to as the System in this policy. The System is the property of Price Municipal Corporation.

- B. Price Municipal Corporation shall consider use of the System by employees for personal reasons acceptable under the following conditions: a) The use is brief and does not interfere with City work; b) The use does not subject Price Municipal Corporation to any additional cost or liability; and c) Prior authorization for its use has been given by the employee's supervisor or Department Head.
- C. Upon approval of the Department Head and Mayor, Price Municipal Corporation may use internet blocking or filtering software to limit an employee's access to sites which the City deems inappropriate. Price Municipal Corporation employees who access the Internet are responsible for materials viewed, downloaded, printed, or transferred to the System. Price Municipal Corporation is not responsible for materials on the Internet. It is the employee's responsibility to immediately disconnect from any pornographic or other inappropriate or offensive material which may be inadvertently or accidentally encountered while using the System.
- D. Employees have no expectation of privacy regarding any use of the System. Price Municipal Corporation reserves the right to monitor any use of the System at any time. By virtue of employment with Price Municipal Corporation and the use of the System, employees voluntarily consent to whatever monitoring Price Municipal Corporation, in its sole discretion, decides to conduct which may include the interception of and review of e-mail, voice mail, telephone calls, fax, computer use, internet use, intranet use or other communications made using the System.
- E. Price Municipal Corporation shall not, as a matter of routine, monitor any employee's use of the System. When there are reasonable grounds to suspect misuse or abuse, the Department Head will review the situation to determine if there is a violation of policy, determine what action needs to be taken, and determine whether any type of monitoring needs to occur. Covert recording, scanning or photocopying of Price Municipal Corporation materials by employees is prohibited and may be considered a violation of this Policy leading to disciplinary action up to and including termination⁶.
- F. Employees have a responsibility to protect the System. The following actions are not permitted: a) Disclosing, sharing or using any System or user account without proper authority; b) Breaking into or attempting to break into someone else's user

⁶ Covert recording, scanning, copying concept added 2020. Based on recommended language from Bullet Proof Employee Handbooks author Jane Easter Bahls

account; c) Viewing, copying or altering documents or files without prior authorization by the creator or owner thereof; and d) Defeating or attempting to defeat a password protected document or file which does not belong to the employee.

G. All user accounts and passwords are considered to be the property of Price Municipal Corporation and shall be disclosed to a supervisor upon request.

H. Employees are prohibited from using the System for any improper or illegal purpose including, but not limited to, transmitting, obtaining, accessing or viewing the following types of messages or materials: a) Materials that are harassing, threatening or annoying; b) Messages or materials sexually explicit in nature and/or considered “X-rated” whether in written, photographic, animation, or audio format including sexually explicit games, executable files, programs, chat rooms, mailing lists, newsgroups, and bulletin boards; c) Nude or seminude images exposing genitals, buttocks, and/or female breasts whether in photographic or animation format; d) Messages or materials that insult, defame, degrade, threaten, or discriminate against a person’s sex, gender, race, color, national origin, religion, age, disability, citizenship of any country or any other classification protected by law; e) Messages or materials involved with wagering and gambling; and (f) Messages or materials of a terroristic or militant nature.

I. Employees are prohibited from disrupting, burdening or altering the System unless given proper authorization by the Information Systems Department Head and the employee’s Department Head. This includes, but is not limited to the following: a) Downloading, installing or using software that is not authorized or provided by Price Municipal Corporation for City business use; b) Installing, connecting or attaching non-approved hardware devices, portable peripherals, etc; c) Accessing or connecting to streaming audio or video located on the Internet, such as, online radio stations, is not permitted during normal business hours; and d) Intentionally, knowingly, or recklessly disrupting or damaging any part of the System. Also, all authorized material downloaded or used with the System requires a complete approved virus scan.

J. E-mail is to be used for Price Municipal Corporation business which includes communications with other Price Municipal Corporation departments, governmental entities and private sector entities in order to conduct Price City business. Although Price Municipal Corporation does not prohibit all personal use of e-mail, a common sense approach should be applied. Acceptable personal use of Price City e-mail includes communication that is brief, does not interfere with City work, and does not subject Price Municipal Corporation to any additional cost or liability. Unacceptable or prohibited use of e-mail is any violation of the requirements set forth in this policy that includes, but is not limited to the following: a) Excessively or continually sending and/or receiving non-business

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related material such as chain letters, jokes, newsletters, gambling, lottery or other related material; and b) Opening, viewing or downloading e-mail attachments received from non-business or questionable sources. This includes file attachments located on a personal or non-city e-mail account which is accessed using the Price Municipal Corporation Computer System.

- K. Anyone who violates this policy will be subject to disciplinary actions contained in Price Municipal Corporation's policies and procedures, up to and including termination of employment. If an employee needs to access restricted material for a specific Price Municipal Corporation work related purpose, it must be done with the approval of the employee's Department Head.
- L. Anyone who becomes aware of a violation of this policy or who believes he/she has been subjected to or injured by the misuse of Price Municipal Corporation owned equipment should immediately report this to his/her Department Head. The report should be submitted to the Mayor if the Department Head is the person suspected of misuse. If possible, preserve any evidence or documentation of the violation. While being investigated, all incidents and reports thereof will be kept confidential to the extent reasonably practicable. Retaliation against anyone reporting possible violations of this policy will not be tolerated. Any retaliation should be reported immediately to the Department Head or Human Resources Director.
- M. Artificial Intelligence.⁷ Price Municipal Corporation employees must be transparent and accountable if and when using any type or form of AI technology. It is the responsibility of each individual employee to ensure responsible and ethical use of AI systems within Price Municipal Corporation operations. Nothing in this AI policy is designed or intended to interfere with, restrain, or prevent employee communications or other rights of employees and individuals.
 - a. Information Disclosure. Price Municipal Corporation Employees shall make all reasonable efforts to disclose the use of AI systems in the workplace when and where appropriate.
 - b. Monitoring. Price Municipal Corporation may engage in monitoring, evaluating and auditing AI systems used or accessed by Price Municipal Corporation employees in the conduct of Price Municipal Corporation business to ensure compliance with ethical standards.
 - c. Responsible Decision Making. Price Municipal Corporation employees may use AI as a tool to assist in a decision-making process, not relying completely on an automated output without human verification.
 - d. Privacy. Any AI systems that Price Municipal Corporation employees use may have a direct impact on the security of themselves, other employees

⁷ Artificial Intelligence Section Added 2025.

and the community. Employees shall protect any personally identifying information.

- e. **Discrimination.** Using AI by a Price Municipal Corporation employee shall not discriminate in any way against any individual based on a protected class or status. Any bias identified due to the use of AI must be addressed and corrective action taken immediately, including the active prevention of Algorithmic Discrimination.
- f. **Human Intervention.** Price Municipal Corporation employees shall be able to override any AI system when appropriate and find corrective solutions and remedies to problems that may arise. Human intervention shall be effective, accessible, fair and shall not present an unreasonable burden when using an AI system. AI transparency will allow humans to make reasonable judgements and be responsible for AI produced results the individual Price Municipal Corporation employee may produce.
- g. **Training.** Only Price Municipal Corporation employees that are proficient in the use of AI or have been properly and appropriately trained to use AI should use AI for official Price Municipal Corporation business and activity.
- h. **Disciplinary Action.** Inappropriate use of AI by Price Municipal Corporation employees may result in disciplinary action up to and including termination in compliance with this Policy and Procedure Manual.
- i. **AI Guidelines.**
 - i. DO: Understand that AI tools may be useful but are not a substitute for human judgement and creativity.
 - ii. DO: Understand that AI tools are prone to “hallucinations”, false answers or information or information that is stale and therefore responses must always be carefully verified by a human.
 - iii. DO: Treat every bit of information provided to an AI tool as if it will go viral on the internet and be attributed to you as an employee individually and to Price Municipal Corporation regardless of the settings within the tool.
 - iv. DO: Inform your supervisor when you plan to use or have used an AI tool to help perform an official Price Municipal Corporation work task.
 - v. DO: Verify that any responses from an AI tool you intend to use or rely on is accurate, appropriate, not biased, not a violation of another individual or entities rights or privacy.
 - vi. DO NOT: Use AI tools to help make any employment decision about applicants or use AI in the recruiting, hiring, retention, promotion, transfer, performance evaluation, discipline, demotion or termination.
 - vii. DO NOT: Upload or input any confidential, personal or sensitive information into any AI tool.

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- viii. DO NOT: Represent any work generated by an AI tool as being your own original work.
- ix. DO NOT: Integrate any AI tool into Price Municipal Corporation systems or machines without specific permission from the Price Municipal Corporation IT Department.

13. CELLULAR PHONES

- A. Price Municipal Corporation may provide a cell phone allowance in lieu of paying for cell phone equipment and service contracts to employees when there is a definite need to maintain communication at all times between such employees and Price Municipal Corporation.
- B. Authorization to receive a cell phone allowance must be approved by the employee's supervisor and department head and will be documented by a properly completed Cell Phone Allowance Authorization form.
- C. Payment of a cell phone allowance does not transfer or establish any equipment or usage rights or responsibilities to Price Municipal Corporation. Ownership and responsibility for selection, use, replacement, and operation of the cell phone shall reside with the employee.
- D. Personal cell phone use during work is a privilege and not a right. Personal cell phone use cannot interrupt the flow and productivity of individual employee duties or the work of teams and departments. Use of personal cell phones at work cannot compromise the safety of the user or others. Personal cell phone use during work hours can be suspended by supervisors regardless of whether an allowance is paid or not. 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. Use of cell phones while operating Price Municipal Corporation vehicles and equipment is strongly discouraged and all use of cell phones while operating Price Municipal Corporation vehicles and equipment shall comply with restrictions thereon imposed by the State of Utah⁸.

14. SOCIAL MEDIA⁹

The purpose of the Section of this policy is to explain Price Municipal Corporation policy regarding: (1) employees' personal use of any type of social media platform; and, (2) employees or authorized administrators whose job duties require them to post content or otherwise speak on behalf of Price Municipal Corporation on any social media platform. This policy does not

⁸ Reference to State of Utah cell phone use restrictions added 2020.

⁹ Social media section added 2022, based on example from Utah County.

restrict, and is not intended to preclude or dissuade, employees from engaging in activities protected by state or federal law, including the National Labor Relations Act, such as employees' rights to engage in protected concerted activities under Section 7 of the National Labor Relations Act.

- A. Examples of social media include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn and Instagram. This social media policy applies, but is not limited to, all posts, comments, messages, and content created, generated, produced and/or maintained by official Price Municipal Corporation social media sites. This policy does not apply to personal social media accounts. To keep a personal social media account personal, do not use it for, or represent it as, official Price Municipal Corporation communication or content. Price Municipal Corporation shall not discriminate based on the viewpoint or for merely expressing disagreement with Price Municipal Corporation policies or practices. Comments on Price Municipal Corporation social media do not constitute a legal or official notice or comment of Price Municipal Corporation nor to public comments received constitute an official request for service.
- B. Social Media Policy Statements:
 1. All Price Municipal Corporation social media shall be administered via the official Price Municipal Corporation social media advertising program or other authorized administrator.
 2. Price Municipal Corporation employees shall maintain standards of social media behavior, identified below.
 3. Comments may be allowed from the public when deemed beneficial to accomplish the purpose of Price Municipal Corporation.
 4. Management of Price Municipal Corporation social media sites shall be consistent with all applicable laws.
 5. All Price Municipal Corporation social media shall be subject to established computer system security policies.
 6. Use of personal information, personal email accounts, personal user ID's, or personal social media accounts should be avoided.
 7. Price Municipal Corporation social media constitutes a public record and is subject to the Utah Government Records Access and Management Act (GRAMA).
 8. Uses of Price Municipal Corporation social media shall have no expectation of privacy for content posted or generated.
 9. Official Price Municipal Corporation social media content should not originate from personal accounts. Personal communications should not be made from Price Municipal Corporation social media.
- C. Enforcement. Each Price Municipal Corporation department head or official shall be responsible to educate respective staff that may work with social media regarding this policy.

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D. Records. The use of personal social media accounts to conduct any Price Municipal Corporation business is prohibited. Use of a personal social media account for official Price Municipal Corporation business, and any content created, is a public record and the personal social media account shall be managed and archived according to Utah public records laws. Personal and official political social media accounts are not governed by this policy, however use of a personal social media account for official Price Municipal Corporation business may convert the personal or political social media account into a public forum and subject to this policy.

E. This policy and Price Municipal Corporation do not guarantee the completeness or accuracy of any information posted on a social media account or site. Information posted by Price Municipal Corporation, or its bona-fide agent, its elected officials, departments, divisions, committees or board is on an “as is” basis and users of such information shall assume the risk of use or reliance on such information.

F. Social media standards of behavior.

1. Foul or profane language or content is prohibited.
2. Content that promotes, fosters, or encourages discrimination against any ethnicity, race, national origin, religious affiliation, gender, sexual orientation, age, disability, or other group as defined by state or federal law is prohibited.
3. Content that encourages or condones illegal conduct or activity is prohibited.
4. Sexual content, links to sexual content, or other obscene, indecent, or pornographic materials is prohibited.
5. Content that discloses private, protected, or confidential material as defined by state or federal law is prohibited.
6. Information that compromises public health or safety or the health or safety of public systems is prohibited.
7. Slanderous or defamatory attacks of any person is prohibited.
8. Content that is hateful or incites violence, or threatens to harm a person or an organization is prohibited.
9. Advertisements, promotions or solicitations regarding private services or products is prohibited.
10. Content that violates a legal ownership interest of any person, including improper use of a trademark or copyright is prohibited.
11. Comments not topically related to the official information or post of Price Municipal Corporation are prohibited.
12. Content, including links, that promote the candidacy of any person, petition or referendum is prohibited.
13. Spam or repetitively disruptive content is prohibited.

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15. LOANING AND USE OF PRICE CITY EQUIPMENT, SUPPLIES AND MATERIALS OWNED BY PRICE MUNICIPAL CORPORATION

All equipment, supplies and materials belonging to Price Municipal Corporation shall not be loaned to private citizens or Price Municipal Corporation employees for any purpose except under the following conditions:

- A. In cases of extreme emergency in which Price Municipal Corporation property and/or the health, safety and welfare of its citizens may be in jeopardy, Price Municipal Corporation personnel may furnish equipment, material or supplies owned by Price Municipal Corporation to others for use and return to Price City. No equipment will be loaned without a qualified operator attending to its use. The borrowing or use of Price Municipal Corporation equipment, supplies or materials requires the written approval of the Department Head. Price Municipal Corporation personnel are cautioned to avoid participation in situations which may create unnecessary liability exposure for Price Municipal Corporation.
- B. Water and Sewer Department personnel may, in their discretion, loan sewer tapes and water pumps to individuals and entities to temporarily relieve emergency water and sewer problems associated with the Price City water or sewer utility systems.

Price Municipal Corporation may cooperate with other governmental entities in the loaning of equipment, materials and supplies. All such transactions shall be at the discretion of the appropriate supervisor and Department Head of the Department from which such items are requested.

Equipment is defined as any item owned by Price Municipal Corporation, including, but not limited to, vehicles, power tools, hand tools, mechanic tools, compact power saws and engineering equipment. Supplies and materials are defined as any expendable item including, but not limited to, gasoline, diesel, oil, water and sewer pipe, weed spray, paint, etc.

This policy applies to all Price Municipal Corporation personnel, off duty employees, and to all Price City residents, groups or businesses.

Following is the procedure for loaning Price Municipal Corporation equipment, supplies and materials:

- (1) Citizens, other local governmental agencies, or groups wanting to borrow Price Municipal Corporation equipment, supplies and materials shall submit their requests to the Department Head having responsibility for the equipment, supplies and materials requested.

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(2) Supervisors/Department Heads shall, after determining that a request is in compliance with this policy, make a written record of the item(s) loaned and state a specific time for return thereof. Borrowers shall be advised that they are responsible for the timely return of the loaned equipment as well as replacement of any lost, stolen or damaged equipment.

16. TIME SHEETS OR DAILY LOGS

- A. All employees of Price Municipal Corporation are required to maintain an accurate and legible record of all their hours worked or leave taken for Price Municipal Corporation on time sheets or daily logs.
- B. Time sheets will be signed and dated by the employee and supervisor and forwarded to the Price Municipal Corporation accounting department for payment.

17. **CREDIT CARDS** - Price Municipal Corporation credit cards shall be used for official business only, and shall not be used for personal purchases.

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

- A. Pursue the outside activity on the employee's own time;
- B. Pursue the outside activity away from Price Municipal Corporation offices;
- C. Discourage any phone, mail or visitor contact related to the outside interest at Price Municipal Corporation offices;
- D. Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and
- E. Except as provided in subsections 10 and 11 of this Section VII, not use data processing equipment, postage metering machines, copiers, fax machines or other Price Municipal Corporation owned equipment or supplies for the employee's outside interest.

19. POLITICAL ACTIVITY

- A. An employee shall not be coerced to support a political activity or candidate for

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political office, whether personal or Price Municipal Corporation funds or time are involved.

- B. An employee shall not engage in political activity during work hours, unless on approved leave.
- C. An employee shall not use Price Municipal Corporation owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) when engaged in political activity.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political party affiliation or activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

20. SECONDARY EMPLOYMENT

- A. Price Municipal Corporation employment is primary.
 - (1) Full-time employment with Price Municipal Corporation shall be the employee's primary employment. Price Municipal Corporation employees are permitted to engage in secondary or outside employment under the following guidelines. Outside employment must not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
 - (2) Employees are required to provide written notification to the supervisor or Department Head, using the Employee's Notice of Secondary Employment before starting any secondary or outside employment. This notification should include the following information:
 - (a) The employer's name, business name, and business address;
 - (b) A general overview of the type of business engaged in by the secondary employer; and
 - (c) The specific duties engaged in by the employee at his/her secondary employment;
- B. Price Municipal Corporation's approval process.
 - (1) The supervisor or Department Head shall review the information contained in the Employee's Notice of Secondary Employment and

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determine whether the employee's secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:

- (a) Whether the secondary employment reasonably articulates some factor or factors which could negatively impact an employee's job with Price Municipal Corporation. For example, could the secondary employment be reasonably expected to impose excessive physical and/or mental strain on the employee;
- (b) Whether the secondary employment could create a conflict of interest with the employee's employment with Price Municipal Corporation; or
- (c) Whether the secondary employment is illegal, immoral or unethical.

(2) A final decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:

- (a) Shall abide by that decision;
- (b) May appeal the decision by following the Price Municipal Corporation grievance procedures; or
- (c) May voluntarily resign his/her employment with Price Municipal Corporation.

21. REMOTE WORKING

1. General. This policy shall apply to all Price Municipal Corporation employees that may become authorized to work remotely as a primary job function. It is important to understand that the work of Price Municipal Corporation, as a unit of local government, is performed by people with varying degrees of ability, job understanding and ability to function effectively and efficiently in a remote work environment. Remote work allows employees to work in an off-site non-traditional work location for all or part of the workweek. Remote work does not reduce or diminish the ultimate goal of Price Municipal Corporation to provide quality municipal programs and services to residents as efficiently as possible and at the best return on investment for their tax dollars. Remote work assignments or authorizations may be made or provided by Price Municipal Corporation for employees that the remote work arrangements mutually benefit both Price Municipal Corporation and the employee. Remote work may take place on a temporary, permanent or semi-permanent, rotation or in other scheduled formats authorized by Price Municipal Corporation. Remote work may also be termed telecommuting, web commuting, flexible work, or Work From Home (WFH) in a

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synonymous manner and meaning. For purposes of this section and the overall Price City Policy and Procedure Manual the term Remote Work shall be used. Work tasks performed remotely by Price Municipal Corporation employees may be informal and short-term or more formal and long-term as dictated by the work tasks, individual employee performance and capacity, and job description. Remote work authorizations shall be made on a case by case basis and the considerations identified below used to guide remote work authorization decision making. Remote working is not a Price Municipal Corporation benefit and it no way changes the terms and conditions of employment with Price Municipal Corporation. Either Price Municipal Corporation or an individual employee may suggest that a remote working arraignment be considered and authorized.

2. Considerations.
 - a. A remote work schedule shall not detract from Price Municipal Corporation's objectives of providing customer service and value to the community served, completion of projects, needs of management and/or staff.
 - b. Remote work schedules shall not cause a bona-fide negative impact to other Price Municipal Corporation employees or departments that result in undue hardships on those employees or departments.
 - c. Remote working is designed to allow and facilitate the completion of Price Municipal Corporation work product outside of the traditional work location. It is not designed to facilitate employee personal tasks and needs nor is it designed to be a replacement for appropriate dependent care.
 - d. Remote working, in and of itself, shall not have an impact on employee salary or benefits. The employee's position and role with Price Municipal Corporation shall remain unchanged.
 - e. Remote working is not an entitlement or a benefit. Remote working does not change the obligations and responsibilities of the employee to complete work tasks identified in the respective employee's job description, or of Price Municipal Corporation. Further, the at-will status of the employee does not change.
 - f. Remote working authorization may be amended, terminated, suspended or revoked at any time by Price Municipal Corporation.
 - g. Remote working may be utilized in response to requests for reasonable accommodation under the Americans with Disabilities Act (ADA) or the Occupational Health and Safety Act (OSHA). Price Municipal Corporation may request or require cost sharing for the implementation of reasonable

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accommodations to mitigate the potential for the creation of an undue hardship circumstance.¹⁰

3. Employee Eligibility

- a. Only Price Municipal Corporation employees in good standing (not in violation of laws, or policy, or current/pending disciplinary actions) may be eligible for remote working authorization. Remote working authorization shall be determined by the employee's direct supervisor and based on the above considerations as well as the employee's suitability and performance. Not all employees and/or positions are well-matched or eligible for remote working. It is important for a remote working employee and the remote working employee's supervisor to understand the fluidity of a remote working employee's workday and the inherent peaks and troughs in that workday differing from those experienced in traditional on-site work.
 - i. Position Suitability.
 1. Position allows for measurement of work output and performance without physical presence of the employee in the primary/traditional work location.
 2. Position duties do not require regular or continual direct management oversight and regular face-to-face interactions.
 3. Position does not require regular use, or complex use of on-site tools, hardware, equipment or inventory. Position allows for electronic access to necessary information and fellow employees and customers/community members.
 4. Position allows for secure electronic access as identified or required by Price Municipal Corporation.
 5. Position allows for the remote working employee to bring face-to-face interactions into a virtual workspace without compromising work output and individual interactions.
 - ii. Employee Suitability.
 1. Individual employee utilizing remote work shall demonstrate strength as reliable and professional in a self-directed work capacity. Employee shall demonstrate the ability to manage time and work independently.

¹⁰ Possible cost share for Reasonable Accommodation implementation added 2023. Per Pryor HR Law Training.

2. Employee shall demonstrate the ability to interact with fellow Price Municipal Corporation employees and customers via telephone, email, instant message, remote access tools, etc.
3. Employee shall have the ability to complete assignments on schedule and to the satisfaction of the employee's supervisor without daily presence on site at the primary/traditional work location.

iii. Employee Performance Requirements.

1. Employee shall maintain satisfactory or better annual performance reviews and meet all work load and work product expectations identified in the job description.
2. Employee shall be in good standing, which includes but is not limited to, no recent or active written disciplinary actions, no active performance improvement plans, no other disciplinary documentation or communication.

4. Remote work environment. Any Price Municipal Corporation employee working remotely shall establish an appropriate remote work physical environment within the remote work location (employee home for work from home) for Price Municipal Corporation work purposes. The remote work environment shall be safe, free from disruptions and distractions, conducive to work product productivity.

- a. Price Municipal Corporation, may, at its sole discretion, and with reasonable written notice, inspect the remote work physical environment for workplace safety at the beginning of the remote work arrangement and at any reasonable or justified interval determined necessary by Price Municipal Corporation thereafter. Revocation of remote work authorization may be made if an unsafe remote work physical environment is determined by Price Municipal Corporation. As with the traditional work environment, and pursuant to this Policy, any workplace accidents or injuries must be reported. Price Municipal Corporation may inspect and document the remote work physical environment in the event of a reported workplace accident or injury.
- b. Any employee's denial of a Price Municipal Corporation written reasonable request to inspect the remote work physical environment is grounds to terminate or discontinue the employee's Remote Work authorization.

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- c. Price Municipal Corporation shall approve the use of, or provide, all electronic devices used in a remote work capacity to ensure data safety and security protection requirements.
- d. The remote working employee is personally responsible to establish, furnish and maintain the physical remote work area. The remote working employee is personally responsible for all costs associated with establishing, furnishing and maintaining the remote work area.

5. Additional remote work components. Employees working remotely and the employee's direct supervisor shall discuss and address the following for authorization of remote work:

- a. Employee work schedule. The employee and the direct supervisor shall agree on the weekly remote working schedule as well as the time(s) the employee is expected to be on-line, available and working.
- b. Non-Exempt employees. Non-exempt employees working remotely shall be required to 'clock in' and 'clock out' to ensure accurate tracking of all hours worked in compliance with labor law. Remote working employees, who are not exempt from the overtime requirements of the Fair Labor Standards Act, shall be required to record all hours worked. Price Municipal Corporation shall provide remote time-clock access for remote working employees. Remote working, in and of itself, shall not create overtime. Any overtime an employee may incur when working remotely shall be managed/approved in the same manner as if the employee was working on site in the traditional work location.
 - i. Underreporting hours worked by a remote working employee shall be a violation of this policy. Non-exempt employees contacted at a remote work location after hours or non-exempt employees responding to voice messages or email shall track and report that time as compensable time worked.
- c. Employee availability. Price Municipal Corporation employees working remotely are individually and personally responsible to maintain regular contact with their direct supervisor. Remote working employees shall be available during the work hours scheduled by way of email, telephone, other remote access tools, messaging or other forms of communication access required by Price Municipal Corporation. Remote working employees are expected to promptly and timely respond to all email and voice messages received in the same manner as if working on site in the traditional work environment. Remote working employees shall obtain Price Municipal Corporation approval to: (1) alter a defined remote working schedule; (2) move any Price Municipal Corporation owned and maintained equipment to a

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new remote work location; or, (3) change the remote working location agreed upon.

- d. Productivity. The remote working employee is expected to maintain the same degree of work product throughput and productivity as when working on-site in the traditional work environment.
6. Information security and Policy compliance. Price Municipal Corporation employees working remotely shall comply with all Price Municipal Corporation Policies and Procedures. Price Municipal Corporation employees working remotely shall comply with all data and information security protocols established and communicated to the employee by Price Municipal Corporation that ensure the protection of proprietary company and customer information accessible at the remote work location. Protection of information and data may include use of locked file cabinets, password maintenance, screen lock after inactivity, avoiding local data storage, encrypting data as required, shredding of documents and other steps appropriate for the work task or project, position of the employee and job description. It is the responsibility of the employee to notify Price Municipal Corporation if an electronic data breach is known or suspected while working remotely. The remote working employee shall secure any confidential information and, via acknowledgment of this policy, shall affirm that: (1) confidential information is the property of Price Municipal Corporation; and, (2) remote working employee shall not disclose any confidential information.
7. Termination of remote work arrangement. Price Municipal Corporation reserves the right to review, modify or discontinue the remote work for any employee at any time at its sole discretion. In the event that a remote working employees remote work arrangement is discontinued and the employee elects not to return to the standard/traditional (on-site) work arrangement and environment, the employee may be determined to be in violation (job abandonment; voluntary resignation) of the Price City Policy and Procedures Manual and subject to disciplinary action up to and including termination. Nothing in this section or this Policy guarantees an Employee of Price Municipal Corporation the right to remote work for any specific term.
8. Remote working physical environment safety recommendations / checklist. It is expected that each remote working employee shall review the checklist below for individual compliance a minimum of two (2) times per year.
 - ✓ Working smoke detector; working CO2 detector.
 - ✓ No flammable materials are stored in the remote work location in an unsafe manner.
 - ✓ Fire extinguisher that is readily accessible in the remote working location.
 - ✓ Temperature, noise, ventilation and lighting levels appropriate for normal level of work performance.

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- ✓ Electrical equipment free of any recognized hazards that have the potential to cause physical harm, including but not limited to frayed wires, bare conductors, loose wires, etc. Electrical circuits are not overloaded.
- ✓ Safe exit paths exist from the remote work location.
- ✓ Adequate personal safety and first aid supplies are on-hand and accessible.
- ✓ No excessive use of extension cords or power strips.
- ✓ All phone lines, electrical cords, extension wires secured in a non-trip and fall manner away from walking areas.
- ✓ Overhead storage shelves and cabinets are secured firmly and not overloaded.
- ✓ Air quality and ventilation are adequate in the remote work location.
- ✓ Clear isles, doorways, corners of obstructions to permit visibility and movement.
- ✓ File cabinets, storage closets, drawers to not open into walkways.
- ✓ Chairs do not have loose wheels or casters, rungs of legs of chairs are sturdy.
- ✓ Work space is neat, clean and free of excessive amounts of combustibles.
- ✓ Floor surfaces are clear, clean, dry and free from worn/frayed seams.
- ✓ Window treatments that block outside visibility of the remote work location, if needed.
- ✓ Remote workplace ergonomics are considered and implemented for safety and injury protection. See section below.
- ✓ Limited or no customer access and/or Price Municipal Corporation deliveries to the remote work location.
- ✓ No disposal of sensitive or restricted confidential materials in the garbage (shred).
- ✓ Remote workplace physical space allows for confidential telephone communications.
- ✓ Limited or no disclosure to individuals outside of Price Municipal Corporation that the employee is working remotely to discourage contact at the remote work location.

9. Remote working ergonomics recommendations. Ergonomics is important regardless of the work location. Remote working employees shall maintain an ergonomically correct and functional work space in the interest of workplace safety and work throughput productivity. It is the responsibility of the remote working employee to establish and maintain equipment and/or ergonomic needs in the remote work location to ensure a safe and productive work environment. The following shall be considered and implemented by the remote working employee as it relates to ergonomics:

- a. Head, neck and Eyes.
 - i. Computer monitor should be about an arm's length away for eye comfort.
 - ii. The top of the computer monitor should be at eye level, so the viewing level is slightly below eye level.
 - iii. Documents should be at an even height with the monitor.
- b. Spine and Back.
 - i. Chairs should have lumbar support; the back should be pressed against it.

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- c. Shoulders.
 - i. Shoulders should be relaxed and arms naturally at the sides of the body.
 - ii. Mouse or other devices should be near the keyboard and easy to reach.
- d. Elbows.
 - i. Elbows should be at 90 degrees or greater and close to the torso.
 - ii. Elbows should float naturally without resting on armrests during typing tasks.
- e. Wrist and Hands.
 - i. Forearms should lead into the hand in a straight line.
 - ii. Wrists and hands should float naturally over the keyboard.
 - iii. Fingers should be relaxed when typing.
 - iv. Mouse or other devices to be gripped with a relaxed grasp and not held onto when not in use.
- f. Lower Extremities.
 - i. Seat pan should be large enough to support the body but short enough such that there is space between the seat and the back of the knee.
 - ii. Knees should be bent slightly greater than 90 degrees.
 - iii. Feet should be firmly on the floor or on a footrest.

10. Remote working equipment.

- a. Remote working equipment supplied by Price Municipal Corporation shall be maintained and managed by Price Municipal Corporation. The remote working employee shall take appropriate actions to protect Price Municipal Corporation equipment located at a remote work location from damage or theft.
- b. Remote working employee may be required to provide equipment back to Price Municipal Corporation for inspection, maintenance, software updates, or other reasons or purposes deemed necessary by Price Municipal Corporation. Equipment may be subject to periodic inspection at the sole discretion of Price Municipal Corporation.
- c. Remote working employee shall immediately notify Price Municipal Corporation of any failure or malfunction of Price Municipal Corporation equipment used in a remote working environment. Price Municipal Corporation shall repair or replace the equipment as necessary.
- d. Any personal equipment or supplies used by a remote working employee shall not be maintained by Price Municipal Corporation and shall be the sole responsibility of the remote working employee. Price Municipal Corporation shall not be

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responsible for damage or repairs to a remote working employee's personal equipment nor shall Price Municipal Corporation be responsible for the depletion of personal supplies or inventories utilized by remote working employees.

11. Remote working keys to success, expectations.

- a. Remote working employees shall be expected to stay connected and be accessible at all times during scheduled working hours. This expectation includes time clock management for meal breaks.
- b. Remote working employees shall be expected to communicate frequently with customers and fellow employees using various technology mediums. Remote working employees shall establish work product deliverables with their respective supervisor.
- c. Remote working employees shall be expected to establish a remote working workspace that is conducive to efficiency and productivity.

12. Remote working expenses. Price Municipal Corporation employees working remotely may incur bona-fide work related expenses not directly addressed in this policy. If any direct expenses are incurred and authorized in advance by Price Municipal Corporation, Price Municipal Corporation shall reimburse the remote working employee.

13. Tax and other legal implications. It is the responsibility of the individual employee to determine any tax or legal implications under Internal Revenue Service (IRS), state or local government laws, and/or restrictions regarding remote working, specifically Working From Home. Responsibility for fulfilling all obligations in this area rests solely with the employee.

14. Remote working employee liability. Price Municipal Corporation assumes no liability for any injury to persons or property, including the remote working employee, that occur outside of the established and authorized remote work physical location or outside of the documented remote working employee's work hours. The remote working employee shall be wholly liable for any injuries or damage to other persons that occurs at the remote work location.

15. Indemnification. While an employee may be remote working the respective Price Municipal Corporation department and the employee's legal and regulatory responsibilities remain as if working on site in a traditional manner. The remote working employee, via this policy acceptance and acknowledgement, agrees to defend Price Municipal Corporation, its employees and officers and agents from and against any and all claims, demands, or liability (including any related to losses, costs, expenses, and attorney's fees) resulting from or arising in connection with injury or death of persons (except those specifically work related injuries to the remote working employee in the

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remote work area, during working hours that are covered by Workers Compensation Insurance provide by Price Municipal Corporation) or damage to property, caused directly or indirectly, by the services provided by the remote working employee or by willful misconduct or negligent acts or omissions in the performance of duties and obligations under this Policy, except where claims, demands or liability arise solely from gross negligence or willful misconduct of Price Municipal Corporation.

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SECTION 8: DISCIPLINARY ACTION

1. GENERAL POLICY

- A. It is the policy of the Price Municipal Corporation that management will inform its employees about the type of personal behavior and conduct that is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.
- B. It is the responsibility of all employees to inform themselves and to observe rules of conduct necessary for the proper operation of Price Municipal Corporation government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- C. Disciplinary action, up to and including termination, may be imposed for misconduct.
- D. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Price Municipal Corporation personnel record.
- E. Disciplinary action may be imposed on an employee on or returning from FMLA leave for behaviors or conditions created by the FMLA condition, but not for the FMLA condition itself¹. No retaliatory actions shall be permitted.
- E. Price Municipal Corporation does not utilize unionized/organized labor. Price Municipal Corporation may, at its sole option, choose observe the spirit of the Weingarten Rule. The Weingarten Rule allows an employee that is involved with an investigatory interview that the employee believes may lead to disciplinary action to have a neutral 3rd party present during workplace investigations or interviews. The neutral 3rd party cannot be a family member or attorney. This is only available during an investigatory interview wherein a supervisor may question an employee to obtain information which may be used as the basis for disciplinary action or the employee is asked to defend his or her conduct.

2. TYPES OF DISCIPLINARY ACTION

- A. Verbal Warning

¹ Clarified disciplinary action for behaviors resulting from a potential FMLA condition 2020 based on HR Law seminar.

- (1) Whenever grounds for disciplinary action exist, and the supervisor or Department Head determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
- (2) Whenever possible, a reasonable time-frame for employee improvement should precede additional disciplinary action.

B. Written Reprimand

- (1) The supervisor or Department Head may reprimand an employee. The supervisor or Department Head shall furnish the employee with a written reprimand setting forth the reason(s) justifying the reprimand.
- (2) A copy of the written reprimand, signed by the supervisor or Department Head and the employee, shall be permanently placed in the employee's Price Municipal Corporation personnel file. If the employee refuses to sign the form, the supervisor or Department Head will so indicate in writing.

C. Suspension

- (1) The supervisor or Department Head may suspend an employee, with or without pay, for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the supervisor or Department Head shall follow the due process procedures hereinafter set forth in paragraph 5 of this section, entitled "Imposing Disciplinary Action".
- (3) On or before the effective date of the suspension, the supervisor or Department Head shall furnish the employee with a written suspension notification setting forth the reason(s) for suspension.
- (4) A copy of the suspension notification, signed by the supervisor or Department Head and the employee, shall be permanently placed in the employee's Price Municipal Corporation personnel file. If the employee refuses to sign the form, the supervisor or Department Head will so indicate in writing.
- (5) An employee on suspension shall be responsible for making full

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employee contributions to his/her employee medical insurance benefits and payment of any other amounts due to Price Municipal Corporation².

D. Demotion

- (1) The supervisor or Department Head may demote, or reduce in grade, an employee for cause or provide for reasonable accommodation in appropriate circumstances. Reasonable accommodations shall: (1) not unduly disrupt or interfere with normal operations of Price Municipal Corporation; (2) threaten safety or health; (3) contradict a business necessity of Price Municipal Corporation; and (4) impose any significant undue hardship based on the capacity of Price Municipal Corporation.³ Price Municipal Corporation may request or require cost sharing for the implementation of reasonable accommodations to mitigate the potential for the creation of an undue hardship circumstance.⁴
- (2) When demoting an employee, the supervisor or Department Head shall follow the due process procedures hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the demotion, the supervisor or Department Head shall furnish the employee with a written demotion notification setting forth the reason(s) for demotion.
- (4) A copy of the demotion notification, signed by the supervisor or Department Head and the employee, shall be permanently placed in the employee's Price Municipal Corporation personnel file. If the employee refuses to sign the form, the supervisor or Department Head will so indicate in writing.

E. Transfer

- (1) The supervisor or Department Head may transfer an employee (with the exception of a probationary employee) by furnishing the employee with a written transfer notification.
- (2) A copy of the transfer notification, signed by the supervisor or

² Other amounts may include payroll advances, equipment purchases, etc.

³ Added reasonable accommodation guidance language 2022.

⁴ Possible cost share for Reasonable Accommodation implementation added 2023. Per Pryor HR Law Training.

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Department Head and the employee, shall be permanently placed in the employee's Price Municipal Corporation personnel file. If the employee refuses to sign the form, supervisor or Department Head will so indicate in writing.

F. Termination

- (1) The supervisor or Department Head may terminate an employee for cause.
- (2) When terminating an employee for cause, supervisor or Department Head shall follow the due process procedures hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the termination for cause, the supervisor or Department Head shall furnish the employee with a written termination notification setting forth the reason(s) for termination.
- (4) A copy of the termination notification, signed by the supervisor or Department Head and the employee, shall be permanently placed in the employee's Price Municipal Corporation personnel file. If the employee refuses to sign the form, supervisor or Department Head will so indicate in writing.

3. CAUSES FOR DISCIPLINARY ACTION⁵

Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- A. Violation of the laws of the State of Utah or the United States, other than minor traffic offenses;
- B. Violation of the code of personal conduct including fraternization;
- C. Conduct which endangers the peace and safety of others or poses a threat to the public interest;
- D. Unjustified interference with work of other Price Municipal Corporation employees;
- E. Misconduct including fraternization;

⁵ References to fraternization added 2020 based on Pryor Seminar on HR Law.

- F. Malfeasance;
- G. Misfeasance;
- H. Nonfeasance;
- I. Incompetence (failure to perform duty);
 - (1) Failure to perform those duties required by law;
 - (2) Neglect or refusal to perform a duty or responsibility;
 - (3) Conduct which undermines good order and the discipline of the department where employed;
 - (4) Failure to be courteous, cooperative or helpful with the public or fellow employees;
 - (5) Unexplained absence or habitual tardiness;
- J. Negligence;
- K. Insubordination;
- L. Failure to maintain skills, and or certification;
- M. Inadequate performance of duties;
- N. Unauthorized absence or tardiness;
- O. Falsification or unauthorized alteration of records, including over or underreporting of non-exempt employee work hours⁶;
- P. Falsification of employment application;
- Q. Discrimination in hiring, assignment, or promotion;
- R. Harassment, including unlawful and disrespectful behavior including bullying and cyber-bullying;
- S. Violation of the Personnel Policies and Procedures including

⁶ 2021 Update – Employee Conduct Webinar – On and Off site employee hours, particularly contacting non-exempt employees with e-mail, phone calls, text during non-work hours.

fraternization;

- T. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance;
- U. Falsifying Price Municipal Corporation records, including over or underreporting of non-exempt employee work hours;
- V. Knowingly marking the time slip of another employee, authorizing the employee's time sheet or log to be marked by another employee, unauthorized alteration of a time sheet or log, including over or under reporting of non-exempt employee work hours;
- W. Unauthorized possession of firearms, weapons, or explosives on Price Municipal Corporation owned property, with the obvious exception of police officers.
- X. Carelessness which affects the safety of personnel;
- Y. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large;
- Z. Habitual neglect of personal appearance or hygiene while on duty;
 - a. Theft or removal of any Price Municipal Corporation property or the property of any employee from the work area premises without proper authorization;
 - b. Gambling or engaging in a lottery at any Price Municipal Corporation work area;
 - c. Misusing, destroying, or damaging any Price Municipal Corporation property or the property of any employee;
 - d. Deliberately restricting work output of themselves or others;
 - e. Drinking any alcoholic beverage during the workday, or being under the influence of illicit drugs or alcohol during the workday;
 - f. Sleeping during working hours;
 - g. Fighting (verbal or physical) on Price Municipal Corporation premises, or while on Price Municipal Corporation business, or in a Price Municipal Corporation uniform;

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- h. Bullying or cyber-bullying of any Price Municipal Corporation employee or citizen by a Price Municipal Corporation employee⁷;
- i. Any act which might endanger the safety or lives of others;
- j. Use of reprehensible, vulgar or other indecent language or conduct bringing discredit upon Price Municipal Corporation or the department;
- k. Using official authority to influence or coerce any political action;
- l. Dishonesty in word or conduct;
- m. Theft, carelessness or negligence with Price Municipal Corporation funds, property, or confidential information;
- n. Involvement of Price Municipal Corporation with the employee's creditors due to the employee's failure to properly arrange personal financial matters, except that Price Municipal Corporation will not terminate an employee for garnishment arising out of any single indebtedness; or
- o. The loss of licenses, certifications, bond qualification, or insurability as required by law, Price Municipal Corporation ordinance or resolution, or job specifications, when the loss of such may result in liability exposure to Price Municipal Corporation.

4. CONDUCTING AN INVESTIGATION

- A. The supervisor or Department Head may conduct a prompt, thorough and impartial investigation, acting in good faith,⁸ into the allegations which form the grounds for disciplinary action. Price Municipal Corporation shall adhere to the investigative rules of Garrity when conducting workplace investigations in regard to employment/disciplinary actions or criminal prosecution of an employee.⁹
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the supervisor or Department Head may place an employee on administrative leave.
- C. Disciplinary action shall not be imposed until an informal pre-disciplinary

⁷ Bullying and cyber-bullying added 2020.

⁸ Added prompt, thorough, impartial and good faith 2023 per HR Law update training.

⁹ Compliance with and reference to Garrity added 2020 at the recommendation of the Utah Local Governments Trust, based on training session held 4-16-20.

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hearing, with appropriate written notice thereof to the employee has been completed by the supervisor or Department Head. The investigation shall include an opportunity for the employee to respond to the allegations.

5. IMPOSING DISCIPLINARY ACTION

- A. The supervisor or Department Head shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to Price Municipal Corporation's rules, policies, and procedures.
- C. The employee shall receive timely notice of the pre-disciplinary meeting, an overview of allegations, and potential disciplinary action.
- D. Prior to the imposition of any disciplinary action, the employee shall have the opportunity to review the disciplinary action with the supervisor or Department Head. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's Price Municipal Corporation personnel file.
- E. In determining the type and severity of the disciplinary action, the supervisor or Department Head may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct, prior disciplinary action imposed, the severity of the misconduct, the employee's work record, the effect of the employee's misconduct on Price Municipal Corporation operations; and/or the potential harm to person(s) or property created by the employee's misconduct.
- F. For disciplinary action other than a verbal reprimand, the supervisor or Department Head shall notify the employee, in writing, of the findings of the investigation or disciplinary hearing. The written statement shall include:
 - (1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed;
 - (2) Any prior disciplinary action imposed;
 - (3) The disciplinary action to be imposed;

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- (4) The effective date and duration of the disciplinary action; and
- (5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.

G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the supervisor or Department Head and notification of the Mayor.

6. APPEAL PROCEDURES

An employee subject to disciplinary action or dismissal under the provisions of Price Municipal Corporation policies may appeal through formal grievance procedures (Section IX: Grievance Procedures, this manual). If the Price City Council upholds the employee disciplinary action, an employee has no additional appeal rights.

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SECTION 9: GRIEVANCE PROCEDURES

1. GENERAL POLICY

- A. Employees who perceive that they have a grievance against Price Municipal Corporation should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work-related injustice or oppression resulting from an act, occurrence, omission, condition, or unfair labor practice. Price Municipal Corporation shall follow Utah State Statute Sections 10-3-1105 and 10-3-1106 when administering any grievance matter.¹ Issues addressable throughout the grievance process include, but may not be limited to:
 - (1) Employee-supervisor relationships;
 - (2) Duty assignments not affecting job classification;
 - (3) Shift and job location assignments;
 - (4) Working conditions; and
 - (5) Practices affecting granting of leave;
 - (6) Disciplinary actions².
- B. Grievances should be addressed and if possible, resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
 - (1) Name of the employee;
 - (2) Date the occurrence or action underlying the grievance occurred;
 - (3) Nature of the grievance;

¹ Added references to State Statute sections 2025 per advice from City Attorney.

² Removed terminations as a grievance matter 2025 per advice from City Attorney, alignment with 10-3-1105 and 10-3-1106.

- (4) Historical information related to the grievance;
- (5) Requested resolution; and
- (6) Signature of the employee filing the grievance and date filed.

C. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed with the Human Resources Director within ten (10) working days of the occurrence or event giving rise to the grievance, or within ten (10) working days of when the employee acquires knowledge of the occurrence or event giving rise to the grievance.³

D. At each level of the grievance process, after the requisite Price Municipal Corporation individual or group has received an employee grievance, that individual or group shall have ten (10) working days to respond in writing to the grievance.

E. If an individual or group in the grievance process, identified in paragraph G below, is unable to answer the grievance within the specified time period due to extenuating circumstances, the individual or group may take an additional ten (10) working days to answer the grievance if he/she notifies the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal. The employee filing the grievance shall have no more than ten (10) working days from the conclusion of a step in the grievance process to request, in writing, the grievance review move to the next higher step⁴.

F. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.

G. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:

- (1) Filed with the Human Resources Director; Human Resource Director to provide a written first (1st) response.
- (2) Immediate Supervisor; Immediate Supervisor to provide a written

³ Clarified that the 10 days is 10 working days 2022.

⁴ Clarified employee responsibility when requesting grievance review responsibilities at 10 working days 2020.

second (2nd) response.

- (2) Department Head; Department Head to provide a written third (3rd) response.
- (3) Mayor; Mayor to provide a written fourth (4th) response.
- (4) City Council; City Council to provide a fifth (5th) and final written response

H. The decision of the City Council constitutes the final level of appeal and cannot be appealed or further challenged.

2. **CONFIDENTIALITY** - Written Grievances shall be considered private data under the Government Records Access Management Act of the State of Utah. The Mayor or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

3. **FILING**

- A. No document relating to a grievance shall be placed in an employee's personnel file that is not directly pertinent to the administration of the grievance.
- B. If any disciplinary or other action against an employee is rescinded as a result of the grievance process, supervisor or Department Head shall remove the record of the disciplinary action from the employee's Price Municipal Corporation personnel file.
- C. If any disciplinary or other action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's Price Municipal Corporation personnel file and the modified record of the disciplinary action shall be placed in the employee's Price Municipal Corporation personnel file.

SECTION 10: TERMINATION OF EMPLOYMENT

1. **TYPES OF TERMINATION** - Any involuntary termination or termination of any employee, who is allowed to resign in lieu of an involuntary termination, should be reviewed with legal counsel for Price Municipal Corporation before termination is pursued or a resignation is accepted to ensure the employee's "due process" property rights are not violated.
 - A. Retirement -Voluntary termination at the end of an employee's career.
 - B. Voluntary Resignation - When an employee wishes to leave Price Municipal Corporation, he/she will present a written letter of resignation to the supervisor or Department Head.
 - C. Resignation in Lieu of an Involuntary Termination Agreement - The supervisor or Department Head, may conclude that an employee should be involuntarily terminated for no reason or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee decides to voluntarily resign, the Department Head and Mayor may agree to sign, on behalf of Price Municipal Corporation, a Resignation in Lieu of an Involuntary Termination Agreement.
 1. Pursuant to workplace standards of behavior and professionalism, Price Municipal Corporation does not condone any situation or environment that results in a Constructive Discharge circumstance possibility or action. In the event Price Municipal Corporation becomes aware by way of written complaint or grievance submission of any such potential or actual Constructive Discharge situation or workplace environment and investigation shall be promptly, thoroughly and impartially completed in good faith and any individual or workplace environment conditions addressed.¹
 - D. Involuntary Termination - The supervisor or Department Head may conclude that an employee should be involuntarily terminated for no reason or for cause.
 - E. Reductions in Force/Layoffs - Whenever it is necessary to reduce the number of employees in Price Municipal Corporation because of lack of work or lack of funds, Price Municipal Corporation may attempt to minimize layoffs through reassignment of personnel to duties in other work areas.
 - F. Medical - The American's with Disabilities Act (ADA) prohibits illegal

¹ Added Constructive Discharge as a potential form of termination 2023 per HR Law training.

discrimination by an employer against an otherwise qualified individual with a disability. Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel for Price Municipal Corporation.

- G. Death - If an employee of Price Municipal Corporation dies, the employee's estate receives all pay due and any earned and payable benefits (such as payment for compensatory time, and annual leave, as of the date of employee's death).

2. REQUIRED NOTICE PRIOR TO TERMINATION

- A. All employees, including "at-will" employees, must notify Price Municipal Corporation at least two (2) weeks voluntarily resigning to remain eligible for the following:
 - (1) To receive pay for unused, accrued vacation leave (if applicable); and
 - (2) For rehire.
- B. Price Municipal Corporation does not have a requirement to give any prior notice to employees before terminating their employment with Price Municipal Corporation. All employment at Price City is considered at-will.
- C. Unused, accrued or earned vacation leave will be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, Retirement, Voluntary Termination, Involuntary Termination and Deaths.²
- D. Unused, accrued, or earned sick time shall be converted to vacation time per the conversion policy/schedule in effect at the time of employee termination and paid out to terminated employees for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, Retirement, Voluntary Termination, Involuntary Termination and Deaths.
- E. Compensatory and/or overtime, time unused, accrued or earned or unpaid shall be paid to the terminating employee for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, Retirement, Voluntary Termination, Involuntary Termination and Deaths.
- F. Unused, accrued personal days and unused, accrued holiday time off (as

² Removed the 240 hours max for termination payout of vacation leave. Consistent with practice in place and separates termination payout from carry-over time.

used for tracking purposes) shall not be paid to terminating employees.³

3. TERMINATION PROCEDURES

- A. A Notice of Voluntary Resignation, signed by the employee and the supervisor or Department Head may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Price Municipal Corporation to provide the terminating employee with written notification of due process. “At-Will” Involuntary Terminations do not require Price Municipal Corporation to provide the terminating employee with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination, signed by the employee and the supervisor or Department Head may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Price Municipal Corporation to provide the terminating employee with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
 - (1) Employees who desire retirement, absent any extenuating circumstances, shall⁴ notify Price Municipal Corporation at least sixty (60) days in advance of the proposed effective date of retirement.
 - (2) Price Municipal Corporation should refer the employee to the Utah Retirement System (URS) office for the status of the employee’s retirement benefits and an explanation of the employee’s available options and benefits.
 - (3) Price Municipal Corporation should explain any benefit continuation options that may be applicable due to City policies.
 - (4) Employees are responsible to complete and submit directly to Utah Retirement Systems all retirement forms in accordance with Utah Retirement System instructions.
- E. The following steps should be taken for Reductions in Force/Layoffs:
 - (1) Determine whether Price Municipal Corporation is required to follow statutory guidelines related to the reduction in force/layoff.

³ Clarification of payout to terminating employees added 2021.

⁴ Changed ‘should’ to ‘shall’ based on administrative experience and reasonable time frame to replace positions and complete the hiring process 2024.

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If Price Municipal Corporation is required to follow statutory guidelines, policy, procedure and actual practice must comply with said guidelines.

- (2) If Price Municipal Corporation is facing a possible reduction in labor force; Price Municipal Corporation will explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Price Municipal Corporation.
- (3) In the selection of employees for Price Municipal Corporation's reduction in force/layoff, the following guidelines should be considered:
 - (a) Selection shall be based upon the employee's formal and informal qualifications and ability to perform the work assignments within the affected department.
 - (b) Seniority shall govern the selection when qualifications and abilities are equal.
 - (c) Emergency, temporary, and probationary employees shall be laid off first.
 - (d) Permanent employees shall be the last to be laid off, when possible, in inverse order of their respective lengths of service.
 - (e) Before any reduction in force/layoff, Price Municipal Corporation should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq., and any subsequent amendments thereto.
 - (f) Price Municipal Corporation shall carefully explain to the employee(s) who will be laid off the available options and benefits (such as COBRA and Retirement Plan options).
 - (g) If Price Municipal Corporation cannot give advance notice of a reduction in force/layoff to employee(s), two (2) weeks severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (4) Written reductions in force/layoff notices should contain the following information:

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- (a) Statement that separation from employment is based on reduction in force/layoff;
- (b) Anticipated date of layoff; and
- (c) Any options regarding employee placement in other position(s).

F. Outstanding Pay

- (1) Arrange for distribution of any paychecks which may be due the employee(s), including pay for any hours worked but not paid and pay for any unused, accrued vacation leave (if applicable).
- (2) Under Utah State law, the deadlines for final payment following termination are as follows:
 - (a) Voluntary Resignation - Within one (1) payroll cycle of effective resignation date.
 - (b) Involuntary Termination/Separation for Cause - Within one (1) workday of last day worked.

G. The terminating employee shall return any supplies or equipment, which are the property of Price Municipal Corporation, to Price Municipal Corporation at termination. Failure to return supplies and equipment may result in negotiated or legal recovery remedies pursued by Price Municipal Corporation.

H. All terminating employees should complete an Exit Interview with the supervisor or Department Head and a form summarizing the interview should then be signed by the employee and the supervisor or Department Head. It is recommended that supervisors utilize the form of the ‘Exit Interview Questionnaire’ and ‘Employee Termination Checklist’ attached as Exhibit 1 to this Section when conducting exit interviews with terminating employees.⁵

4. **COBRA** - Any employee, who is eligible for benefits, that is separated from Price Municipal Corporation is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the Price Municipal Corporation’s COBRA Notification.

⁵ Added exit interview questionnaire and termination checklist 2023 as recommended via the NFP HR Audit and policy review.

- A. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of twenty (20) or more full-time employees offer a continuation of group insurance coverage to individuals who fall under one of the following qualifying events:
 - (1) Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.
 - (2) Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.
 - (3) Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty-six (36) months.
 - (4) Divorce or legal separation from employee, for a maximum continuation period of thirty-six (36) months.
 - (5) Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty-six (36) months.
 - (6) Dependent child who ceases to be a dependent under the generally applicable requirements of the group plan, for a maximum continuation period of thirty-six (36) months.
- B. Under COBRA, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire premium required under the policy during the entire period of the continued coverage. The premium that a qualifying individual will be required to pay may not exceed one hundred and two percent (102%) of the applicable premium, for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance coverage for that individual.
- C. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:
 - (1) A qualifying individual fails to pay the premium at the time payment is required.
 - (2) A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
 - (3) At the expiration of a qualifying individual's maximum continuation period.

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- D. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any applicable state law.
- E. Qualifying individuals have sixty (60) days from the termination date of their current coverage to decide whether to continue insurance coverage under this plan. If they decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

5. **SEVERANCE PAY FOR AT-WILL EMPLOYEES⁶** – If an at-will non-introductory period employee is terminated without cause, Price Municipal Corporation shall provide a minimum severance payment equal to and not less than twenty-four (24) months of salary at his/her then current rate of pay, which would include the value of all sick days, vacation, personal days and paid holidays he/she would have accrued during the twelve (12) month period for which severance will be received. This amount shall be paid in a lump sum at the time of separation/termination unless otherwise mutually agreed. Price Municipal Corporation shall also provide for a continuation of all benefits, including but not limited to health insurance benefits, health savings account contributions, 401k contributions, that are being provided to the individual employee as of the date of termination for a period of twelve (12) months or until the terminated at-will employee accepts employment that offers those benefits (regardless of the design or employer/employee cost sharing of those benefits), whichever is sooner. This provision of benefits shall be facilitated by Price Municipal Corporation, at its discretion, making a COBRA type of payment or by continuing the benefit. If the at-will employee is terminated for cause or as a result of being convicted of a felony level state or federal criminal offense, then Price Municipal Corporation is not required to pay any severance under this section.

Offer and acceptance of severance payment under this section shall be subject to and contingent upon the affected employee voluntarily signing a release or waiver of all claims against Price Municipal Corporation connected with the employment relationship, including termination claims.

⁶ Clarifications to severance payments and process 2025.

EXHIBIT 1 TO SECTION 10
EXIT INTERVIEW QUESTIONNAIRE AND TERMINATION CHECKLIST

EXIT INTERVIEW QUESTIONNAIRE

We appreciate you taking a few minutes to answer the following questions as honestly as possible. Your individual responses are treated as confidential.

We believe that this information is of vital importance and will assist us in analyzing our employee retention and turnover. Thank you for your cooperation!

Thank you for all your efforts at Roberts of Woodside and we wish you all the best in your future pursuits.

NAME: _____ **EMPLOYMENT DATE:** _____

MANAGER: _____ **TERMINATION DATE:** _____

DEPARTMENT: _____ **POSITION:** _____

What type of work did you do? _____

What prompted you to seek alternative employment?

Type of Work Quality of Supervision Compensation

Work Conditions Lack of Recognition Family Circumstances

Self-Employment Poor Health/Medical Reasons Better Job Opportunity

Other Reasons (Please specify) Benefits

If you selected Compensation as one of your reasons above, what was your rate of pay with Price Municipal Corporation (cash compensation and total compensation) and what will your new rate of pay be with your new organization?

Wages: _____ New Organization Wages: _____

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What do you think of your supervision in regard to the following?

Item	Almost Always	Usually	Sometimes	Never	Comments
Demonstrated fair and equal treatment.					
Provided recognition on the job.					
Developed cooperation and teamwork.					
Encouraged and listened to suggestions.					
Resolved complaints and problems.					
Followed policies and practices.					
Provided clear goals and expectation of you in your job.					
Provided adequate performance feedback.					

How would you rate the following in relation to your job?

Item	Excellent	Good	Fair	Poor	Comments
Cooperation within your department.					
Cooperation with other departments.					
Communications within your department.					

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Communications within the county as a whole.					
Communications between you and your manager.					
The training you received.					
Potential for career growth.					
Opportunity for advancement.					
Correct job responsibilities identified in interview and orientation.					
Job support and resources.					

Was your workload usually:

Too great Varied, but all right About right Too Light

Comments: _____

How did you feel about your salary and the employee benefits provided by Price Municipal Corporation?

Item	Good	Fair	Poor	N/A	Comments
Base Salary					
Medical/Dental Benefits					
Vacations					
Retirement Benefits					

Are there any other benefits you feel should have been offered? Yes No

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Specify if “Yes”:

Additional Comments on Benefits: _____

How frequently did you get feedback and/or performance reviews? What were your feelings about them? _____

How frequently did you have discussions with your manager about your career goals? _____

How was your relationship with your manager? What could your supervisor do to improve his/her management style and skill? _____

What did you like most about your job?

What did you like least about your job?

What does your new organization provide that encouraged you to accept their offer and leave your current job?

Would you recommend the county to a friend as a place to work?

Yes, definitely

Yes, with reservations

No

Why do you feel this way?

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Additional comments about your job or the organization?

What would you recommend to help us create a better workplace?

Employee Signature

Today's Date

Received: _____
Human Resources Department

Date

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Checklist: Employee Termination

Employee name: _____
Department: _____
Termination date: _____

Type of Termination

Voluntary:

- Received employee's resignation letter. (If verbal resignation, provided employee with a written confirmation of resignation).
- Exit interview scheduled. Exit interview completed.

Involuntary:

- Provided employee with termination letter.
- Provided employee with WARN notice (if applicable).

Benefits

- Provided employee with termination/continuation of employment insurance benefits information (COBRA, life insurance, supplemental insurance, etc.)
- Checked FSA/HSA participation and informed employee of remaining funds and reimbursement deadlines, if applicable.
- Checked dependent care FSA participation and informed employee of remaining funds and reimbursement deadlines, if applicable.
- Checked Vacation and Sick Time accrued balance and informed employee of any remaining Vacation and Sick Time and how it will be processed at termination of employment.
- Informed employee about retirement plan account options.

Compensation

- Provided notice of policy regarding any outstanding balances for money owed to company (e.g., educational loans/pay advances).
- Notified payroll department to process final paycheck.
- Informed payroll of any unused but earned Vacation and Sick Time amounts due to the employee.
- Notified payroll to process severance pay and whether lump sum or salary continuation (if applicable).

Contracts/Legal

- Provided written notice to employee of any legal obligations that continue post-employment (e.g., noncompete/confidentiality agreements/employment contracts).

Immigration

- Notified immigration attorney of termination if employee is on a temporary work visa.

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Records

- Pulled personnel file to be stored with terminated employee files.
- Pulled Form I-9 to be stored with terminated employees' I-9s.
- Obtained written authorization from employee to respond to employment verification requests.

Information Technology

- Disabled e-mail account.
- Removed employee's name from e-mail group distribution lists; internal/office phone list; website and building directories.
- Disabled computer access.
- Disabled phone extension.
- Disabled voicemail.

Facilities/Office Manager

- Disabled security codes, if necessary.
- Changed office mailbox.
- Cleaned work area and removed personal belongings.
- Collected the following items:
 - Keys (office building desk file cabinets other)
 - ID card
 - Building access card
 - Business cards
 - Nameplate
 - Name badge
 - Company cell phone
 - Laptop
 - Uniforms
 - Tools
 - Other _____
 - Other _____

Form completed by: _____ Date: _____

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SECTION 11: RECORD KEEPING

1. **GENERAL POLICY** - Federal law requires employers to keep detailed data about their employees.
2. **CONFIDENTIALITY** - Employee records are maintained in compliance with the law.
 - A. Confidentiality must be maintained at all times with record access limited to employees and their supervisors.
 - B. It is Price Municipal Corporation's policy that only relevant job-related information is maintained on its employees, such information is held in strict confidence, and that access thereto is limited only to those who require it for legitimate business reasons.
 - C. Employees have the opportunity to review their own files in the presence of the Human Resources Director or designee on Price Municipal Corporation premises during regular business hours.

3. PERSONNEL FILES - REQUIREMENTS

- A. General:
 - (1) Personnel files are maintained on each employee and kept by the Price Municipal Corporation Human Resource Department. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be securely filed in the employee's personnel file.
 - (2) No information from any record placed in an employee's personnel file will be communicated to any person or organization except by the Human Resource Director or designee.
 - (3) Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Price Municipal Corporation in the presence of the Human Resources Director or designee. When a supervisor or Department Head requires access to the personnel file of an employee, under his/her supervision, for the handling of personnel matters, the supervisor or Department Head must first obtain access authorization from the Human Resource Director.
- B. Contents

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- (1) An employment record, including the employee's job application, resume, Employee's Withholding Allowance Certificate (Form W-4), etc.
- (2) A signed and dated copy of the employee's acknowledgment of receiving a copy of the Personnel Policies and Procedures Manual; and the performance standards, including the bona-fide occupational qualifications¹, for the position the employee currently occupies.
- (3) All personnel action forms, including:
 - (a) Performance evaluations;
 - (b) Promotions or transfers;
 - (c) Salary rate changes; and
 - (d) Disciplinary actions taken - The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form, the supervisor or Department Head will so indicate in writing.
- (4) Any information the employee wants included in response to any of the above actions;
- (5) Records of citations for excellence or awards for good performance;
- (6) Record of any other pertinent information having a bearing on the employee's status.
- (7) Information containing Individually Identifiable Protected Health Information (PHI) shall be maintained in a file separate from the employee Personnel File. Although Price Municipal Corporation is not a health care entity as such, protection of such medical information shall be treated in accordance with the Health Insurance Portability and Accountability Act (HIPPA)².

C. Employee Information/Change of Employee Status - Each individual employee is responsible to ensure that personal employee information contained in his/her personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to the supervisor or Department Head to file in the employee's personnel files.

¹ Bona-fide occupational qualification language added 2020.

² Reference to individually Identifiable Protected Health Information (PHI) and HIPPA clarified/added 2020.

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D. Giving References - Price Municipal Corporation limits information given in a reference to the following:

- (1) Verification that the employee worked full-time or part-time for Price Municipal Corporation during a stated period;
- (2) A description of the position held; and
- (3) Verification that the employee achieved a given salary range. Individual and specific exceptions may be authorized by the Director of Human Resources.

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

- A. Job applications for applicants hired by Price Municipal Corporation;
- B. Test papers completed by job applicants or candidates for any position;
- C. Results of any pre-employment physical exam and mobility exams should be kept for a period of at least four (4) years;
- D. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work; and

5. **SALARY/WAGE REQUIREMENTS** - The Federal Labor Standards Act (FLSA) requires Price Municipal Corporation to keep all of the following data on non-exempt from FLSA employees for a period of at least three (3) years.

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

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6. **OTHER REQUIREMENTS** - There are record keeping requirements under other federal and state laws which shall be recognized and followed:

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

7. **OVERALL RECORDS RETENTION SCHEDULE³** – Price Municipal Corporation shall comply with all minimum legal records retention requirements. Price Municipal Corporation may choose to retain records longer than the minimum legal requirement to meet the needs of Price Municipal Corporation.

TYPE OF RECORD	MINIMUM LEGAL RETENTION REQUIRED
Job Opening Ads and Notices	1 Year
Job Applications from Individuals Not Hired By Price Municipal Corporation	1 Year
Job Applications from Individuals Hired by Price Municipal Corporation	1 Year
I-9 Forms and Supporting Documents	3 Years After Hire or 1 Year After Termination, Whichever is Later
Employee Acknowledgement of Receipt and Access to Policy and Procedure Manual	3 Years After Termination
EO-1 Forms	1 Year After Latest Annual Report
Payroll Deduction Authorization Documentation	3 Years
Performance Evaluations	1 Year
Disciplinary Action Records	3 Years
Family Medical Leave Act (FMLA) Records	3 Years After Employee Requested FMLA Leave
OSHA Injury Logs (Form 300)	5 Years After the Date of Injury
Disability Related Records	1 Year After the Date the Record Was Created or Action Taken, Whichever is Later

³ Added overall records retention table and schedule 2020.

Wage and Hour Records	3 Years
Workplace Investigation Reports	3 Years

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SECTION 12: PERFORMANCE EVALUATIONS

1. GENERAL POLICY

- A. Performance evaluations will consist of a review between the supervisor and the employee using Price Municipal Corporation's Performance Evaluation Form.
- B. It is the policy of Price Municipal Corporation that employee evaluations be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance for the period covered by the evaluation.
 - (1) Ratings of employees shall be conducted in such a professional manner with avoidance of rater bias, or bias introduced as indicated in (2) and (3) below¹.
 - (2) Ratings of employees shall be conducted in such a manner to consider both employee and workplace environment to avoid Theory X bias².
 - (3) Ratings of employees shall be conducted in such a manner to consider that not all employees are Theory Y work based³.
 - (4) Ratings of employees shall be conducted to mitigate the potential for both negligent supervision or negligent retention⁴.
- C. Goal setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities.
- D. Objectives specify what should be achieved during an employee's employment with Price Municipal Corporation.
- E. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards.
 - (1) Participatory Goal Setting - To set goals and objectives for employees, supervisors should seek to involve employees in the process.

¹ Concept of removal of rater bias from performance evaluations added 2020.

² Theory X employee rating based on management style defined by Douglas McGregor at the MIT Sloan School of Management.

³ Theory Y employee rating based on management style defined by Douglas McGregor at the MIT Sloan School of Management.

⁴ Concept of negligent supervision and negligent retention added 2020.

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- (2) Outline Results to be Achieved - There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it needs to be completed, and what resources will be required.
- (3) Relate to Organizational Objectives and Goals - In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization overall. This is the responsibility of each supervisor.
- (4) Define Objectives - Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on resources to be made available, periodic reviews and other related control activities.
- (5) Give Support - Employees should understand that they will be supported by their supervisors to pursue the achievement of the mutually agreed upon objectives and standards.

2. PERFORMANCE PLANS

- A. When time and circumstances permit, supervisors should complete a written performance plan with their new employees prior to assignment of employees to their work stations. When circumstances do not permit, supervisors should complete a written performance plan with their new employees as soon as possible given the existing constraints. Performance planning is a continuing and collaborative process in which employees and their supervisors:
 - (1) Jointly identify objectives for the next performance evaluation period;
 - (2) Define priorities and performance standards for the next performance period; and
 - (3) Compare progress against expectations and revise the plan, when necessary.
- B. The performance plan shall include goals and objectives, mutually acceptable performance standards, and a prioritization of goals and objectives.
- C. Both employees and their supervisors shall sign the performance plans.

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The employees shall receive copies from their supervisors who shall also retain copies thereof.

3. PERFORMANCE STANDARDS

- A. Performance standards and expectations shall be established for each employee. Employees shall participate in the establishment of individual performance standards and expectations relevant to their jobs.
- B. Employees shall be advised of how they are performing in relation to established standards.
- C. Performance evaluations are an ongoing process which requires that supervisor and subordinates meet periodically to discuss achievements, review performance and mutually agree on strategies to eliminate performance deficiencies. This ongoing process culminates in the written evaluation at the end of the annual performance evaluation period.
- D. Employees shall be made aware of the time frames and actions to be taken to improve performance and to increase the value of service.
- E. Employees shall know what role their supervisors may have to provide them with assistance toward improved performance.
- F. Under no circumstances should employees be allowed to complete their own performance evaluations. It is the responsibility of the employee's supervisor to complete employee performance evaluations.
- G. Employees shall have the right to prepare relevant comments to accompany their evaluations.

4. PERFORMANCE RATINGS

Each employee evaluation shall result in an overall performance rating based on one of the following:

- A. Unsatisfactory - Performance fails to meet the minimum requirements of the position. Unsatisfactory progress has been made in response to corrective action. Removal from the job/position or termination may be recommended.
- B. Marginal - Performance does not meet all requirements of the job/position. Some unsatisfactory progress has been made in response to corrective action.

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- C. Satisfactory - Performance meets all requirements of the job/position.
- D. Good - Performance exceeds all requirements of the job/position.
- E. Exceptional - Consistent performance far exceeding all requirements of the job/position.

5. PERFORMANCE PERIODS

- A. Introductory⁵ employees:
 - (1) Employees in the introductory period shall have performance evaluations following the end of their introductory period.
 - (2) The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
 - (3) Introductory employees should understand that their performance evaluations and the results of such evaluations shall not obligate Price Municipal Corporation to a particular course of action relative to probationary employees individually or as a classification, nor shall it create any property/due process rights or infer any employment contractual arrangement for introductory employees relative to their jobs/positions.
- B. Permanent employees:
 - (1) Performance evaluations will be completed annually on the employee's anniversary date. An employee's anniversary date is defined as the employee's first (1st) day on the job with Price Municipal Corporation.
 - (2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation will be included as a component of any future compensation increase consideration and determination.

6. CONFIDENTIALITY

- A. Completed performance evaluations shall permanently remain in the employee's personnel file and become a part of the private/confidential

⁵ Amended probationary to Introductory to avoid any inference of a contract of employment ensuring employment at-will status for all employees.

information of that file.

- B. Performance evaluations may be used as findings for decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.

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SECTION 13: EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

1. **GENERAL POLICY** - Price Municipal Corporation will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. Price Municipal Corporation will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the FLSA and the Equal Pay Act of 1963.
2. Price Municipal Corporation shall follow all Americans With Disabilities Act laws and regulations¹. Employees or potential employees identifying as a qualified individual with a disability limiting one or more major life activities may be provided with a Reasonable Accommodation when: (1) applying for employment; (2) performing the essential functions of the job as identified in the job description; and, (3) enjoying equal opportunity, benefits and privileges of employment at Price Municipal Corporation. In circumstances involving direct life and property safety accommodations may not be reasonable and not provided nor will accommodations that impose a direct or otherwise undue hardship on Price Municipal Corporation be authorized, noting that it is unreasonable to amend or alter the essential functions of a job. Any Reasonable Accommodation Request declined shall be evaluated by Price Municipal Corporation documenting the business case for the rejection of the request². Additionally, reasonable accommodations shall: (1) not unduly disrupt or interfere with normal operations of Price Municipal Corporation; (2) threaten safety or health; (3) contradict a business necessity of Price Municipal Corporation; and (4) impose any significant undue hardship based on the capacity of Price Municipal Corporation.³ Price Municipal Corporation may request or require cost sharing for the implementation of reasonable accommodations to mitigate the potential for the creation of an undue hardship circumstance.⁴
3. Employees requesting a Reasonable Accommodation in the workplace shall be assisted through the Reasonable Accommodation Interactive Process whereby the following will be considered:
 - a. Identification of the essential functions of the job based on the job description;

¹ Clarification of ADA adherence and process added 2020 based on HR Law seminar.

² Added pursuant to Pryor HR Law seminar held 4-9-20.

³ Added language to further clarify for reasonable accommodations 2022.

⁴ Possible cost share for Reasonable Accommodation implementation added 2023. Per Pryor HR Law Training.

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- b. Review employee limitations with the employee to determine extent of need and potential accommodation required;
- c. Accept input from the employee regarding accommodation(s) needed or requested;
- d. Select appropriate reasonable accommodation(s) that do not create a hardship on Price Municipal Corporation. Utilize the Job Accommodation Network to assist determination of proper accommodation(s).
 - i. In the circumstance that a Reasonable Accommodation is not available it may be determined that the employee is no longer qualified for the position based on the essential functions listed in the job description. Reasonable accommodations provided shall only be terminated pursuant to the same analysis conducted to provide the initial reasonable accommodation and the associated determination of no undue hardship on Price Municipal Corporation.⁵ Price Municipal Corporation shall only consider job reassignment if another position is vacant and if the job description of the vacant position meets with the reasonable accommodation requested and such job reassignment does not create a workplace inequity or impact workplace productivity⁶.
 - ii. Only formally requested, evaluated and authorized Reasonable Accommodations shall be allowed. Informal accommodations shall not be considered official and shall not become permanent in the workplace.
 - iii. Poor or substandard employee behavior is not considered a reason to request or authorize a Reasonable Accommodation.
 - iv. Price City shall only consider Reasonable Accommodations based upon completion of the Reasonable Accommodation Interactive Process⁷:
 - 1. Recognize and accept a bona-fide and qualifying Reasonable Accommodation request from an employee.
 - 2. Gather information regarding the Reasonable Accommodation request.
 - 3. Explore all Reasonable Accommodation options to be known.
 - 4. Choose appropriate Reasonable Accommodation(s) and reject others that do not meet the need or that create an undue hardship on Price Municipal Corporation.
 - 5. Implement the Reasonable Accommodation selected and approved.
 - 6. Monitor the Reasonable Accommodation to ensure needs

⁵ Termination under same analyses as original added 2021, Employment Law Webinar held 9-10-20.

⁶ Added pursuant to Pryor HR Law seminar held 4-9-20.

⁷ Added pursuant to Pryor HR Law seminar held 4-9-20.

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are met. The employee shall comply with all reporting and monitoring requirements necessary. Reasonable accommodations provided shall only be terminated pursuant to the same analysis conducted to provide the initial reasonable accommodation and the associated determination of no undue hardship on Price Municipal Corporation.⁸ Statement Regarding Safe Harbor: Price Municipal Corporation shall comply with all rules and laws, particularly as they may relate to overtime pay, with respect to salaried, exempt and nonexempt employees. In the event it is brought to the attention of Price Municipal Corporation that an employee has wrongly had pay withheld from themselves or another employee, Price Municipal Corporation shall act to correct a valid discrepancy immediately and act in good faith. Employees may bring a pay issue complaint forward to the Human Resources Director at any time or utilize the formal grievance process to bring any such matter forward to the attention of Price Municipal Corporation⁹. Exempt Price Municipal Corporation employees shall not have any pay withheld or ‘docked’ except as expressly permitted under the FLSA.¹⁰

4. Price Municipal Corporation shall provide reasonable accommodation for an employee’s religious beliefs. Observances, and practices when a need for such accommodation is identified and the accommodation requested is reasonable and does not impose an undue hardship upon Price Municipal Corporation. Such reasonable accommodation mitigates the conflict between the employee’s religious beliefs, observances, or practices and the employee’s job requirements. Price Municipal Corporation has developed an accommodation process to assist employees and management through this process. A process of open communication to discuss any such conflicts and requests for accommodation is necessary. Accommodations shall be in writing.¹¹
5. Price Municipal Corporation shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s own infant child. Employees needing breaks for lactation purposes may use ordinary rest breaks or may take other reasonable break time if needed. Lactation

⁸ ⁸Termination under same analyses as original added 2021, Employment Law Webinar held 9-10-20.

⁹ Added concept of Safe Harbor 2020.

¹⁰ Added clarification regarding docking of pay for exempt employees per NFP audit of HR and polices 2023.

¹¹ Added religions reasonable accommodation per NFP audit of HR and polices 2023.

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breaks should be scheduled to coincide with other meal and rest breaks already provided to the employee. If the lactation break time cannot occur concurrently with other meal and rest breaks already provided or additional time is needed the lactation break time shall be unpaid for non-exempt employees. During lactation breaks the employee shall be relieved of all work-related duties, further, employees needing a lactation break shall be responsible to schedule such breaks with their respective supervisor. Exempt employees shall not be required to report lactation breaks as unpaid. Price Municipal Corporation shall provide the use of facilities that are private, other than a bathroom/restroom, that is shielded from view and free from intrusion by coworkers or the public. Price Municipal Corporation shall consider lactation as a pregnancy-related medical condition and shall address lactation related needs of employees in the same manner that it addresses other non-incapacitating medical conditions. Employees shall be responsible to make any necessary arrangements for storage of expressed milk.¹²¹³

2. **EMPLOYMENT CLASSIFICATIONS** - There are seven (7) classifications of employees within Price Municipal Corporation. All positions are at-will.
 - A. 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 or may not qualify for specific Price Municipal Corporation benefits.
 - B. 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 or may not qualify for specific Price Municipal Corporation benefits; except as may be required by specific federal, state or local laws.
 - C. Variable - An employee hired for a position which has indeterminable regular work hours over the employment period and may vary by season or budget availability.
 - D. Seasonal - An employee hired for a position which is required only for the summer or winter months. Seasonal employees do not qualify for Price Municipal Corporation benefits; except as may be required by specific federal, state, or local laws.
 - E. Temporary - An employee that is hired as an interim replacement to temporarily supplement the workforce or to assist in the completion of a specific project and is scheduled to work for a limited duration. No

¹²Added lactation accommodation per NFP audit of HR and polices 2023.

¹³Pursuant to the PUMP Act. (2024)

employment beyond the temporary period is expected.¹⁴

- E. Volunteer – The only Price Municipal Corporation personnel to qualify officially as volunteers are members of the Price City Volunteer Fire Department. No other volunteers exist within Price Municipal Corporation although Price City may authorize outside volunteers to complete Price Municipal corporation work or projects from time-to-time¹⁵. Volunteer firefighters shall comply with the 20% Rule and/or the Nominal Fee rule and the Economic Realities Test, similar to that for Contract classification below, to confirm volunteer status and firefighter eligibility under the FLSA.¹⁶
- F. Emergency – An employee hired by Price City to address an emergent need, activity, task or situation only¹⁷.
- G. Contract – Not an employee of Price Municipal Corporation; an individual or firm/company hired by Price Municipal Corporation to complete projects or tasks¹⁸. To determine if a worker is a contract worker or an actual employee the following economic dependence factors shall be considered:¹⁹
 - 1. The nature and degree of the control Price Municipal Corporation has over the workers schedule, etc.
 - 2. The permanency of the workers relationship with Price Municipal Corporation.
 - 3. The amount of the workers investment in facilities, equipment and helpers.
 - 4. The amount of skill, initiative, judgement, or foresight required for the workers services.
 - 5. The workers opportunity for profit or loss.
 - 6. The extent of integration of the workers services into Price Municipal Corporation operations.

¹⁴ Added Temporary Employee as a classification based on URS suggestions, 2021 training event.

¹⁵ Volunteer classification added 2020.

¹⁶ Added clarification to volunteer firefighter 2023.

¹⁷ Emergency classification added 2020 to coincide with other sections of policy.

¹⁸ Contract classification added 2020.

¹⁹ Economic dependence factors added 2022, based on training recommendation and Rutherford, 331, US 730, United States v. Silk 331 US 704, 7 (1947) (Social Security Act Case)

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3. **EMPLOYMENT STATUS** - To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

- A. Exempt - Positions of an executive, administrative computer professional, or professional nature, as well as any highly compensated individuals as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations. All exempt positions shall be evaluated using the following Labor Law tests: (1) salary basis; (2) salary level; (3) job duties.
 - a. Deductions of time for exempt classified employees shall be in compliance with FLSA and as indicated below only:
 - i. The employee is absent from work for one or more full days for personal reasons other than sickness or disability.
 - ii. The employee is absent for one or more full days because of sickness or disability (including work related accidents) and the time deduction is made in accordance with a bona-fide plan, policy, or practice of providing compensation for loss of salary occasioned by such sickness and disability.
 - iii. As an offset to amounts received as payment for jury fees, witness fees or military pay.²⁰
 - iv. Price Municipal Corporation imposes penalties in good faith for infractions of safety rules of major significance.
 - v. Price Municipal Corporation imposes, in good faith, unpaid disciplinary suspensions for one or more full days for infractions of certain workplace conduct rules.
 - vi. The employee takes leave under the Family and Medical Leave Act.
 - vii. The employee is absent the entire workweek or performs no work during the entire workweek.
 - viii. Initial and terminal weeks of employment, proportionate part of employees' full salary for time actually worked in the first and last weeks of employment.²¹²²
- B. Nonexempt - Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations. Price Municipal Corporation shall require that employees limit any de-minimus

²⁰ Added offsets for jury, witness or military pay 2023 per HR Law training.

²¹ Added reasons for exempt employee time deductions, per the FLSA, 2022, based on FLSA training.

²² Added additional language regarding proportionate part 2023 per HR Law training.

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non-exempt employee time to less than eight to ten (8-10) minutes per pay period, not per occurrence, should any exist consistent with FLSA standards. It is the position of Price Municipal Corporation that all time worked (required, suffered, caused, permitted or known) be fully paid to employees at all times based upon Price Municipal Corporations reasonable diligence to have knowledge of the work at issue.²³

4. WORK WEEK

- A. Begins on Sunday at 12:01 a.m.
- B. Ends on Saturday evening at 12:00 p.m. (midnight).
- C. Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments may observe department specific work weeks to accommodate community safety. Price Municipal Corporation public safety department(s) may establish a flexible work week starting and ending, differing from that referenced above, as long as such scheduling is consistent with lawful overtime calculations.²⁴ Any alternate work week utilized by Price Municipal Corporation public safety department(s) shall be detailed and recommend by the Price City Police Chief and reviewed and approved by the Human Resource Director. Pursuant to 29 CFR 553.230 and the FLSA, those Price Municipal Corporation employees engaged in law enforcement activities who have a work week of at least seven (7) but less than twenty-eight (28) consecutive days, no overtime compensation is required under Section 7(k) of the FLSA until the number of hours worked exceeds the number of hours which bears the same relationship to one-hundred seventy-one (171) as the number of days in the work period bears to twenty-eight (28). The ratio of one-hundred seventy-one (171) hours to twenty-eight (28) days for employees engaged in law enforcement activities is six point one-one (6.11) hours per day (rounded). See Table 13.1 below. Accordingly, overtime compensation (in premium pay or compensatory time) is required for all hours worked in excess of the maximum hours standards (rounded to the nearest whole hour) in Table 13.1 below.
- D. For seasonal and temporary employees, as directed by the respective supervisor or Department Head.

5. WORK DAYS

²³ Added de-minimus clarification 2023 per HR Law training.

²⁴ Added 2022 at the request of the Price City Police Department, consistent with State and Federal overtime laws (Section 207k of the Fair Labor Standards Act (FLSA) and 29 CFR 553.230 and consistent with practices implemented in other police agencies (Utah Highway Patrol) pursuant to State of Utah 2020 DHRM Rules.

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- A. Full-time employees normally work Monday through Friday, or as directed by the respective supervisor or Department Head.
- B. Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments may observe department specific work weeks to accommodate community safety. Price Municipal Corporation public safety department(s) may establish a flexible work day starting and ending, differing from that referenced above, as long as such scheduling is consistent with lawful overtime calculations.²⁵ Any alternate work days utilized by Price Municipal Corporation public safety department(s) shall be detailed and recommend by the Price City Police Chief reviewed and approved by the Human Resource Director. Pursuant to 29 CFR 553.230 and the FLSA, those Price Municipal Corporation employees engaged in law enforcement activities who have a work week of at least seven (7) but less than twenty-eight (28) consecutive days, no overtime compensation is required under Section 7(k) of the FLSA until the number of hours worked exceeds the number of hours which bears the same relationship to one-hundred seventy-one (171) as the number of days in the work period bears to twenty-eight (28). The ratio of one-hundred seventy-one (171) hours to twenty-eight (28) days for employees engaged in law enforcement activities is six point one-one (6.11) hours per day (rounded). See Table 13.1 below. Accordingly, overtime compensation (in premium pay or compensatory time) is required for all hours worked in excess of the maximum hours standards (rounded to the nearest whole hour) in Table 13.1 below.

6. WORK HOURS

- A. Full-time - As directed by the respective supervisor or Department Head.
- B. Part-Time - As directed by the respective supervisor or Department Head.
- C. Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments, may observe department specific work hours to accommodate safety in the community. Price Municipal Corporation public safety department(s) may establish a flexible work hour starting and ending, differing from that referenced above, as long as such scheduling is consistent with lawful overtime calculations.²⁶ Any alternate work hours utilized by Price Municipal

²⁵ Added 2022 at the request of the Price City Police Department, consistent with State and Federal overtime laws (Section 207k of the Fair Labor Standards Act (FLSA) and 29 CFR 553.230 and consistent with practices implemented in other police agencies (Utah Highway Patrol) pursuant to State of Utah 2020 DHRM Rules.

²⁶ Added 2022 at the request of the Price City Police Department, consistent with State and Federal overtime laws (Section 207k of the Fair Labor Standards Act (FLSA) and 29 CFR 553.230 and consistent

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Corporation public safety department(s) shall be detailed and recommend by the Price City Police Chief reviewed and approved by the Human Resource Director. Pursuant to 29 CFR 553.230 and the FLSA, those Price Municipal Corporation employees engaged in law enforcement activities who have a work week of at least seven (7) but less than twenty-eight (28) consecutive days, no overtime compensation is required under Section 7(k) of the FLSA until the number of hours worked exceeds the number of hours which bears the same relationship to one-hundred seventy-one (171) as the number of days in the work period bears to twenty-eight (28). The ratio of one-hundred seventy-one (171) hours to twenty-eight (28) days for employees engaged in law enforcement activities is six point one-one (6.11) hours per day (rounded). See Table 13.1 below. Accordingly, overtime compensation (in premium pay or compensatory time) is required for all hours worked in excess of the maximum hours standards (rounded to the nearest whole hour) in Table 13.1 below.

D. Price Municipal Corporation follows the Portal-to-Portal Act of 1947 and the Employee Commuting Flexibility Act of 1996 when determining applicable rules in calculating hours worked for the purposes of paying overtime²⁷.

E. TABLE 13.1 – LAW ENFORCEMENT WORK WEEK, DAY, HOURS FOR ALTERNATE SCHEDULING.²⁸

Work Period (Days)	Law Enforcement
28.....	171
27.....	165
26.....	159
25.....	153
24.....	147
23.....	141
22.....	134
21.....	128
20.....	122
19.....	116
18.....	110

with practices implemented in other police agencies (Utah Highway Patrol) pursuant to State of Utah 2020 DHRM Rules.

²⁷ Reference to Portal to Portal Act of 1947 and Employee Commuting Act Amendment of 1996 added 2020.

²⁸ Table consistent with and identified in 29 CFR 553.220 and 7(k) FLSA, added 2022

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17.....	104
16.....	98
15.....	92
14.....	86
13.....	79
12.....	73
11.....	67
10.....	61
9.....	55
8.....	49
7.....	43

7. **ATTENDANCE** - Employees shall be in attendance at their work stations during their scheduled working hours.

8. BREAKS AND LUNCH PERIODS AND OTHER

A. Full-time

- (1) Breaks - Two (2) optional twenty (20) minute paid breaks during a standard work day. Breaks cannot be used to extend the lunch period or shorten an employee's work hours.
- (2) Lunch - One (1) hour or less unpaid lunch period during a standard work day.
- (3) Travel time²⁹ – Commuting to and from work, in a Price Municipal Corporation vehicle or a personal vehicle, is not compensable time. An employee that travels away from home overnight is not working when he/she is a passenger on a plane, train, boat, bus or automobile outside of regular work hours. Time an employee spends traveling as a passenger on a weekend will be counted as time worked if the travel cuts across the hours the employee would normally work during the week³⁰. Time an employee spends working while a passenger shall be counted and paid as time worked.
- (4) Attendance at meetings, conferences, training programs and similar activities are not counted as working time if:
 - a. It is outside of the normal working hours.

²⁹ Travel time clarification added 2020. The Big Book of HR, Barbara Mitchell and Cornelia Gamlem.

³⁰ Example: employee normal work is 8:00am to 5:00pm M-F and travels on a Sunday between 10:00am and 2:00pm – that time spent traveling must be counted as worked.

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- b. It is voluntary.
- c. It is not job related.
- d. No other Price Municipal Corporation work is concurrently performed.

- B. Part-time – as required by the respective supervisor or Department Head..
- C. Employee breaks and lunch periods will be taken at the discretion of the Department Head, or their supervisor, to ensure continuity in the flow of work.
- D. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be paid for the extra time worked.
- E. Employees engaged in public safety activities, such as Police and Fire Departments, may utilize alternate break schedules to accommodate community safety.

9. COMPENSATORY TIME OFF

- A. Employees may receive compensatory also known as “comp time” off in lieu of overtime pay at Price Municipal Corporation’s discretion. The respective supervisor or Department Head reserves the right to schedule when an employee’s accrued compensatory time will be used. Written employee requests, to use their accumulated compensation time during specific dates and times, must be approved by the respective supervisor or Department Head who shall honor the requests unless granting the compensatory time off would create a substantial hardship for Price Municipal Corporation.
- B. The law requires that after non-exempt employees have accumulated the maximum amounts of compensatory time off during any work period, any additional overtime must be paid as set forth below:
 - (1) For employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments with five (5) or more employees; not more than forty (40) hours of compensatory time off may accrue.
 - (2) For employees not engaged in “public safety” activities; not more than eighty (80) hours of compensatory time off may accrue.
- C. Compensation time off will be accumulated at the overtime rate of one and one-half (1 ½) hours for each hour of overtime worked.

10. OVERTIME PAY

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- A. Overtime pay applies to those hours worked in excess of the forty (40) hours worked in a regular work week, and shall be compensated at the rate of one and one-half (1 ½) the regular hourly rate of the employee.
- B. If vacation, sick, or comp time are used, the employee must work forty (40) hours over and above those hours before overtime will be paid.
- C. Hours taken for Price Municipal Corporation designated holidays, including personal choice holidays, will count as weekly hours worked.
- D. If an employee works on a recognized Price Municipal Corporation holiday or any portion of the holiday because of an emergency or unplanned situation, he/she will receive holiday pay plus time and one-half pay (1 ½) for the time worked in excess of forty (40) hours worked for that week. This does not apply to employees engaged in public safety activities such as Law Enforcement and Firefighters
- E. An employee who works a holiday or any portion of a holiday because of planned and scheduled job requirements, planned and scheduled events or predetermined situations will receive regular rate of pay for work on that holiday and will take the holiday or predetermined portion of that holiday on an alternative date with approval of the respective supervisor or Department Head.
- F. Overtime shall be approved by the respective supervisor or Department Head in writing, before worked, except for “public safety” activities, such as Law Enforcement Officers and Firefighters. Overtime shall be authorized for personnel only when absolutely necessary to provide required services. Violation of this policy may result in disciplinary action, up to and including termination.
 - (1) “Public safety” activities, such as Law Enforcement Officers and Firefighters, may work overtime without prior authorization only in emergency situations.
 - (2) “Public safety” activities, such as Law Enforcement Officers and Firefighters, who work overtime in emergency situations shall notify the Police/Fire Chief as soon as possible of the overtime worked.

11. **TIME SHEETS OR DAILY LOGS** - Employees will complete and sign, as verification of accuracy, an Employee Time Sheet or Daily Log verifying hours worked, including sick and vacation leave used, comp time and overtime accrued.

Time cards will be signed and dated by the employee and forwarded to the

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immediate supervisor or Department Head for review and approval; the Department Head will review/approve and forward same in a timely manner and forward to the Payroll Department on the first working day after the end of the just completed pay period.

- A. Employees will punch out when leaving their assigned work area for personal or non-Price Municipal Corporation related business and punch back in when they return to work. Any exceptions to this policy require prior approval of the immediate supervisor or Department Head.
- B. Punching of another employee's time slip or falsifying time worked is grounds for disciplinary action up to and including immediate termination.
- C. Employees will punch out at lunchtime and back in at the end of lunch where possible. If no time clock is available, time should be written in on the time slip and verified by the supervisor.

12. **ON CALL PAY/CALL-OUT PAY** – There are certain departments within Price Municipal Corporation that because of their very nature the employees thereof must be on call at all times for emergency situations. Because of this, employees may be assigned, from time to time to carry pagers or cellular phones so they may be contacted quickly in cases of emergencies. The Fair Labor Standards Act has ruled that employees carrying pagers/cell phones do not have to be paid for the time spent on-call. They may be reimbursed a nominal amount if so desired by Price Municipal Corporation.

Price Municipal Corporation believes it is important to provide the best service possible to its citizens. Therefore, to encourage such service, pagers and/or cell phones will be provided to employees in these departments where emergency services may be necessary twenty-four (24) hours, seven (7) days per week.

Employees who are scheduled for on call duty shall be available to respond to all calls during the periods scheduled by the supervisor. The employee shall be able to respond immediately and report to work within thirty (30) minutes of the call or within the time limit specified by the department supervisor. In some departments, the employee may also be assigned a Price Municipal Corporation vehicle to reduce response time on emergency call outs. Employees called out to work are required to be in compliance with all Price Municipal Corporation policies, including but not limited to the Drug and Alcohol policy. To the extent practical, pagers and cell phones used for call out purposes will be assigned on a rotating basis by the respective department supervisor.

1. **On Call Pay.** Non-exempt employees assigned to carry a pager or cell phone to respond to on call emergencies will be compensated at the rate of \$15/day on weekdays and \$25/day on weekends and holidays.

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2. **Call Out Pay.** Non-Exempt employees who may be called out on an emergency basis, beyond that employee's normal work hours, will be paid a minimum of two (2) hours of regular pay for responding to the call. If the emergency requires the attention of that employee for more than two (2) hours, the employee will be paid by the hour for time worked, at the rate of time and one-half (1 ½), if more than forty (40) hours have already been accrued for the current work week. If the same employee is called back to the same emergency and it is still within the original two (2) hours then only two (2) hours of regular pay will be paid.
13. **PAY DIFFERENTIAL** – Full-time permanent personnel who are working routine scheduled shifts, where at least four (4) hours fall between the time periods of 10:00PM through 5:00AM shall be given a pay differential of one dollar (\$1.00) per hour for civilian employees and thirty cents (.30) per hour for public safety employees for their entire shift worked.
14. **PREPARATORY/CONCLUDING ACTIVITIES³¹** - Time spent putting on or taking off safety gear or making deliveries for Price Municipal Corporation on the employee's way to or from work is compensated and counted as hours worked provided the activity is an indispensable part of the employee's job activity or is solely for the benefit of Price Municipal Corporation.
15. **WAITING TIME³²** - Time spent waiting is only compensable and considered time worked if the employee has been 'engaged to wait' by a supervisor or Department Head. ³³.

³¹ Reference to preparatory and concluding activities clarified and added 2020.

³² Waiting time clarified and added 2020.

³³ Example: employee asked to stay at work to wait for a customer to arrive is compensable, arriving at work early and completing personal tasks or activities is not.

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SECTION 14: SALARY PLANNING

1. **GENERAL POLICY** - The Mayor, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the employees of Price Municipal Corporation which shall consist of minimum and maximum rates of pay for each position and such intermediate rates of pay as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:
 - A. Ranges of pay for other positions;
 - B. Prevailing rates of pay for similar employment, both public and private;
 - C. Cost of living factors;
 - D. Other benefits received by Price City employees; and
 - E. The financial policy and economic conditions of Price Municipal Corporation.
2. **PAY PLAN DEVELOPMENT AND ALLOCATION**
 - A. The Human Resources Director shall conduct a study of salary levels and shall make recommendations to the City Council at least every five (5) years. Adjustments are subject to the availability of funds.
 - B. The Mayor and Council shall authorize a pay range to each employment position level based upon the level's relationship to other levels as defined in the position level plan and by market data.
3. **APPOINTMENT**
 - A. Pay for newly hired full-time regular employees shall be, unless otherwise directed, set at the minimum of the pay range assigned to a job class and shall not exceed eighty-five percent (85%) of the midpoint of the pay range assigned to a job class.
 - B. The Department Head and Human Resources Director may approve full-time regular new hires and make salary adjustments up to the midpoint pay range, as warranted by job qualifications and experience, subject to the availability of funds. Any full-time regular new hire starting pay above the midpoint of the salary range shall require notice to and concurrence of the Mayor with the recommendation of the Department Head and the Human Resources Director, subject to the availability of

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funds.¹ Generally, the following table shall be used to assist to determine the appropriate starting salary for newly hired Price Municipal Corporation employees.

¹ Added process to allow starting pay above midpoint 2022 update.

New Employee Salary Determination Guidelines²

Use This Matrix To Assist Determination of the Range For a Starting Salary of a Newly Hired, Classified or Appointed Employee of Price Municipal Corporation

First Quartile	Midpoint	Second Quartile	Third Quartile	Fourth Quartile
<ul style="list-style-type: none"> • Meets minimum qualifications of job; however, is fairly new to the job and field; has little or no direct related prior experience. • On steep learning curve, building both skills and knowledge as well as ability to handle job responsibilities. 	<ul style="list-style-type: none"> • Preforms (or has demonstrated capability to perform based on prior experience) some/most job responsibilities with increasing effectiveness. • Possesses most/all of the basic knowledge and skill requirements, but may need to build upon them through experience. • May still be learning some aspects of job developing expertise to handle them more independently and effectively. • Consistently exhibits many or most desired competencies to perform job successfully. 	<ul style="list-style-type: none"> • Performs (or has demonstrated capability to perform based on prior experience) all aspects of job effectively and independently. • Experienced in the job and possesses required knowledge and skills. • Consistently exhibits desired competencies to perform job successfully. • Seasoned and proficient professional. 	<ul style="list-style-type: none"> • Expert (or has demonstrated capability to perform as expert based on prior experience) in all job criteria. • Has broad and deep knowledge of own area as well as related areas. • Depth and breadth of experience, specialized skills, perspectives add significant value to Price Municipal Corporation. • Serves as expert resource and/or role model/mentor to others in similar jobs or to other areas at Price Municipal Corporation. • Placement in this quartile requires review and prior approval by the Human Resource Director and consent of the Mayor. 	

² Salary guidelines added 2021 based on need within operations and suggested best practices.

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B. The Department Head in concurrence with the Human Resource Director may calculate a lateral entry wage starting point for experienced position candidates, after consideration of years of experience, certifications, other qualifications, on a basis not to exceed (one) 1 year = (one) 1 year.³

4. MERIT INCREASE

- A. The City Council shall adopt merit increase guidelines each budget year subject to the availability of funding in the approved budget.
- B. Employees whose performance is rated less than satisfactory, shall not be eligible to receive merit increases.
- C. Merit increase percentages shall be consistent across all employee classifications and grades.
- D. The respective supervisor or Department Head must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.

5. **INCENTIVE/PERFORMANCE BONUS** - A performance bonus is a one-time cash award to an employee deemed to be deserving of recognition for personal contribution to Price Municipal Corporation. Subsequent awards to the same employee may occur but may not be for the same reason as a previous award. Recommendations for performance bonuses may be made by either Department Heads or employees and submitted with written justification to the Mayor and City Council for review at any time during the year. The dollar amount of the bonus may vary but shall not be less than \$50.00 or more than five percent (5%)⁴ of the employee's annual salary.

Criteria for recommending a performance bonus shall be derived from the following:

- A. Leadership and/or Initiative - An employee may be required to meet emergency or unusual deadlines. An employee may show willingness to accept and to perform new assignments.
- B. Exemplary Performance or Special Projects - An employee may be given a special project. A great deal of effort and research may go into the project. The project may benefit the work unit, department or community in some way.
- C. Identify and Implement Increases to Office Efficiencies - If there is a process that is time consuming; a waste of one's time, repetitive, or a

³ Added up to year for year lateral position starting point calculation 2022 update.

⁴ Amended to a maximum of five percent (5%) from fifteen percent (15%) 2021.

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burden on the budget, there may be a means for improvement. This is a criterion where creative ideas improve departmental efficiencies.

- D. Exemplary Performance on Team Projects - A group of individuals may be given a difficult task to perform. The team may work together to complete the project in an exceptionally timely and effective manner.
- E. Cost-Savings - An employee may suggest a procedure that will produce a savings. Similarly, an employee may suggest a procedure for earning dollars.
- F. Other criteria as deemed appropriate and documented by the supervisor or Department Head.

The availability of bonuses shall also be subject to available funding through the normal Price Municipal Corporation budget process.

A Department Head or Department Supervisor, with concurrence of the Human Resources Director, and subject to the foregoing incentive/performance bonus criteria, permit time-off as a form of non-cash bonus. Time off shall not exceed sixteen (16) hours per person per fiscal year and shall be documented as regular time in the payroll system. Incentive/performance bonus time-off shall not create overtime within the week provided and shall be considered regular time worked.⁵

Incentive / performance bonuses shall be only paid upon verification of budget availability to fund the bonus(es) requested. Bonuses shall be budgeted annually by Price Municipal Corporation in anticipation of level of need / request.

Budgeting for bonuses shall not be individual based but shall be a lump sum for use city-wide throughout the fiscal year.⁶

6. SELECTIVE SALARY ADJUSTMENT

- A. A Department Head may recommend a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other circumstances.
- B. The department head shall submit a written rationale supporting the recommendation to the Human Resources Director.
- C. A selective salary adjustment is subject to approval of the City Council and the availability of funds and guidelines established by the City Council.

⁵ Added time off option for incentive/performance bonus upon the recommendation of the personnel committee, 2022 update.

⁶ Reference to budgeting for bonuses added 2023.

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7. PROMOTION

- A. A minimum increase in salary of three percent (3%), and a maximum of up to five percent (5)⁷ shall be granted to an employee receiving a promotion, generally referred to as a career-ladder. If the new salary is below the minimum of the new range, it shall be increased to the new minimum. Career-ladder promotions shall not require an introductory period. Additional employee performance evaluation(s) subsequent to a career-ladder promotion may be completed as part of the career-ladder process to promote employee success. Such subsequent performance evaluations, separate from the annual performance evaluation, shall not include any salary adjustment consideration.⁸ In some rare instances, a position may not have a career-ladder attached, in such cases an “effective career ladder” following the usual procedure may be considered.⁹ Career ladder promotions, and effective career ladder promotions shall be per individual employee and one (1) time per twelve (12) month period to facilitate employee advancement and employee retention. Alternate career ladder implementation schedules may be considered as circumstances may require.¹⁰
- B. The Mayor with the concurrence of the applicable Department Head and Human Resources Director may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the availability of funds.

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

- A. Merit;
- B. Selective adjustment;
- C. Promotion.

9. **REASSIGNMENT** - Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.

⁷ Added language for a maximum 2022 update based on the recommendation of the salary study implementation committee. The existing 2% was not used as a minimum, it became the only standard over time. Amended the minimum from 2% to 3%.

⁸ Added language regarding performance evaluation, career ladder and salary adjustment pursuant to situational experience administering Price City’s compensation program in April 2021. See Section 3 also. Clarify the difference between career ladder promotion and new employee or current employee in a new position that was APPLIED for by the employee and the treatment of the introductory period and potential salary adjustment.

⁹ Effective career ladder added 2022.

¹⁰ Added reference to 1 career ladder per 12 month period 2023.

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10. RECLASSIFICATION

- A. If an employee is reclassified to a position of a higher level, the employee's salary shall be adjusted to at least the minimum of the new range and may give a zero to four percent (0-4%) salary increase, based upon increased responsibility.
- B. A reclassification increase is subject to the availability of funds within the Price Municipal Corporation budget.
- C. If an employee is reclassified to a position of a lower level, the employee's salary shall remain the same. If the employee's salary exceeds the maximum of the new range, the employee is ineligible to receive a salary increase until the salary range increases to incorporate the employee's pay rate.

11. **DEMOTION** - If an employee is demoted, either voluntarily or involuntarily, Price Municipal Corporation may treat the employee's salary according to paragraph 10 C. above or reduce the salary to the applicable pay range.

12. BENEFITS

- A. Suspended Employee
 - (1) An employee suspended for disciplinary reasons shall continue to be eligible to receive Price Municipal Corporation retirement, health, dental, disability and life insurance programs subject to the conditions set forth in paragraph 12 A (2) below.
 - (2) The suspended employee shall pay the employee portion of insurance premiums to continue coverage through the period of suspension.
- B. Part-time Employee
 - (1) Part-time employees, seasonal employees, variable hour employees are not eligible for benefits, except as may be required by state or federal law.
 - (2) An employee hired or transferred to a part-time, seasonal, or variable hour position shall not be eligible for benefits, except as may be required by state or federal law.
- C. Full-time Employees

Full-time employees are eligible for participation in the Price Municipal Corporation benefit program.

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SECTION 15: PAYROLL ADMINISTRATION

1. PAY DAYS

Employees shall be paid according to the following:

- A. Once per month - Fire Fighters and Elected Officials;
- B. Bi-weekly - All other Price Municipal Corporation employees.

2. **MINIMUM WAGE/SALARY** - The Fair Labor Standards Act requires that Price Municipal Corporation pay an employee at least the minimum wage, as a gross wage/salary, minus the legally required pay deductions.

3. **PAY DEDUCTIONS** - Price Municipal Corporation is permitted to make deductions authorized by their employees. The following is a checklist of payroll deductions:

Itemized Deductions:

- A. Mandatory:
 - (1) Social Security
 - (2) Federal Tax
 - (3) State Tax
- B. Optional:
 - (1) Credit Union Loan
 - (2) Credit Union Savings
 - (3) Union Dues
 - (4) Group Life Insurance
 - (5) Hospitalization
 - (6) Major Medical Insurance
 - (7) Pension Fund

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- (8) Savings Plan
- (9) Employee Purchases underwritten by Price Municipal Corporation¹
- (10) Other deductions such as B-Dac² dues, voluntary wage assignments.
- (11) Garnishments
 - (a) Price Municipal Corporation is opposed to employees receiving garnishments. Department Heads should discuss the matter with employees who have garnishments and arrange for improvement of the situation. Pursuant to Section 70C-7-104, Utah Code Annotated, 1953 as amended, no employee may be discharged by reason of the fact that his/her earnings have been subjected to garnishment for any one indebtedness.

Price Municipal Corporation may charge the employee a reasonable administrative fee for processing a garnishment action of not more than the actual calculated cost of administering the garnishment.

- (b) Upon the receipt of a court issued garnishment order from a court, the employee's pay will be withheld and paid to the specified third party until a court order is issued indicating satisfaction of the indebtedness, or until ordered to surrender the monies to the court or its agent.
- (c) When it becomes necessary to garnish an employee's wages, the Finance Director shall notify the Department Head in confidence.

¹ Example is the employee computer purchase and payroll deduction program.

² B-Dac added at the request of the Police Chief. Voluntary Wage Assignments added as the result of administrative experience 2020.

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SECTION 17: BENEFITS

1. WORKER COMPENSATION INSURANCE

- A. All Price Municipal Corporation employees are covered by Price Municipal Corporation paid worker compensation which provides medical reimbursement and disability/indeemnity benefits for job-related illness or injury. An employee shall not accrue any benefits while receiving workers compensation payments. For exact compensation coverage, check the worker compensation insurance contract on file with the Human Resource Director. Workers' compensation shall be the exclusive remedy for work-related accidents or injuries.¹

The major objectives of the Price Municipal Corporation workers compensation program to: (1) provide direct, immediate, necessary and reasonable medical, rehab and income benefits to employees for work-related injuries/illness, or death benefits to dependents, regardless of fault; (2) ensure prompt delivery of quality medical care for the injured employee and restore them to suitable employment; (3) encourage employer and employee interest in workplace safety.²

- B. Employees shall not use accrued vacation or sick leave while in receipt of worker compensation benefits.
- C. Medical Attention - Employees who sustain bona fide, on-the-job injuries will receive initial treatment from the medical provider designated by Price Municipal Corporation. In exceptional cases approved by the Human Resources Director an employee may seek medical attention from the medical facilities of their choice for on-the-job injuries. The employee must tell the doctor, HOW, WHEN and WHERE the accident occurred. The doctor will complete a medical report and copies of this report shall be submitted within the required time period to the insurance carrier, the Industrial Commission, and to the injured workers. (Please Note: Do not submit doctor or hospital bills for on-the-job injuries or illness to the regular medical plan).
- D. Initial Reporting of Illness or Injury - Reporting the accident or illness is critical to qualification for payment under workers compensation. If an employee is injured while on the job, no matter how minor, the circumstances should be reported to the immediate supervisor or Department Head immediately. After the accident and injury form is completed, appropriate reporting must be made to the insurance carrier and to the Industrial Commission.

¹ Added reference to 'exclusive remedy' 2022.

² Added workers compensation purpose statements 2022.

- E. Reporting While Off the Job - While on leave because of a bone fide, on-the-job injury or illness, an employee must contact, per an agreed schedule, their supervisor or Department Head to report on his/her condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination.
- F. False and Fraudulent Claims – Employees who falsify injury reports and or make false or fraudulent workers compensation claims, including symptom magnification,³ will be subject to disciplinary action that may include but not be limited to termination of employment, suspension, loss of workers compensation benefits, and/or which may result in criminal investigation and potential criminal charges. Further, horseplay is not condoned in the workplace and is considered a deviation from employment and a departure from the normal course of employment and duties for purposes entirely personal. Injuries at the workplace arising from horseplay may not be eligible for worker's compensation coverage.⁴
- G. Price Municipal Corporation shall not retaliate nor shall it permit retaliation against any employee that files a legitimate workers compensation claim(s).⁵ Violations of any part of the Price Municipal Corporation Personnel Policy and Procedure Manual leading to a workplace injury may be cause for disciplinary action.
- H. Modified Transitional Duty – Modified duty is considered by Price City to be an essential component of the physical and emotional recovery of an employee injured on the job, but is considered temporary in nature. All employees on Workers Compensation benefits are eligible for modified transitional duty based on limitations provided by medical professionals. Modified transitional duty is not available for injuries incurred and illness contracted off-the-job and not covered by workers compensation benefits. The sick leave benefit is intended to provide income during non-occupational short- and long-term illness and injury. Sick leave or annual leave (vacation) cannot be used for workplace injuries and illnesses. Upon the concurrence of an employee's medical provider (written documentation required) supervisor and the HR Director an employee may be permitted to supplement workers compensation income with sick leave or annual leave⁶. In no circumstance shall an employee receive dual compensation from both worker's compensation insurance benefits and Price

³ Added reference to symptom magnification 2022.

⁴ Added reference to workers compensation potential exclusion for horseplay 2022.

⁵ Clarified no retaliation for legitimate filing of workers compensation claims (or multiple claims) 2022.

⁶ Ability to supplement workers compensation income with sick leave or annual leave added 2024.

Example: Wage = \$100, workers compensation pays 66.67% or \$66.67, employee may choose to use sick leave or annual leave for \$33.33, reported in hours from the respective employee's accumulated sick leave or annual leave bank.

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Municipal Corporation accrued sick or annual leave. The decision to provide modified transitional duties and the content of those duties will be at the sole discretion of Price Municipal Corporation as represented by the respective department supervisor and the Department Head of the injured employee or designee. Transitional assignments should not be longer than eight (8) weeks unless there are mitigating circumstances which the supervisor, Department Head or Human Resources Director deems to require a longer physical transition. Employees must accept transitional duties as offered except in cases that conflict with medical diagnosis and limitations written by the attending medical professional. Modified Transitional Duty provided may be existing positions that offer less exerting job requirements or may be suitable work positions created or modified to allow return to work.⁷ Types of modified or transitional return to work duties:

- a. Alternate or Alternative Duty: Price Municipal Corporation may alter existing job duties or offer work within a different department/work group to fit within the restrictions of a medical professional for an employee returning to work after an injury until healed.
- b. Light or Modified Duty: Price Municipal Corporation may place an employee returning to work after an injury in a less physically or mentally demanding job until healed and incompliance with any restrictions imposed by a medical professional.
- c. Restricted Duty: job duties that are restricted from being attempted or completed by an employee returning to work after an injury on the direct order of a medical professional.
- d. Transitional Duty: temporary work that an employee may be offered until fully recovered from an injury when returning to work and is temporary in nature. Must be in compliance with any restrictions ordered by a medical professional.

G. Return to Service - All employees must return to work after receiving approval of the attending physician to do so. This includes modified transitional duties and normal regular duties. A signed and dated statement from the attending physician stating the employee is able to return to work with restrictions or resume normal duties without restrictions 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 on modified duty status may be required to work in a different department and perform duties not contained within his/her current job classification.

H. Price Municipal Corporation may utilize the Job Accommodation Network (JAN) to provide guidance and recommendations regarding ADA,

⁷ Added reference to existing positions vs. created positions 2022.

accommodations, avoiding retaliation and disabilities covered by ADA and the nature/type/circumstance of any job-related accommodations made or offered to individual employees returning to work without an unrestricted release from a medical provider⁸.

To assist those needing reasonable accommodation for an ADA protected condition only, Price Municipal Corporation may authorize use of bona-fide service animals to accompany Price Municipal Corporation employees on at work sites. Service animals cannot negatively impact employee or citizen safety or work productivity and Price Municipal Corporation may limit the size, type or actual physical location a service animal is authorized. Price Municipal Corporation may impose a deposit of up to \$500 payable by the employee utilizing the service animal for cleaning or other costs related to animals in the workplace. Service animal use must be specifically approved in writing by the Human Resource Director in advance and is limited to domestic animals. Service animals are not comfort animals. Requirements of service animals and their owners include:

- All animals shall be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current and verification of vaccination shall be provided by the animal owner.
- Animals must wear a rabies vaccination tag.
- All dogs must be licensed per state law.
- Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.
- Animals must be in good health.
- Animals must be on a leash, harness or other type of restraint at all times, unless the owner/partner is unable to retain an animal on leash due to a disability.
- The owner must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the owner/partner.

⁸ Job Accommodation Network (JAN) reference added 2020. Website: www.jan.wvu.edu/

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- The owner/partner must provide the HR department staff with information as to how the animal accommodates for the individual's disability.
- Reasonable behavior is expected from service animals while on company property. The owners of disruptive and aggressive service animals may be asked to remove them from Price Municipal Corporation facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until the owner takes significant steps to mitigate the behavior.
- Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service animals. The owner/partner is expected to clean and dispose of all animal waste.⁹

I. ¹⁰Price Municipal Corporation shall take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and equal opportunity to participate in services or other benefits. Language assistance may be provided through use of competent bilingual staff, staff interpreters or other interpretation and translation services. Price Municipal Corporation shall:

- a. Via the respective Department Director or Department Supervisor identify the language and communication needs of LEP persons (employees or visitors/customers).
- b. Obtain qualified interpreter(s) through use of appropriate bilingual staff or an outside interpreter if needed. In rare instances, and upon approval by Price Municipal Corporation, a family member of an LEP person may provide language services.
- c. Provide written translations as reasonable staff and technology tools are available.
- d. Provide notice to LEP persons of the availability of language assistance, free of charge, and providing such notice in a format or language a specific LEP person will understand.
- e. Monitor for language needs and implementation on an ongoing basis taking into consideration changes in demographics, service types, etc.

2. **SOCIAL SECURITY/FICA** - All Price Municipal Corporation employees whether full time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the

⁹ Use of Service Animals added 2020.

¹⁰ Limited English Proficiency policy statements added 2022.

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employees and Price Municipal Corporation will be made in accordance with the provision of the law.

3. INSURANCE

- A. Medical Health Insurance - It is the policy of Price Municipal Corporation to participate in the cost of health insurance for:
 - (1) Each individual full-time employee; or
 - (2) Each individual full-time employee and a part of his/her family; or
 - (3) Each individual full-time employee and all of his/her family; or
 - (4) Each individual full-time employee and part or all of his/her family as may be mandated by federal, state, or local laws; or
 - (5) Each individual full-time employee and a qualifying domestic partner.
- B. Other insurance products may be provided as part of a portfolio of health and welfare benefits as approved by the City Council.
- C. Eligibility, effective dates, and waiting periods shall be determined and maintained as contracted with benefit providers and approved by the City Council. Employees and/or their dependents on a Price Municipal Corporation sponsored insurance plan, currently employed or post employed, regular health insurance or Medicare supplement, shall be responsible to pay (in advance and/or as billed) the employee cost share of any insurance plan the employee or dependents are eligible for and choose to participate in pursuant to Price Municipal Corporation requirements. Failure to pay the employee or dependent cost share may result in cancellation of insurance coverage and/or ineligibility for participation in insurance plans sponsored by Price Municipal Corporation.¹¹
 - (1) **Domestic Partner Eligibility for inclusion on a Price Municipal Corporation group health insurance plan.**¹² A domestic partner, as defined in Section 1 of this Policy, must meet the following criteria in order to be considered for inclusion on a Price Municipal Corporation group health insurance plan. Domestic Partners that are employed by an employer that offers health insurance coverage shall be determined not qualified for inclusion on a Price Municipal Corporation health insurance group plan.
 - Must reside in the same domicile with the Price Municipal Corporation employee for not less than the prior twelve (12)

¹¹ 2021 update based on circumstances experienced, provide guidance for potential future similar situations.

¹² Added Domestic Partner section 2025.

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consecutive months and intend to remain residing as such.

- Must be at least eighteen (18) years of age at the time of application for coverage.
- Must not be related to the Price Municipal Corporation employee in a way that would disqualify the individuals from being legally married under Utah law.
- Must provide evidence to Price Municipal Corporation that the Domestic Partner is dependent upon, or is mutually dependent with the Price Municipal Corporation employee. Acceptable evidence shall include:
 - (1) An Internal Revenue Service form defining the Domestic Partner as a dependent; or
 - (2) Any three (3) of the following four (4) documents:
 - i. A current joint loan obligation, such as a mortgage, lease or joint ownership of a vehicle;
 - ii. A current life insurance policy, retirement benefits account, mutually granted power of attorney for healthcare for financial management, for a Will designating the Domestic Partner as a beneficiary thereto, or Will of the employee or Domestic Partner which designates the other as the executor;
 - iii. Proof that the employee or Domestic Partner is authorized to sign for purposes of the other's bank and credit card accounts.
 - iv. Proof of joint bank or credit accounts.

(2) **Domestic Partner Qualification.** The employee shall be solely responsible for proving qualification of a Domestic Partner eligibility in accordance with this Policy. The employee shall be required to maintain current records proving eligibility of the Domestic Partner at all time. It shall be in the sole discretion of Price Municipal Corporation to authorize or reject any Domestic Partner eligibility request and the employee shall be responsible to pay all amounts incurred by an ineligible Domestic Partner. Employee shall understand and acknowledge that the employee is solely liable for any tax consequences related to the inclusion of a Domestic Partner on a Price Municipal Corporation group health insurance plan and that Price Municipal Corporation maintains no responsibility for any kind of taxes owed by the employee or Domestic Partner. The employee shall acknowledge and understand that imputed income may be calculated and taxed if the Domestic Partner does not qualify as a tax dependent under federal law.

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(3) **Payment of Domestic Partner Costs.** Price Municipal Corporation shall not pay or compensate, defer or otherwise contribute to the cost of insurance premiums for Domestic Partners authorized to be on the Price Municipal Corporation group health insurance plan. The employee and Domestic Partner shall be responsible to pay all incremental costs associated with premiums and other coverage costs for the Domestic Partner. Employees and/or Domestic Partners who fail to pay the total premium or who are late making payments more than twice within a fiscal year shall forfeit eligibility and be terminated from the policy.

D. Insurance Termination, Transition, and Conversion

(1) Continued participation is conditional upon timely payment of premiums to Price Municipal Corporation or the insurance carrier on the due date established for said premiums. Persons that fail to pay any required premiums or portions of premiums or who are late making payments more than twice within a twelve (12) month period shall forfeit eligibility and be terminated from the policy.

(2) Termination - When an employee is terminated from employment with Price Municipal Corporation, Price Municipal Corporation will cease making contributions to the employee's insurance plans.

(3) Transition - As allowed by insurance carrier policies and in harmony with applicable law and Price City Municipal Corporation policies arrangements may be made with the Human Resource Director and Finance Director for the employee to pay the full and complete cost of premiums required to maintain insurance coverage for the employee. Insurance policies may be converted to individual policies on termination in accordance with the terms of the various group policies. Arrangements for conversion should be made directly by the individual employee.

(4) Conversion

(a) The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 is available to qualifying employees as provided therein and by any subsequent amendments thereto. Employees may have the right to continue to participate in a COBRA program for up to eighteen (18) or more months as applicable, subject to current state and federal law and at the employee's sole expense.

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(b) Eligible dependents may also extend coverage, at their expense, when that dependent ceases to be eligible for coverage as a dependent under the terms of the plan, as required by current state and federal law.

4. **UNEMPLOYMENT** - All employees whether regular, part-time, or temporary are covered by the benefits of unemployment as applicable.

5. **CLOTHING AND TOOL¹³ ALLOWANCE** – Price Municipal Corporation may provide clothing, personal protective equipment (PPE) and tool allowances for qualifying employees in qualifying employment positions.

(1) All Price Municipal Corporation employees required to wear a uniform, as determined by the respective department supervisor or Department Head shall receive a regular clothing allowance or uniforms will be provided and maintained by Price Municipal Corporation. The amount and type of allowance shall be determined annually as part of the budget process. Clothing allowances will not be paid for periods of extended absence such as military, illness and other leave during which absence the employee does not wear a Price Municipal Corporation uniform.

(2) Full-time employees of Price Municipal Corporation required to wear steel toed safety shoes will be reimbursed in an amount not to exceed \$200¹⁴ per year (fiscal year) for one pair of safety shoes. Temporary employees required to wear steel toed safety shoes will be reimbursed the sum of not more than \$100 per year (fiscal year). However, if said pair of shoes is damaged in the year of purchase, while working for Price Municipal Corporation, to the extent that the shoes are unsafe or unusable, Price Municipal Corporation shall reimburse said employee an additional sum not to exceed \$100 for full-time regular employees and \$65 for temporary employees.

(3) Price Municipal Corporation employees that require prescription glasses for proper vision may be reimbursed up to \$150 for OSHA qualifying prescription safety glasses once every two (2) years. In the event prescription safety glasses are damaged or broken in the course of conducting Price Municipal Corporation business prior to the two (2) year cycle, Price Municipal Corporation shall reimburse said employee up to \$100 for replacement prescription safety glasses.

Reimbursement shall be made upon presenting satisfactory evidence of purchase

¹³ Added tool allowance reference and section 2022.

¹⁴ Updated steel toe shoe reimbursement from \$150 to \$200. 2024, recommend of safety committee due to increase in cost of quality safety PPE.

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to the Department Head.

(4) Price Municipal Corporation may provide a tool allowance to qualifying Price Municipal Corporation employees in qualifying employment positions to offset the cost of purchase of personal tools, typically hand tools, used to complete Price City work tasks. To qualify an employee must be a full-time regular employee working in an employment position wherein the subject employee utilizes privately owned tools, typically hand tools, in the performance of official Price Municipal Corporation job description identified duties. The monthly amount of the tool allowance shall not exceed \$100.00¹⁵. The employee receiving a tool allowance shall be approved for the tool allowance by the immediate supervisor and department head, as applicable.

6. **TENURE BASED AWARD¹⁶** – Price Municipal Corporation shall provide all full-time regular employees and qualifying volunteer firefighters¹⁷ with uninterrupted consecutive service to Price Municipal Corporation a longevity/tenure-based awards/acknowledgement at five (5) year increments based on the following table:

Tenure Achievement	Award
5 Years	Up to \$50 Item or Gift Card
10 Years	Up to \$100 Item or Gift Card
15 Years	Up to \$150 Item or Gift Card
20 Years	Up to \$200 Item or Gift Card
25 Years	Up to \$250 Item or Gift Card
30 Years	Up to \$300 Item or Gift Card
35 Years	Up to \$350 Item or Gift Card
40 Years	Up to \$400 Item or Gift Card
45 Years	Up to \$450 Item or Gift Card
50 Years	Up to \$500 Item or Gift Card
55+ Years at 5 Year Increment	Up to \$500 Item or Gift Card

7. **RETIREMENT SYSTEM** - Price Municipal Corporation participates in the Utah State Retirement System (URS). Eligibility and contribution 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 URS. Price Municipal Corporation may authorize Phased Retirement for qualifying employees with both Price Municipal Corporation and URS if applicable. Phased Retirement is an optional URS retirement program and

¹⁵ Tool allowance section added 2022.

¹⁶ Added Tenure Based Award to place the practice into policy, per Councilmember Rick Davis 2020.

¹⁷ Clarified inclusion of volunteer firefighters 2021.

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Price Municipal Corporation must authorize a Phased Retirement via a URS compliant written agreement.¹⁸ For Phased Retirement t shall be the general policy of Price Municipal Corporation to consider and potentially allow qualifying employees to take part in URS phased retirement. Generally, the following shall occur:

- (1) Employee shall make written request to Price City not less than sixty (60) days prior to his/her retirement date requesting Price City consideration and approval of phased retirement and requesting employee shall be in good standing in regard to all employment matters with Price City;
- (2) The requesting employee's supervisor, department director and the HR director shall all confirm affirmative support for granting the request outlining the necessary terms and conditions;
- (3) A time limit for phased retirement shall be set by Price City and may not exceed the URS authorized time limit;
- (4) Price City shall consider all URS positions as eligible for possible phased retirement;
- (5) Price City and the requesting employee shall enter into a written agreement consistent with this policy and all URS requirements.

8. BENEFIT EXTENSION PROGRAM

- A. Employees who terminate gainful employment with Price Municipal Corporation and have accumulated at least ten (10) years of service, and whose reason for leaving Price Municipal Corporation employment is retirement after age sixty-two (62), shall be allowed to participate in the Benefit Extension Program, by paying the entire and total premium and cost, for all medical and dental insurance coverage, as provided by Price Municipal Corporation's benefit policy then actively in force, subject to the following conditions:
 - (1) The insurance carriers for Price Municipal Corporation allow participation after employment terminates.
 - (2) In the event that any former employee who is eligible to participate in the Benefit Extension Program begins receiving such benefits as set forth in paragraph A above and subsequently secures employment which *offers* (regardless of acceptance or enrollment)¹⁹ medical and/or dental insurance coverage for that former employee and his/her dependents, , participation and eligibility in the Price Municipal Corporation's Benefit Extension Program by that same employee shall cease and terminate with respect to

¹⁸ Added Phased Retirement 2025.

¹⁹ Added clarification of 'regardless of acceptance or enrollment' 2025.

medical and/or dental insurance coverage.

- (3) Continued participation is conditional upon timely payment of premiums to Price Municipal Corporation or the insurance carrier on the due date established for said premiums. Persons who fail to pay the total premium or who are late making payments more than twice within a fiscal year shall forfeit eligibility and be terminated from the policy. Otherwise, such eligible persons may continue receiving their benefits indefinitely, as long as Price Municipal Corporation's insurance carrier allows those persons to continue participating in the program.
- (4) Participation in the medical and dental insurance coverage can continue until the former employee or eligible dependent(s) qualify for Medicare, reach age sixty-five (65), or become ineligible. After qualifying for Medicare, reaching age 65, or becoming ineligible (#2 above) the former employee and or dependent(s) cannot continue receiving the medical and dental insurance. They can, however, participate therein by paying the total and complete cost of a Price City Group Medicare Supplement policy if allowed by the policy provider.

Employees who terminate gainful employment with Price Municipal Corporation, have accumulated at least ten (10) years of service, and whose reasons for leaving City employment are retirement after age sixty-two (62), shall be allowed to continue to participate, in group medical and dental insurance coverage only, or other medical and dental coverage insurance offering or program, substantially similar in terms, conditions, eligibility and coverage, at the sole discretion of Price Municipal Corporation²⁰, as allowed by Price Municipal Corporation's benefit policy then actively in force according to the same terms, conditions and cost-sharing applicable to active employees. Special circumstances may be considered by Price Municipal Corporation on a case-by-case basis to determine an 'eligible employee' qualification such as an adjustment to the age (62) requirement in the event of a disability and eligibility for long term disability (LTD) insurance coverage.²¹

Such eligible persons may continue receiving their benefits indefinitely, subject to the following:

- (1) The insurance carriers for Price Municipal Corporation allow

²⁰ Added option for Price Municipal Corporation to obtain an insurance product to meet the obligation that may be more cost effective or meet the needs of both the employee and Price Municipal Corporation than the group plan in place at the time. Element added 2023.

²¹ Added case by case special consideration based on experience with an employee in such a situation 2023.

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participation after employment terminates.

- (2) In the event that any former employee or qualifying eligible dependent who is eligible to participate in the Benefit Extension Program begins receiving such benefits as set forth in Paragraph B above and subsequently secures employment which offers (regardless of acceptance or enrollment) medical and/or dental insurance coverage for the former employee and his/her dependents, participation and eligibility in the Price Municipal Corporation's Benefit Extension Program by that same former employee shall cease and terminate, and the City shall then be under no further obligation to provide or participate in medical and/or dental insurance coverage to or for the former employee and his/her dependents.
- (3) Continued participation is conditional upon timely payment of all required participation amounts to Price Municipal Corporation or the insurance carrier on or before the due dates established for said premiums. Persons who fail to pay the required premiums or who are late making payments more than twice within a fiscal year shall forfeit eligibility and be terminated from the policy and be considered not eligible for re-enrollment in any Price Municipal Corporation facilitated or sponsored benefit/health insurance plan or program. Otherwise, such eligible persons may continue receiving their benefits until eligibility ceases; as long as Price Municipal Corporation's insurance carrier allows those persons to continue participating in the program.
- (4) Participation in the medical and/or dental insurance coverage can continue until the former employee or qualifying eligible dependent(s) qualify for Medicare, reach age sixty-five (65), or become ineligible. After qualifying for Medicare, reaching age sixty-five (65), or becoming ineligible the former employee and or dependent(s) cannot continue receiving the group medical and dental insurance benefits. However, a Medicare Supplement Policy may be provided up to a maximum cost of three-hundred dollars (\$300.00) per month per eligible former employee or eligible dependent(s).

C. The provisions of this Benefit Extension Program, as set forth herein, shall apply only to eligible employees and their qualifying eligible dependents at the time of employment separation for reasons of retirement, or disability, and as outlined above. Cessation of a dependent relationship, as defined by US Tax Code, shall also end the eligibility of those dependents under this Benefit Extension Program. Special circumstances may be considered by Price Municipal Corporation on a case-by-case basis to

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determine an ‘eligible employee’ qualification such as an adjustment to the age (62) requirement in the event of a disability and eligibility for long term disability (LTD) insurance coverage.²²

- D. The provisions of the Benefit Extension Program, as set forth herein, shall apply to all employees retiring or leaving the City’s employment as referenced above on or after September 1, 1984.
- E. The Price Municipal Corporation paid Benefit Extension Program shall not be offered or available to those employees hired on or after July 1, 1997. Such employees, however, shall be allowed to participate in the Benefit Extension Program, at full and total cost to the employee, subject to the same terms and conditions set forth above, including other insurance benefit availability.

9. DEPENDENT QUALIFICATION AND ELIGIBILITY FOR BENEFIT EXTENSION

- A. Beginning January 1, 2021 to be eligible for inclusion in the Benefit Extension Program, dependents of employees who terminate gainful employment with Price Municipal Corporation that have accumulated at least twenty (20) years of service, and whose reasons for leaving City employment are retirement after age sixty-two (62) shall be required to be a dependent on the employees Price Municipal Corporation sponsored, paid in full or in part by Price Municipal Corporation, health insurance plan/program for a minimum period of not less than ten (10) years prior to the qualifying employee termination to be eligible for inclusion in the Benefit Extension Program. Special circumstances may be considered by Price Municipal Corporation on a case-by-case basis to determine an ‘eligible employee’ qualification such as an adjustment to the age (62) requirement in the event of a disability and eligibility for long term disability (LTD) insurance coverage.²³
- B. Dependents in this context are that defined by the US Tax Code.

The Price City Council may, from time to time, change, amend or waive any provisions of the Benefit Extension Program.

10. HOLIDAY BONUSES - It shall be the intent of Price Municipal Corporation to provide an annual calendar year-end holiday bonus to all employees of record, including

²² Added case by case special consideration based on experience with an employee in such a situation 2023.
²³ Added case by case special consideration based on experience with an employee in such a situation 2023.

volunteer firefighters, on the date such annual calendar year-end holiday bonus is administratively prepared to be provided (generally November of the year). The amount of any annual calendar year-end holiday bonus provided shall be subject to annual Price Municipal Corporation budget approval and budget allocation as well as economic circumstance, determined in the sole discretion of Price Municipal Corporation. The type of annual calendar year-end holiday bonus provided to employees shall also be at the sole discretion of Price Municipal Corporation (examples may be cash payments, gift cards, etc.). Nothing in this Section shall be construed or interpreted to change or alter any employee or volunteer classification or status.²⁴

²⁴ Added section regarding annual year-end holiday bonuses 2023.

SECTION 18: FAMILY AND MEDICAL LEAVE ACT

1. GENERAL POLICY

- A. The Family and Medical Leave Act of 1993 (FMLA) requires many employers, including “public agencies” to provide up to a total of twelve (12) work weeks, based on the average number of hours per week that the employee works in a usual and customary work week,¹ of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member. Price Municipal Corporation shall also consider “in loco parentis” situations on a case-by-case basis, including same-sex spouses for the situational applicability of FMLA authorized leave². Price Municipal Corporation has chosen to calculate a twelve (12) month period as a “rolling” twelve (12) month period measured backward cumulatively (looking back method) from the first date an employee uses any FMLA leave. Pursuant to FMLA final rules promulgated by the Department of Labor (DOL), a seven (7) year break in service shall require the employee to meet the twelve (12) months of employment standard again³.
- B. A single “public agency” is further defined under Section 3(x) of the Federal Labor Standards Act to include Price Municipal Corporation.
- C. A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
- D. “Intermittent leave” or a “reduced leave schedule” for medical reasons can be taken under this policy “when medically necessary”. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and Price Municipal Corporation mutually agree to that arrangement.
 - (1) Intermittent leave is leave that is not taken consecutively.
 - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.

¹ Pryor + training recommendation, FMLA training.

² In Loco Parentis is a Latin term meaning “instead of a parent”. In this context Price Municipal Corporation is choosing to consider FMLA leave authorizations for foster parents/kids and custodial grandparents raising children. Update 2020.

³ Seven (7) year break in service reference updated 2020.

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2. **ELIGIBILITY** - To be “eligible” for FMLA leave, an employee must:
 - A. Have been employed for at least twelve (12) months by the employer;
 - B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months; and
 - C. Be employed by an employer who employs at least fifty (50) people within a seventy-five (75) mile radius around the work site.
 - D. In the circumstance married individuals are both employed by Price Municipal Corporation and individually both qualify for FMLA leave, FMLA leave shall be combined and the twelve (12) week period shall run concurrently, not consecutively.
 - E. Qualify for activity duty military, military family or military caregiver exigencies related to military service may qualify for up to twenty-six (26) weeks of FMLA military caregiver leave⁴⁵. Military caregiver FMLA leave may be stacked with multiple military caregivers leave circumstances or with traditional FMLA leave.
 - F. As a public entity Price Municipal Corporation is subject to FMLA laws and Price Municipal Corporation employees are eligible for FMLA leave regardless of size of employer, however, individual employee eligibility shall be determined per paragraph A, B, D and E above.⁶
3. **LEAVE OPTIONS** - At either the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave. It shall be the base position of Price Municipal Corporation that employee’s utilizing unpaid FMLA leave use up to one-hundred percent (100%) of available paid leave in the employee’s own time off bank (sick time or vacation time) and/or that donated by other Price Municipal Corporation employee’s, consistent with the sick leave donation section of this policy, while away from work on FMLA leave⁷.
4. **NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS** - When an employee notifies Price Municipal Corporation of his/her request for FMLA

⁴ Military FMLA leave reference added 2020.

⁵ Clarified 26 weeks 2023 update and stackable clarification for military caregiver leave 2023.

⁶ Pryor + training recommendation, FMLA training.

⁷ Added expected use of personal time off during FMLA of 100% of time available based on Pryor HR Law seminar attended 4-9-20.

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leave, Price Municipal Corporation will provide the employee with an Employer Response to Employee Request for Family and Medical Leave Form (Form WH-381). Price Municipal Corporation may require the employee to provide advanced leave notice and medical certification. Employees who are required to provide medical certification will use a Certification of Physician or Practitioner Form. Additionally, FMLA leave may be denied if the following requirements are not met and reasons for denial shall be furnished to the employee in writing:

- A. The employee ordinarily must provide thirty (30) days advance notice when the leave is “foreseeable”. When this is not possible, the employee should provide such notice as is possible. In situations that Price Municipal Corporation becomes aware of an FMLA eligible employee potentially having an FMLA eligible circumstance and the *employee has not contacted Price Municipal Corporation* regarding FMLA his/her eligibility or usage of FMLA leave, Price Municipal Corporation shall notify the employee in writing to advise the employee of the potential eligibility and use of FMLA leave within five (5) days of such knowledge. This written notification shall be made (1) via registered USPS mail sent to the employees’ home address; or (2) courier delivery consistent with case law regarding such notifications. Other forms of notification may also be utilized in addition to the aforementioned to ensure notification to the employee is confirmed.⁸
- B. The employee may be required to provide the employer with medical certification to support a request for FMLA leave because of a serious health condition. If the employer requires a second (2nd) or third (3rd) opinion, they will both be at the employer’s expense.
- C. A fitness for duty report is required before an employee returns to work with the employer, or other position performance requirements identified in the position job description.⁹

5. BENEFITS AND EMPLOYMENT STATUS

- A. During the FMLA leave, the employer must maintain the employee’s health benefits coverage under any “group health plan” that the employee has with the employer. Employees shall be required to continue to pay the employee share of all current and respective health insurance costs while on FMLA leave¹⁰.

⁸ Added 5 day notification and notification methods 2023 based on HR Law training update.

⁹ Pryor + training recommendation, FMLA training.

¹⁰ Payment of health insurance clarified 2020.

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- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms consistent with FMLA laws. Price Municipal Corporation shall not inappropriately adjust an employee returning from FMLA leave (position, shift, etc.) based on undue hardship to Price Municipal Corporation but only on business necessity and position availability to the same or an equivalent position at the time the employee returns from FMLA leave.¹¹
- D. An employee who does not return to work after being on unpaid FMLA leave will be required to reimburse the city for payment of health insurance premiums paid by the employer during the employees' unpaid FMLA leave.
- E. An employee on FMLA or returning from FMLA leave may be subject to disciplinary actions resulting from the FMLA condition, but not the FMLA condition itself¹². Price Municipal Corporation shall not allow interference or retaliation to employees on or returning from FMLA leave.¹³

¹¹ Pryor + training recommendation, FMLA training.

¹² Clarified behavior or circumstances resulting from an FMLA condition may be cause for disciplinary action added 2020 based on HR Law seminar.

¹³ Pryor + training recommendation, FMLA training.

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SECTION 19: LEAVES OF ABSENCE

1. ABSENT WITHOUT LEAVE

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

2. ANNUAL VACATION LEAVE

- A. Annual leave is intended to benefit the employee, and employees are encouraged to take annual leave in the year in which it is earned. Annual leave time (vacation time) does not need to be used for a traditional vacation but can and may be used for general time away from work, self-care, and stress prevention. Carry-over of annual vacation time from one year to the next has limitations.
- B. Annual leave will accrue during an employee's introductory period, but may not be used during the first six months of employment. Employees who terminate or are terminated within the six (6) month introductory period shall not be compensated for accumulated annual leave, nor shall they be advanced unearned vacation leave.
- C. All full-time employees will accrue annual leave as follows:¹
 - (1) 0-10 yrs. continuous full-time service 8 hours per month (12 days per year)
 - (2) 10-20 yrs. continuous full-time service 10 hours per month (15 days per year)
 - (3) 20+ yrs., continuous full-time service 12 hours per month (18 days per year)
- D. Unused annual leave may be carried over from year to year, except that the maximum amount carried from year to year shall not exceed thirty (30) days (two-hundred forty (240) hours). After December 31st of each year, accumulated vacation in excess of thirty (30) days shall be forfeited. A written report shall be compiled detailing the reasons for leave forfeiture².

¹ Added clarification of continuous full-time service 2025.

² This report shall be generated from the official Price Municipal Corporation time management system and

Employees that may experience a one-time specific personal or work-related extenuating circumstance during the calendar year creating a circumstance that places the employee in a position that he/she cannot utilize annual leave in excess of the maximum before December 31st of the year, may utilize unused annual leave hours carried over within a grace period, not to exceed ninety (90) days, into the new calendar year or March 31st of the new calendar year. Under no circumstances shall an employee approved to use carryover time off in the grace period be permitted carry over more than (30) days (two-hundred forty (240) hours), including annual leave carried over into the grace period or new annual leave accrual(s), beyond the end of the grace period.

Employees wanting to utilize the grace period to carry over annual leave from one calendar year to the next shall:

- (1) not be in violation of any section of this Policy or have received a sub-standard annual employment evaluation within two (2) years;
- (2) Provide a written and signed request, co-signed by the employee's supervisor identifying the carry over request and specific extenuating circumstances to the HR Director prior to December 1st of the calendar year³;
- (3) Conduct of Price City business is not impacted by the carry over and use of annual leave in excess of the maximum into the grace period;
- (4) employee shall not have carried over annual leave in excess of the maximum within the prior five (5) years.

Qualifying employees with ten (10) or more years of service to Price Municipal Corporation may qualify to sell back vacation time to Price Municipal Corporation. Qualifying employees in good standing, as defined in Section 1 by definition, with Price Municipal Corporation who have more than two-hundred forty (240) hours in vacation time (not sick time, personal days or other paid or unpaid time off, vacation time only) accrual as of December 31st of the calendar year may sell back to Price City up to forty (40) hours (five (5) days), not to allow the total carry over accrual to fall below 240 hours, of vacation time at the employees' current rate of pay as of the sell back pay period. Any other hours in excess of the 240-hour vacation accrual carryover shall be forfeited. Notice shall be required to be made by any qualifying employee in writing, and signed, to the Price Municipal Corporation HR Director on or before December 1st of each calendar year indicating the employee request including the total number of vacation hours accrued, total number of hours requesting to sell

provided to the Human Resource Director within twenty (20) working days following the end of the year.

³ Added request deadline 2022 to allow for proper administrative review to ensure a qualifying request and potentially provide request approval or denial.

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back to Price Municipal Corporation, total number of hours used in the grace period, if any, and total number of hours that may be forfeited.

Policy implementation examples for qualifying employees: (1) employee has 290 hours of carry over time on December 31st of the calendar year, 40 hours may be sold back and 10 hours shall be forfeited; (2) employee has 250 hours of carry over time on December 31st of the calendar year, 10 hours may be sold back; (3) employee has 230 hours of carry over time on December 31st of the calendar year, no sell back or time forfeiture shall take place.⁴⁵ Any sell back of vacation time from an employee to Price Municipal Corporation shall be determined to be URS eligible wages/income.⁶

- E. Annual leave will be scheduled so as to meet the operating requirements of the department and Price Municipal Corporation. Seniority and/or earliest request within the various departments shall be the basis for resolving conflicts, should conflicts occur. Department Heads may deny leave requests when scheduling considerations cannot be met.
- F. An authorized Price Municipal Corporation holiday shall not constitute a day of annual leave. When an authorized holiday falls within the time period of any employee's annual leave, he/she will not be charged annual leave for that day.
- G. Leave without pay will not be allowed if the employee has earned annual leave or comp time on record, except under the following circumstances:
 - (1) During the first six (6) months of probationary employment; or
 - (2) During an official leave of absence.
- H. Employees hired after the fifteenth (15th) day of the month will accumulate vacation credits beginning the following month. Those hired on the fifteenth (15th) day of the month or earlier will receive credit for that month.
- I. Non-introductory employees who terminate from Price Municipal Corporation employment shall be paid for all unused vacation accrued to their credit. Exceptions would be authorized when an employee is terminated for destructive conduct toward personnel or property of Price

⁴ Added option for sell back of vacation time carry over accrual 2023 policy update.

⁵ Removed requirement identifying only 3 consecutive years with 1 year between finding that sell-back restrictions may limit effectiveness of the policy.

⁶ Added clarification on URS income eligibility for any sell back time 2025.

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Municipal Corporation, when Price Municipal Corporation property is unlawfully retained in the employee's possession, or other valid reason as determined by the City Council.

- J. Should a former full-time employee be rehired and remain in employment for five (5) consecutive years after rehire, his/her time of employment will be bridged to include total years of service in the determination of vacation time earned.
- K. Vacation leave does not accrue during leaves of absence without pay.
- L. All vacation leave must be approved by a Department supervisor, and should generally be requested at least twenty-four (24) hours in advance.
- M. Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue annual vacation leave.
- N. A holiday which falls during an employee's annual vacation leave shall be counted as a paid holiday and not as annual vacation leave.
- O. An employee who is separated from employment may be compensated for all accrued annual vacation leave.

3. SICK LEAVE

- A. Sick leave, unlike vacation, is an employee's privilege rather than a right. Sick leave is a type of insurance policy which Price Municipal Corporation supports to enable employees to provide income to their families during periods of short- and long-term illness. Employees who abuse Price Municipal Corporation's sick leave policy may receive an unsatisfactory evaluation rating for attendance, due to loss of work time.
- B. Accrual: Full-time, permanent employees accumulate sick leave credits at the rate of one (1) day (eight (8) hours) for each month of continuous service, twelve (12) days per year maximum. Credits begin on the first of the month for those hired between the 1st and the 15th days of the month. For those hired between the 16th and the 31st days of the month, credits begin on the first day of the following month. Unused sick leave may be carried over from year to year until a maximum of one-hundred twenty (120) days (nine-hundred sixty (960) hours) are accrued. Sick leave in excess of the carry-over maximum shall not be paid out to employees in a cash payment.
- C. Sick leave is provided for the following purposes:

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- (1) To assist employees in remaining healthy. Sick leave provides for scheduling and attendance of medical, optical, and dental appointments.
- (2) To assist employees in recovering from illnesses so they can return to work as soon as possible.
- (3) To assist employees in providing needed care to immediate family members (husband, wife, mother, father, son, daughter, son-in-law, daughter-in-law, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, step-child, grandparent, spouses' grandparent, and grandchild) when necessary for the welfare of the employees' families. Requires approval by the Department Head.

When dealing with human medical issues, each situation must be evaluated on its own merits. Discretion by both the employee and Price Municipal Corporation is required when medical issues arise.

D. When an employee calls-in sick, the employee should be:

- (1) At a medical, optical, or dental appointment which includes going to or coming from such an appointment. The supervisor should be advised of the location of the appointment and the estimated amount of time needed to complete the appointment. The time used for the appointment(s) must be reasonable with respect to the extent of the medical problem and location of the office, clinic or hospital where the service is being provided; or
- (2) At home recovering from an illness or injury. The supervisor should be advised of any special treatment or any other unusual problems or issues that would require the employee to be away from home; or
- (3) Assisting immediate family members who are ill. The employee should be directly involved in the actual physical care of that family member if the sick leave exceeds three days. The supervisor should be advised of the location where the assistance is being rendered and the amount of time needed.

E. In the event of extended illness in excess of twelve (12) days and up to thirty days (30), the employee shall notify the Department Head of the anticipated absence. Anticipated absences for a period greater than thirty (30) days must be submitted to the Human Resources Director for review

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notification of the City Council.

F. In addition, when in the judgment of a Department Head, an employee's physical or mental condition appears to adversely affect the employee's ability to perform the duties of the employee's position, the Department Head may require the employee to undergo examination by a physician in accordance with administrative procedures.

In cases involving proposed discipline or reassignment of an employee deemed physically or mentally unfit, the entire file shall be reviewed by the Department Head and Human Resource Director and the City's legal counsel prior to the effective date of discipline or reassignment. Price Municipal Corporation may conduct further hearings or inquiries as deemed necessary to arrive at a decision. The decision of Price Municipal Corporation shall be final.

G. Employees will not be paid for sick leave in excess of the amount accrued. Unaccrued sick leave will not be advanced.

H. All sick leave used after giving notice of termination must be supported by a doctor's certificate.

I. **CONVERSION DURING EMPLOYMENT** - If an employee's accrued sick leave exceeds sixty (60) days (four-hundred eighty (480) hours), those days in excess of sixty (60) may be traded at a ratio of four (4) sick days for one (1) vacation day, not to exceed three (3) vacation days per calendar year. This conversion does not apply when an employee retires or terminates employment for any other reason.

J. **SICK LEAVE/CASH CONVERSION ON SEPARATION** - An employee in good standing leaving employment with Price Municipal Corporation may receive payment for one-third (1/3)⁷ of the accumulated sick time, a ratio of three (3) sick days for (1) vacation day. Said payment shall not exceed the balance of sick time available to the employee at the time of separation. To receive this benefit, all sick leave will be deemed to have been 'cashed in'.

4. SICK LEAVE ASSISTANCE

A. The purpose of the Sick Leave Assistance Policy is to provide needed sick leave to qualifying department employees. The program is intended to aid employees who have had a serious accident or illness requiring extended

⁷ Changed from 1/4 to 1/3 in 2025. Reduce unintentional consequence of misuse prior to separation, primarily retirement.

absence beyond thirty (30) days or more from work and whose leave benefits have been or will be exhausted. This policy is not intended to underwrite, encourage or justify abusive use of sick leave. In order to be eligible to receive donated sick leave, employees must have used all of their accumulated sick and annual leave and must not have a history of leave abuse. Donated sick leave/sick leave assistance is calculated as “hours in – hours out” irrespective of the individual employee wage level donating or receiving hours⁸.

- B. Any employee having in excess of two-hundred forty (240) hours (thirty (30) days) of unused sick leave may donate his/her hours in excess of two-hundred forty (240) for use by another employee. Employees donating sick leave cannot donate more than ninety-six (96) hours (twelve (12) days) per calendar year. Employees must have at least one year of service before they qualify for assistance, and must be eligible for leave benefits to utilize this program.
- C. The maximum number of sick leave assistance hours which may be used by an employee shall be one-thousand forty (1040) hours (one-hundred thirty (130) days) per accident or illness. If an individual does not utilize all of the leave available in the leave bank, the leave hours shall be returned to the donating individuals. The first hour donated by all individuals will be used first, the second hour donated will be used next, etc. By using donated hours this way, unused hours will be returned to those having donated the highest number of hours.
- D. Hours donated to the Sick Leave Assistance program may not be used until all other forms of useable leave are exhausted, and when applicable, disability benefits are not yet available or are exhausted. Sick Leave Assistance hours may not be utilized at the same time as workers' compensation salary benefits or long-term disability. Employees on donated sick leave shall accrue leave. Discretionary time taken off for pregnancy related reasons will not qualify an employee to have access to donated sick leave. Medical leave for pregnancy related reasons will qualify for access to donated sick leave.
- E. All use of the Sick Leave Assistance Program shall be subject to review by the employee's Department Head and Human Resource Director.

5. **BEREAVEMENT LEAVE** - Leave with pay may be authorized in the case of death in the immediate family, to include miscarriage or stillbirth⁹, to the extent considered reasonable and necessary by the Department Head. This allowance,

⁸ Clarification of hours not dollars associated with hours for sick leave donation added 2020.

⁹ Added miscarriage and stillbirth 2022, per proposed SB63

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however, is not to exceed three (3) standard eight (8) hour¹⁰ working days, a maximum total of twenty-four (24) hours of paid bereavement time off per qualifying incident. Immediate family for the purpose of this policy is defined as: husband, wife, mother, father, son, daughter, son-in-law, daughter-in-law, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, step-child, grandparent, spouses' grandparent, grandchild, direct first aunt or uncle of the employee or spouse / qualifying domestic partner.¹¹ Price City may, upon approval of both the department supervisor and the Human Resource Manager provide up to one (1) working day, a maximum of up to eight (8) hours of paid bereavement time off for the death of a family pet. The pet must have been directly with the employee / family for at least three (3) or more years.¹²

A. A component of Price Municipal Corporations bereavement leave benefit is to provide a compassionate offer to employees. This is to let the employee know that Price Municipal Corporation cares about people, not just in the capacity as employees. For an employee experiencing a qualified loss or situation, based on the Immediate Family listed above, including the hospitalization of a member of the Immediate Family listed above, Price Municipal Corporation, by and through the Human Resource Department, will work in conjunction with the employee's immediate supervisor to provide a compassionate offer from Price Municipal Corporation. The compassionate offer shall be in the form of a flower/plant, meat tray, gift card or other item of need identified by the employee as beneficial in their specific situation. Sympathy cards may also be included. All compassionate offers should be coordinated with the official Price Municipal Corporation offer from the Human Resources Department to ensure no duplication of compassionate offer is made as in some instances a compassionate offer from within the department is a better option for an individual than from Price Municipal Corporation overall. Compassionate offers shall be sourced from local businesses and shall generally not exceed the \$50.00 to \$75.00 cost range.¹³

6. HOLIDAY LEAVE

A. The following days have been designated by Price Municipal Corporation to be paid holidays:

New Year's Day	January 1
Human Rights Day	Third Monday of January
President's Day	Third Monday of February

¹⁰ Clarified standard 8 hour working days 2025.

¹¹ Added first aunt or uncle and qualifying domestic partner 2025.

¹² Added pet with qualifying criteria 2025.

¹³ Added Compassionate Offer 2024 to policy instead of a stand-alone policy for clarity and to reduce confusion with policy implementation.

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Memorial Day	Last Monday of May
Juneteenth Day	June 19 ¹⁴
Independence Day	July 4
Pioneer Day	July 24
Employee Appreciation Day	3 rd Friday in August ¹⁵
Labor Day	First Monday of September
Columbus Day	Second Monday of October
Veteran's Day	November 11
Thanksgiving	Fourth Thursday and Friday of November
Christmas Day	December 25

Each day of Holiday Leave shall be equal to eight (8) hours for qualifying full-time employees and may be prorated for qualifying part-time regular employees. Holiday Leave should be used on the identified holiday day. **In the event shift work, 24-hour coverage or other irregular or specific extenuating circumstances occur**, a written request may be made to the Human Resources Director and the Human Resources Director *may* authorize an employee to use the Holiday Leave not less than five (5) days prior nor more than five (5) days subsequent to the identified and calendared holiday day. Such alternate date use request by a requesting employee may subject the requesting employee to forfeiture of Holiday Leave depending on the circumstances and details of the request.

Holiday leave may accrue to each employee at the beginning of the calendar year for all Holiday Leave use throughout the year for tracking purposes only and be used as hours worked on the above days. In no case shall unused Holiday Leave accrued be carried from one year to the next. While there should not be any unused Holiday Leave, if an employee happens to have any unused accrued Holiday Leave on December 31st of the year that unused accrued Holiday Leave shall be forfeited prior to the accrual of the next year's Holiday Leave accrual to the employee.

Terminating employees shall not be paid out for any Holiday Leave days subsequent to their termination day. In the event an employee has been paid Holiday Leave in excess of the total Holiday Leave (calculated in hours) available to the employee by the termination day the employee shall replace the Holiday Leave overpaid with vacation or sick time (converted). In the event a terminating

¹⁴ Added 2022 update based on 6-17-21 passage of Juneteenth as a Federal Holiday and Utah Legislature passage of Juneteenth as an official State of Utah holiday. Juneteenth to be on the 19th if that day is a Monday, if the 19th of June is a Tuesday, Wednesday, Thursday or Friday the holiday will be the immediately preceding Monday.

¹⁵ Added Employee Appreciation Day 2023 to take the place of the employee picnic day and the expense and cumbersome nature of arranging the picnic.

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employee has not used all Holiday Leave by their termination day and remaining Holiday Leave hours shall be forfeited.¹⁶

B. In addition to the above holidays, each employee shall be allowed two (2) personal choice holidays with pay of eight (8) hours each, which may be taken at any time during the year. To assist with scheduling of personnel, employees are required to provide at least one week notice in advance of taking a personal choice holiday off. Two (2) personal choice holidays of a total of sixteen (16) hours shall accrue to each qualifying employee's time off bank in January of each calendar year. New employees hired on or before March 31st of the calendar year shall be permitted to accrue two (2) personal choice holidays of sixteen (16) total hours. New employees hired on or after April 1st of the calendar year shall be permitted to accrue one (1) personal choice holiday of eight (8) hours. New employees hired on or after November 1st of the calendar year shall not accrue any personal choice holiday hours for that calendar year.¹⁷ Personal choice holiday time off does not carry over from one calendar year to the next and any personal choice holiday time off is not paid out upon employee termination.¹⁸ Personal choice holiday hours shall not be used during the introductory period for a new employee unless bona-fide individual extenuating circumstances exist for the individual employee, a request is made in writing by the employee to the employee's supervisor and the HR Director and both concur with the use of personal choice holiday hours within the respective employee's introductory period based upon the evaluated extenuating circumstances.¹⁹

Personal Choice Holiday New Employee Hire Date Accrual Chart

Accrue Two (2) Personal Choice Holiday Days		Accrue One (1) Personal Choice Holiday Days		Accrue Zero (0) Personal Choice Holiday Days	
Jan 1 st	March 31 st	April 1 st	Oct 31 st	Nov 1 st	Dec 31 st

C. When a holiday falls on a Saturday, it shall be observed on the preceding work day. When it falls on a Sunday, it shall be observed the following work day.

D. Any changes in the designated holiday schedule must be approved by the City Council.

¹⁶ Clarification of Holiday Leave, accrual, non-holiday day use of Holiday Leave and payout added 2022.

¹⁷ Added clarification of no accrual if hired after Nov 1st of the calendar year 2023.

¹⁸ Clarification of personal choice holiday time off accrual, carryover and cash out added 2021.

¹⁹ Added clarification regarding restricted use of personal choice holiday hours during introductory period 2023.

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- E. Due to the 24-7 scheduling, Police Officers may utilize a combined holiday and personal day time off approach wherein ten (10) hours of combined time accrues each month (one-hundred-twenty (120) hours per year) and is utilized by officers at the rate of ten (10) paid hours of time off per month.
- 7. **COURT OR JURY LEAVE** - A permanent or introductory period employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to Price Municipal Corporation if paid court or jury leave is used. Court or jury leave pay received may result in docking of pay for exempt employees.²⁰ Paid leave will not be granted when the employee is serving as his/her own witness in financial and related suits which the employee has initiated. Price Municipal Corporation paid court or jury leave shall not create overtime in a workweek. Court or jury service not associated with a Price Municipal Corporation matter and conducted outside of the employee's workday or workweek during unscheduled work times or days shall not be compensated by Price Municipal Corporation.²¹

8. MATERNITY LEAVE

- A. An employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her continued employment may be injurious to her health. Maternity leave, in concept, may also be utilized for bonding leave with a newborn child not natural born to the employee requesting the bonding leave in an adoption or foster care situation and in certain circumstances and in conjunction with FMLA leave. Maternity Leave or Bonding leave is not paid leave; however, an employee may choose to utilize accumulated sick or vacation time for compensation.²²
- B. Sick leave which is regularly available to cover time for illness, physical examinations and periods of incapacitation will be available to the pregnant employee for the same purpose.
- C. Maternity leave shall be granted on the same basis as any other temporary disability or illness.

²⁰ Clarified that court or jury pay may result in exempt pay docked 2023, per HR Law training.

²¹ Clarification of employee use and compensation for jury leave added 2022. Example: employee works (4) 10 hours shifts Monday through Thursday and has jury duty on Friday, no jury leave pay is available from Price Municipal Corporation since it was not during the normal work schedule.

²² HR Training conference recommendation, updated 2023.

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9. **INJURY LEAVE** - Any employee injured on the job, however slightly, must report the injury immediately to the respective supervisor or Department Head. It shall be the duty of the respective supervisor or Department Head to obtain information regarding the accident or injury and to complete and submit such reports as are required. In some cases, on the job injury may prevent an employee from returning to work and performing his/her regular duties. Price Municipal Corporation will reasonably attempt to accommodate alternate, light, restricted or transitional duty for workers injured on the job. In those cases modified, alternative, light, restricted or transitional duties, conducive to restrictions prescribed by the medical professional, may be assigned to the injured employee and Price Municipal Corporation will reasonably attempt to help the injured employee design a work strategy that meet's the injured employee's needs.. Modified, alternative, light, restricted or transitional duties provide an opportunity for employees to earn their full, normal wages in lieu of the reduced workers compensation amounts. Follow-up management of workers compensation claims by Price Municipal Corporation with an injured employee and medical providers may take place to ensure the employee is receiving the care required, properly attending medical appointments and complying with restrictions or duty assignments. Failure to return to work in a full alternative, light, restricted, transitional or modified duty status when released to do so can result in discipline up to and including termination.

When employees are unable to perform their regular duties due to off-the-job injuries and illness, the sick leave benefit is intended to provide compensation and alternative, light, restricted, transitional or modified light duty will not be assigned. In cases where transitional modified duty is not allowed or available, injury leave is one of the leaves of absence available to employees. Injury leave will be compensated from workers compensation benefits, accrued sick leave, sick leave assistance or will be unpaid. During unpaid injury leave, vacation leave, sick leave, or time toward yearly performance evaluation shall not accrue., Injury leave for periods greater than six (6) months shall in no case be granted. Furthermore, eligibility for such leaves requires conformance with all workers' compensation regulations when applicable.

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

11. MILITARY LEAVE

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- A. Employees who pursuant to military orders enter active duty, active duty for training, inactive duty training, or state active duty, shall be granted leave in accordance with Sections 39-1-36 and 39-3-1, Utah Code Annotated, 1953 as amended (UCA).
- B. For purposes of this Policy and in accordance with Sections 39-3-1 and 67-16-3 (12) UCA, an employee means a person who is not a public officer, who is employed full-time, part-time, or on a contract basis.

12. ADMINISTRATIVE LEAVE WITH PAY

- A. While performing authorized duties - A permanent or probationary employee may be granted administrative leave with pay to perform authorized duties in connection with Price Municipal Corporation business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or to otherwise facilitate the needs of Price Municipal Corporation.
- B. Pending possible disciplinary action - A permanent or probationary employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.
- C. Garden Leave. Price Municipal Corporation may, at its sole option and discretion, allow, request or require that a terminating employee that has provided written notice to Price Municipal Corporation of said employee's resignation/termination to forgo attending work and be paid out for the final days of scheduled work during the resignation/termination period. In this circumstance the employee is not expected to work, but shall be available to be contacted or called in to work as long as the resignation/termination period continues.

13. LEAVE WITHOUT PAY

- A. The Department Head with concurrence of the Mayor may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of his/her position and employment without notice.
- B. A leave without pay shall not constitute a break in service. However,

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during a leave without pay period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and time toward his/her performance evaluation, if applicable, shall not accrue.

- C. Leave without pay shall be granted:
 - (1) For education purposes when the employee's course of study will be of direct benefit to Price Municipal Corporation, the absence will not be a hardship upon the employee's department, and the employee agrees to return to work at the end of the leave without pay period.
 - (2) To attend funerals not covered by the funeral leave policy.
 - (3) To attend to an ill or injured member of the employee's immediate family (husband, wife, mother, father, son, daughter, son-in-law, daughter-in-law, step-parent, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, step-child, grandparent, spouses' grandparent, and grandchild) when the absence is not covered by sick leave.
- D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the Department Head may decide if the leave without pay is warranted.

14. **SAFETY LEAVE²³** – Leave may be approved by a supervisor or Department Head or the Mayor for employees that cannot report to work in a safe manner due to environmental conditions (such as a snow day) or other non-controllable circumstance. It is not expected that safety leave shall extend beyond a partial day of work or one (1) day of work. Safety leave time off may be compensated through the use of an employee's vacation time or personal time, not sick time. Safety leave may be unpaid if the employee is unable to report to work in a safe manner due to environmental conditions (such as a snow day) or other non-controllable circumstance and does not have any vacation time or personal time to use to compensate for the missed work time. Safety leave time away from work may be made up by the employee during that same week at the discretion of the respective supervisor or Department Head.

15. **VOTING LEAVE** – Price Municipal Corporation shall provide employees with up to two (2) hours of paid time off to participate in local, state and national election processes. Employees needing to utilize voting leave shall anticipate and schedule such leave with their respective supervisor in advance. Voting leave

²³ Concept of safety leave added 2020.

shall not negatively impact department work output.²⁴

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

²⁴ Added voting leave 2023 based upon NFP audit of HR and polices.

SECTION 20: GENERAL SAFETY

1. **GENERAL POLICY** - The following general safety rules will apply in all Price Municipal Corporation work places. Each department may prepare separate supplemental safety rules applicable to the specific nature of work of the department but not in conflict with these rules:
 - A. Proper licensing and extreme caution are required of all employees operating any type of power equipment.
 - B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
 - C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
 - D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor or Department Head. All applicable federal, state, and local laws or regulations pertaining to occupational injuries or illnesses will be followed and complied with at all times.
 - (1) Accident Report Forms are provided for reporting accidents and may be obtained from the intranet, any supervisor or Human Resources.
 - (2) All accidents resulting in injury requiring treatment by a medical professional and accidents causing cumulative property damage in excess of one-thousand dollars (\$1,000) must be reported to the Human Resources department. Employees involved in such accidents will also be subject to testing for drugs and alcohol in their system. Any employee who refuses such testing will be subject to immediate termination.
 - (3) Failure to properly report an injury or illness as required by state law and organization policy could result in loss of compensation benefits and lead to corrective action up to and including termination.
 - E. Defective equipment will be reported immediately to the supervisor or Department Head and if it creates a hazard will be immediately corrected, repaired, replaced, or removed from service.
 - F. Employees will not operate equipment or use tools for which licensing and

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training has not been received.

- G. Any employee choosing to operate equipment without proper licensing and training or that completes work of any kind in disregard to safe work practices will be subject to corrective action up to and including termination.
- H. In all work situations, safeguards required by State and Federal Safety Orders will be provided and followed.
- I. Dangerous weapons are not permitted in Price Municipal Corporation buildings, on Price Municipal Corporation property or in/on Price Municipal Corporation vehicles and equipment. This does not apply to law enforcement.¹

2. **PROPER USE OF PRICE MUNICIPAL CORPORATION EQUIPMENT AND TOOLS** - The use of Price Municipal Corporation equipment or tools for private purposes is strictly prohibited. However, reasonable use of Price Municipal Corporation tools and equipment to protect property and preserve life may be authorized.

- A. Employees shall be required to attend training provided by Price Municipal Corporation; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by Price Municipal Corporation.
- B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No employees shall be allowed to operate such vehicles unless they have a current Utah commercial driver's license in their possession. Employees must renew their commercial driver's license at four (4) year intervals, or as may otherwise be required under Utah law.
- C. Employees shall properly use all equipment and tools, and only for their intended purpose. No safety feature of equipment or tools shall be bypassed, disconnected, or otherwise prevented from engineered use. Any violation of this provision may result in corrective action up to and including termination.
- D. Operators and passengers in Price Municipal Corporation owned or leased

¹ Updated 2020 based on insurance carrier recommendations and HR managers training attended.

vehicles equipped with seat belts must wear them when the vehicle is in operation and all employees operating vehicles shall observe all local traffic laws.

- E. Employees shall keep all Price Municipal Corporation owned or leased vehicles and motorized equipment which are used by them clean, presentable, and serviceable and shall conduct a pre-check before operating said vehicle and equipment.

3. **RESPONSIBILITY AND ACCOUNTABILITY FOR SAFETY** – All employees are responsible to promote safety and well-being while working at Price Municipal Corporation. 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.

- A. Employees report to Price Municipal Corporation Supervisors and are responsible for the safety of themselves and others. Employee safety responsibilities include but are not limited to the following list:
 - (1) Perform safe working practices at all times.
 - (2) Identify and report any unsafe working condition or behavior and take action to help prevent an accident.
 - (3) Ensure all personal protective equipment has been checked for defects prior to use.
 - (4) Use all personal protective equipment required by conditions in the workplace.
 - (5) Report all accidents.
 - (6) Remain vigilant and observant of and for incidents and situations that may lead to workplace violence including but not limited to domestic violence, active shooter, and physical violence. Any situations or incidents shall be immediately reported to a supervisor, Department Head or other appropriate authority including the Price City Police Department.
- B. Supervisors ultimately report to Department Heads and are responsible to ensure that Price Municipal Corporation employees work in a safe and efficient manner. Additional supervisor safety responsibilities include but

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Section 20: General Safety

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

are not limited to the following list:

- (1) Manage and enforce systems to report all accidents and participate in accident investigation and incident reviews.
- (2) Create a line of communications for employees to follow safe work, injury management, and return to work Price Municipal Corporation policies, including the use of personal protective equipment.
- (3) Assure pre-work meetings are conducted to discuss safety issues related to work projects and assignments.
- (4) Review employee's work and give direction concerning safety on the job.
- (5) Ensure treatment is given to any employees that require medical care related to work.

C. Department Heads report to the Price City Mayor and are accountable to maintain and focus on accomplishing safety and health programs accepted by Price Municipal Corporation. Additional Department Head safety responsibilities include but are not limited to the following list:

- (1) Be aware and accountable for safety and occupational health in their department.
- (2) Assure that incident reviews are conducted, reported and recommendations, including proximate cause analysis², are addressed; as prescribed for accidents, injuries and near misses.
- (3) Ensure serious accidents are reported to the Risk Manager or Mayor.
- (4) Identify actions that will create a positive safety climate.
- (5) Ensure safety reviews are completed.
- (6) Create a safety and health goal that will be feasible and attainable each year.

D. Price Municipal Corporation shall recognize employees annually with safety

² Added proximate cause reference 2022.

incentives.³ Incentives may be monetary or other forms. Safety incentives shall be approved and budgeted by the Price City Council during the course of the budget preparation process. To be eligible to receive an annual safety incentive an employee shall:

- (1) Have been employed by Price Municipal Corporation continuously for a period of not less than twelve (12) months beginning on November 1st of the year and ending on October 31st of the following year.
- (2) Be a current employee of Price Municipal Corporation on the date the incentive is paid / provided to employees.
- (3) Part-time regular employees must have worked a minimum of five-hundred-twenty (520) hours during the period referenced in (1) above. Volunteer firefighters are not subject to the hourly qualification as those hours are not tracked and they are paid a stipend.
- (4) Employees are only eligible to receive one (1) safety incentive per year. Employees that may work in more than one department shall only qualify for one safety incentive.
- (5) Elected Officials, the City Attorney, contracted providers and volunteers are not eligible to receive an annual safety incentive.
- (6) Not have incurred an UOSH (OSHA) recordable injury, incurred a personal injury or accident in the workplace or been responsible for any other accident, injury or incident with the Price Municipal Corporation workplace.

Employees that may be in a situation wherein they were an innocent victim in an accident, injury or incident or had no control over their accident, injury or incident may appeal to the Price Municipal Corporation Safety Committee seeking a determination of extenuating circumstances and eligibility for the annual safety incentive.

4. **CHEMICAL HAZARDOUS COMMUNICATION⁴** – To better ensure the health, safety and welfare of Price Municipal Corporation employees, and to reduce the potential hazards to employees from chemical substances used and/or stored in Price Municipal Corporation workplaces/worksites and facilities. The

³ Added detail of annual safety incentive administration and eligibility 2023.

⁴ Updated into Policy pursuant to OSHA inspection of Price City Police Department in May 2019, added

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Section 20: General Safety

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

following practices shall be observed:

- A. Maintain written inventories of hazardous chemicals used or stored in Price Municipal Corporation work areas.
- B. Clearly label all products and containers stored so the label is legible and visible.
- C. Maintain current file(s) of Safety Data Sheets (SDS) for all hazardous materials and keep copies of SDS's at each workplace/worksites for all chemicals and materials used and/or stored at that specific site.
- D. Provide general training to all employees regarding health hazards, proper handling of chemicals, correct emergency procedures, and proper use of chemical hazard information.
- E. Provide outside firms and contractors working or operating on Price Municipal Corporation property, facilities, worksites, workplaces with all pertinent chemical hazard information as well as protective measures and equipment to mitigate the probability of human exposure to materials or chemicals that may be harmful.

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Section 20: General Safety

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

SECTION 21: OSHA REQUIREMENTS

1. **GENERAL POLICY** - It is the policy of Price Municipal Corporation to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees. For purposes of this policy, OSHA compliance shall be interchangeable with other applicable governing agencies such as UOSH (Utah Occupational Safety and Health).
2. **POSTING OSHA NOTICES** - Price Municipal Corporation will post all required OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from their Department Head or the Risk Manager when they have questions about any of the standards which are provided under OSHA.
3. **INSPECTION PROCEDURES** - All employees should follow the procedures listed below in the event an inspector from OSHA appears on the job site.
 - A. If an inspector arrives on the job site, employees should understand that they are not authorized to offer any information requested by the inspector.
 - B. The employee will inform the inspector that the employee will contact the Department Head who will accompany the inspector during any inspection.
 - C. The Department Head should make sure all employees know who they are required to contact, including all alternates, in the event an OSHA inspector appears on the job site.
 - D. If the OSHA inspector does not reveal the appropriate credentials at the outset of the inspection, the Department Head should ask the inspector to reveal his/her credentials and should examine them before allowing an inspection of the job site.
 - E. If the credentials are appropriate, and before beginning the inspection, the Department Head should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, Department Head shall request a copy of the complaint. This will help Price Municipal Corporation correct any safety problems. (Please Note: Under no circumstances should the information received on an employee complaint be used for disciplinary action toward the employee.)

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Section 21: OSHA Requirements

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- F. The Department Head should not refuse an inspection of the job site.
- G. The Department Head should accompany the inspector during the entire inspection of the job site.
- H. The Department Head should take notes throughout the entire inspection. The Department Head should note every comment and observation made by those participating in the inspection. The Department Head accompanying the inspector should not volunteer any unsolicited information.

4. ACCIDENT REPORTING PROCEDURES

- A. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify the respective supervisor or Department Head, who will ensure prompt and qualified medical attention is provided and all required OSHA or other appropriate agency and organization reports are completed. Employees who do not and/or will not accept qualified medical attention when directed by the respective supervisor or Department Head shall be subject to disciplinary action, up to and including termination.
- B. The Department Head will investigate the job related injury to determine the cause of the injury.
- C. Price Municipal Corporation shall contact OSHA or other appropriate agency and organization within twelve (12) hours of the occurrence of any job related death, disabling, serious, or significant injury, and/or any occupational disease.
- D. Price Municipal Corporation shall file the required report with OSHA or other appropriate agency and organization within seven (7) days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to OSHA if they require only minor first-aid treatment.
- E. Price Municipal Corporation shall maintain copies of legally mandated accident and safety related reports.
- F. Price Municipal Corporation shall give the employee a copy of accident reports and filings and explain the employee's rights and responsibilities

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Section 21: OSHA Requirements

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concerning the work related injury or occupational disease.

- G. If an employee later dies as a result of work related injury, Price Municipal Corporation shall file a report with OSHA or other appropriate agency or organization within seven (7) days of first knowledge or notification of the death.

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Section 21: OSHA Requirements

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SECTION 22: PROTECTION FROM CONTRACTOR CAUSED LOSSES/LIABILITIES

1. **GENERAL POLICY** – Price Municipal Corporation will take all necessary precautions and steps in written contracts to prevent loss and liability arising from entering relationships with independent contractors using a Hold Harmless Agreement, which is a part of the Indemnity Provision Contract, or the entire Indemnity Provision Contract.

2. SUPERVISOR RESPONSIBILITIES

- A. To ensure that no work is performed by any private contractor until:
 - (1) A written contract between Price Municipal Corporation and the contractor has been entered into and signed by both parties.
 - (2) The signed written contract has been co-signed by the City Recorder, if required, as required.
- B. Each contract with a private contractor should contain indemnity/ hold harmless clauses which provide that:
 - (1) All contracts must contain indemnity and defense provisions in which the contractor assumes all liability arising out of work performed by the contractor or their officers, sub-contractors, employees, agents, and volunteers.
 - (2) All contractors must provide evidence that they have acquired and maintain comprehensive general liability coverage in a minimum amount of one-millions dollars (\$1,000,000) per occurrence and two-million dollars (\$2,000,000) aggregate, including liability insurance covering the contract concerned, prior to the execution of the contract.
 - (3) Price Municipal Corporation and its officials, employees, agents and volunteers must be named as “additional insureds” on the liability insurance policy.

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Section 22: Protection from Contractor Caused Liabilities

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- C. Each contract with a private contractor should contain provisions that ensure the contractor is carrying proper and adequate workers' compensation insurance coverage and all contractors should be required to present written verification of workers compensation insurance (or evidence of qualified self-insurance) prior to commencement of any work or project for Price Municipal Corporation.

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Section 22: Protection from Contractor Caused Liabilities

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Approved: July 1, 2025. Supersedes Prior Dated: July 1, 2024

SECTION 23: CONFINED SPACE ENTRY

1. **GENERAL POLICY** - Price Municipal Corporation shall have a written confined space entry policy, if required in accordance with Volume 29 Code of Federal Regulation 1910.146.
2. **REQUIREMENTS** - When required, the written confined space entry policy shall include at least the following:
 - A. Annual training on confined space issues;
 - B. A review of potential confined spaces;
 - C. A permitting system for entering permit-required confined spaces;
 - D. A rescue plan for managing confined space incidents;
 - E. Protocols for managing contractors doing work in Price Municipal Corporation's confined spaces; and
 - F. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

SECTION 24: EMERGENCY RESPONSE PLANNING

1. **GENERAL POLICY** - Price Municipal Corporation has developed the following Emergency Response Plan. All employees will be expected to adhere to this Emergency Response Plan to the maximum extent possible and practicable.

2. EMPLOYEE EMERGENCY NOTIFICATION

- A. Supervisors are responsible for notifying all Price Municipal Corporation employees of the emergency response action to be taken in the event of a disaster or pending disaster, if possible.
- B. Notification for Price Municipal Corporation employees will be made by the Mayor or Department Head or Supervisor.

3. NATURAL DISASTER RESPONSE PLAN (WIND, WATER, FIRE, EARTHQUAKE)

Following a Natural Disaster:

- A. Employees already at work will assess the disaster and take whatever action is deemed necessary, within the law, to protect themselves, their fellow employees, and the public in general.
 - (1) Employees will report to the incident commander as soon as practical and await instructions.
 - (2) Use of all Price Municipal Corporation vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.
 - (3) Employees will be allowed to contact their families as soon as their supervisors can allow this action to be taken.
- B. Employees not at work will assess the disaster and take whatever action is necessary, within the law, to protect themselves and their families, and will contact their supervisor, Department Head or the incident commanders soon as practical for further instructions.

4. MANMADE DISASTER RESPONSE PLAN

Following a Manmade Disaster:

Employees already at work will assess the disaster and take whatever action is deemed

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Section 24: Emergency Response Planning

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necessary, within the law, to protect themselves, their fellow employees, and the public in general.

- A. Employees will report to their immediate supervisors, or Department Heads, as soon as practical and await instructions.
- B. Use of all Price Municipal Corporation vehicles, equipment, tools, and office items, including telephones and computers, will be used only as directed by an employee's supervisor during an emergency situation.
- C. Employees will be allowed to contact their families as soon as their supervisors can allow this action to be taken.
- D. Employees not at work will assess the disaster and take whatever action is necessary, within the law, to protect themselves and their families and will contact their respective supervisor or Department Head or the incident commanders as soon as practical for further instructions.

5. TELEPHONE BOMB THREATS

- A. Be calm and courteous to the caller. Employees will notify the Price City Police Department while the caller is on the line, if possible.
- B. Be Attentive - Documenting voice characteristics, background noises, and bomb threat details about suspicious persons or assailants will greatly help local law enforcement officials in the apprehension of suspects.
- C. Notify or cause to be notified the Price City Mayor or other member of city management as soon as possible during or after the threatening phone call.

6. MAIL LETTER AND PACKAGE BOMB THREATS

- A. Be Cautious - Visually assess the letter or package and inform the Price City Police Department of anything unusual.
- B. Be Careful – Inspect all mail letters and packages prior to opening for unusual weight, shape, or other details that will help local law enforcement officials in the apprehension of suspects.

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Section 24: Emergency Response Planning

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Approved: July 1, 2025. supersedes Prior Dated: July 1, 2024

SECTION 25: VEHICLE OPERATION

1. **GENERAL POLICY** - The safe operation of vehicles (including mobile equipment that may transport on public roadways) is essential to the welfare of employees and citizens, therefore it is the policy of Price Municipal Corporation to ensure that any person who operates any vehicle while performing official business for or on behalf of Price City are qualified to drive and drive safely. All employees operating Price Municipal Corporation owned vehicles or who operate any vehicle while conducting business for, or on behalf of Price Municipal Corporation shall be subject to and follow this policy
2. **DRIVER QUALIFICATION** - Drivers operating Price Municipal Corporation owned vehicles; or who may operate any vehicle while conducting business for or on behalf of Price Municipal Corporation must be qualified as an acceptable driver and authorized by Price Municipal Corporation prior to operating any vehicle or mobile equipment on any public roadway. Drivers/operators of Price Municipal Corporation vehicles and equipment shall be classified into one of the following three (3) categories (see driver qualification table below):
 - a. Acceptable: up to two (2) moving violations on the MVR record; one (1) or less at fault accident; a combination of one (1) violation on the MVR and one (1) at fault accident.
 - b. Borderline: three (3) violations or more on the MVR record; two (2) at fault accidents a DUI/DWI within the last five (5) years;
 - c. Unacceptable: no valid driver's license; DUI/DWI conviction within the last five (5) years; more than four (4) moving violations and/or at fault accidents on the MVR record;

Qualification will include:

- A. Possess a valid Utah Driver License with endorsements appropriate for the vehicle to be operated
 - (1) Employees with a valid driver license from another state are required to acquire a Utah driver license within the timeframe mandated by Utah code
 - (2) Driver license must not have any restrictions or limitations that cannot be accommodated within the employee's job description
- B. Have the ability to operate the vehicle in a safe manner
- C. Be at least 18 years of age, with a minimum documented driving history of two years
- D. Maintain an acceptable driving record as determined by the Risk Management

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Section 25: Vehicle Operation

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Approved: July 1, 2025. supersedes Prior Dated: July 1, 2024

Director using the following criteria:

- (1) The Motor Vehicle Record (MVR) for drivers and potential drivers shall not have more than 4 at-fault accidents and or moving violations based on a three (3) to six (6) year lookback period. Price Municipal Corporation shall monitor the MVR of all drivers on a monthly basis.
- (2) Any single major violation may result in an “unacceptable” qualification as determined by the Risk Manager and the Department Head. Major violations may be considered cumulative or singular at the discretion of Price Municipal Corporation; the lookback period identified below may not be applicable. Major violations may include but are not limited to:
 - a. Driving under the influence of alcohol or drugs
 - b. Failure to stop/report an accident
 - c. Failure to stop/report an accident, particularly an accident involving a Price City vehicle
 - d. Reckless driving/speeding contest
 - e. Impaired driving
 - f. Making a false accident report
 - g. Vehicular homicide, manslaughter or assault
 - h. Driving while license is in probation, suspended or revoked
 - i. Driving contrary to driver license restrictions or limitations
 - j. Other violations as determined by Mayor or designee, Human Resource Director, and department head
- (3) Driver qualification will be established initially upon hire, and at least annually thereafter, a lookback period of not less than three (3) years and not more than (6) years shall apply¹. Qualification will consider the following table, populated by all violations and accidents on the drivers MVR and work related record of motor vehicle incidents, whether or not they were reported to the Driver License Division or recorded to the MVR.

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

¹ Lookback period recommended by insurance provider.

² Updated from borderline to unacceptable July 2020 in the interest of workplace safety and accident reduction.

³ Updated from borderline to unacceptable July 2020 in the interest of workplace safety and accident reduction.

⁴ Updated from acceptable to borderline July 2020 in the interest of workplace safety and accident reduction.

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Approved: July 1, 2025. supersedes Prior Dated: July 1, 2024

- (4) Drivers with a “borderline” qualification may be subject to driving improvement stipulations and driving restrictions as determined by the Risk Manager, and or Department Head
- (5) Drivers with an “unacceptable” qualification will not operate any vehicle while conducting business for, or on behalf of Price City and will participate in a conference with the Risk Manager, the Human Resource Director, and Department Head to determine appropriate action which could include:
 - a. Transfer to a job that does not require operation of vehicles. There must be an open position for which the employee is qualified.
Transfer may include demotion and compensation change
 - b. Termination of employment when operating a vehicle is an essential function of the employee’s job
 - c. Other action in harmony with this policy

3. **SAFETY** – Drivers are responsible for the condition and safe operation of any vehicle assigned to them to complete the tasks(s) requiring the vehicle. Requirements include but are not limited to:

- A. Perform and document pre-trip safety checks in accordance with Price Municipal Corporation and Department procedures and protocols
- B. All drivers, operators, and passengers of vehicles equipped with safety belts are required to wear safety belts at all times when the vehicle is moving. The driver will not place the vehicle in motion until all occupants comply
- C. All operators of Price Municipal Corporation vehicles, equipment, or any other vehicle on city business will exercise every reasonable caution and care while operating the vehicle. Operators will obey all traffic laws, equipment, registration, and licensing requirements applicable to the vehicle being operated. Price Municipal Corporation restricts cell phone use to hands free applications consistent with State Law and encourages no use of cell phones while driving or operating Price Municipal Corporation vehicle and equipment.⁵
- D. Typing and or sending text messages, email, or other similar activities are prohibited while operating a motor vehicle
- E. Price Municipal Corporation owned vehicles will not be relinquished to a non-employee driver except in cases of emergency

⁵ Added reference to cell phone use per NFP audit and policy review 2023.

4. **VEHICLE OPERATION, CARE AND MAINTENANCE** – Price Municipal Corporation owns, leases, maintains and operates vehicles for the purpose of conducting city business. Drivers are responsible for the appearance and presentation of the vehicle they operate. Specific requirements include:

A. Price Municipal Corporation vehicles are to be used only for the performance of official duties and personal use is prohibited

- (1) Individual written agreements may allow personal use of Price Municipal Corporation vehicles and will govern those specially authorized uses
- (2) Price Municipal Corporation employees who are assigned a city vehicle may use the vehicle with prior approval of their supervisor to travel round trip from home and work when the employee is on call
- (3) Incidental personal use is allowed when it occurs infrequently, is within the route of travel and approved by the department head or designee
- (4) The use of Price Municipal Corporation vehicles is prohibited in all instances where it could reasonably expose the city to the public perception of misuse or abuse of public trust. Such uses include but are not limited to stops at a liquor store, a bar or tavern, adult entertainment and or gambling establishments, unless the stop is required as part of the job assignment
- (5) Exceptions to the personal use of Price Municipal Corporation vehicles policy can be made by the Mayor.
- (6) Elected official use or operation of a Price Municipal Corporation owned, leased or rented passenger vehicle shall be considered subordinate in priority to Price Municipal Corporation employee use of a vehicle for the conduct of official Price Municipal Corporation business.
- (7) Price Municipal Corporation maintains a smoke and tobacco free environment in or on all Price Municipal Corporation owned, leased, rented or operated vehicles and equipment. No smoking or use of tobacco products includes but is not limited to cigarettes, pipes, cigars, snuff, chewing tobacco or vaping.

B. Only qualified Price Municipal Corporation employees or Elected Officials are allowed to operate Price Municipal Corporation vehicles and Price Municipal Corporation employees may not carry passengers except on official business or with express permission of the Department Head.

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Section 25: Vehicle Operation

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Approved: July 1, 2025. supersedes Prior Dated: July 1, 2024

- C. Drivers are to report or arrange for vehicle repair and routine maintenance according to vehicle and Price Municipal Corporation guidelines. Routine maintenance includes but is not limited to oil and other fluid level maintenance and changes, windshield wiper replacement, and tire rotation.
- D. Drivers are prohibited from modifying or altering Price Municipal Corporation vehicles without prior written approval by the Fleet Department supervisor or designee.
- E. Transportation of animals is prohibited without written approval of Department Head or when permitted as part of job description or job content

5. **USE OF PRIVATE VEHICLES** – A private vehicle is any vehicle, other than a Price Municipal Corporation owned, leased or rented vehicle that is used on Price Municipal Corporation business by an employee

- A. Use of a privately owned vehicle to conduct Price Municipal Corporation business, including city approved travel within or outside Price City is permitted when authorized by a supervisor or Department Head. Department Heads must establish a department procedure to document that the authorization has been granted and that the privately owned vehicle has liability insurance meeting Utah legal requirements
- B. A privately owned vehicle used for Price Municipal Corporation business must be a mechanically safe conventional four-wheel motor vehicle that is properly licensed in the state of Utah
- C. The employee's private insurance, including vehicle insurance will be the sole coverage with respect to bodily injury and property damage occurring during or arising out of the vehicle's operation
- D. Mileage reimbursement for use of privately owned vehicles is considered full payment (including depreciation, insurance, maintenance and operating costs) for its use. Mileage rates are based on the Internal Revenue Service (IRS) reimbursement rate and Price Municipal Corporation policy in effect at the time of the vehicle use
- E. Implicit in the approval to use a private vehicle on city business is the requirement to obey all Price Municipal Corporation policies and procedures, traffic and other laws, during the operation of that vehicle

6. **VIOLATION OF POLICY** – Consistent with other personnel policies and procedures, violation of the Vehicle Operation Policy, may result in discipline up to and including termination

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Section 25: Vehicle Operation

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Approved: July 1, 2025. supersedes Prior Dated: July 1, 2024

UPPER PRICE RIVER PLAN-EIS ADDITIONAL FUNDING...

Mayor
MICHAEL KOURIANOS

City Attorney
ERIC JOHNSON

City Recorder
JACIADAMS

City Treasurer
ZACKTONC

Finance Director
ISA RICHENS



City Council

JOE CHRISTMAN

AMY KNOTT-JESPERSEN

LAYNE MILLER

TANNER RICHARDSON

TERRY WILLIS

PRICE MUNICIPAL CORPORATION
185 EAST MAIN • P.O. BOX 893 • PRICE, UT 84501
PHONE (435) 637-5010 • FAX (435) 637-2905

April 23, 2025

Anders Fillerup
USDA - Natural Resources Conservation
Service Wallace F Bennett Federal Building,
Rm 4010 125 S State Street
Salt Lake City, UT 84138-1100

SUBJECT: Upper Price River Watershed Plan-EIS NR208D43XXXXC014

Dear Mr. Fillerup:

We appreciate NRCS' support on the PL83-566 Upper Price River Watershed Project. Although the project is still progressing, additional funding is needed to complete the Watershed Plan Environmental Impact Statement.

This letter is to request additional funding in the amount of \$969,621.00 for Cooperative Agreement NR208043XXXXC014 between the United States Department of Agriculture Natural Resources Conservation Service and Price City. Included is a memorandum from Horrocks which includes an itemized list of tasks that remain to be completed for the Plan-EIS. A request for additional time to complete the project was submitted previously.

If I can answer any questions regarding this request, please let me know.

Sincerely,

Michael Kourianos

Price City Mayor
P: 435-650-5049
E: mikek@priceutah.net

To: Price City and NRCS

From: Stan Jorgensen, PE

Date: Feb 19, 2025 [revised 3/27/25]

Memorandum

Subject: PRWRC PLAN-EIS for the Upper Price River Watershed Protection Project-Scope and Cost Changes – Amendment No. 2 Request

Brief Description of Contract Modification Need:

NEPA documents are process driven. As such, the need for additional scope, schedule, agency coordination, and level of evaluation have been identified for engineering services, resource surveys, stakeholder/landowner coordination, public outreach, and preparation of the Plan-EIS.

Schedule:

Originally, it was anticipated that the preparation of the Plan-EIS would be completed in 24 months (May 2020 through May 2022). Amendment No. 1 updated schedule estimate to complete the study by May 2024 (an additional 24 contract months beyond May 2022). At this time, proposed Amendment No. 2 assumes study completion will need to be extended to May 2026.

Specific Work Activities

The following are descriptions of scope of work changes:

Tasks	Assumptions/Explanation	Estimated Cost
MANAGEMENT TASKS		
Additional Client Meetings 2 nd and 3 rd weeks: 2pm-NRCS mtg 4 th week: 2pm-NRCS mtg 2:30pm-Coop Agencies	-1/2 hr Teams calls (assume 36)	\$ 38,182
Additional PRWRC Committee Meetings (monthly)	-Ten additional meetings in Price -On average, three attendees from consultant team	\$ 37,716
Additional Internal Team Coordination and Meetings (weekly)	-Assume additional 30 meetings	\$49,793
Additional Effort to Maintain Project Management Dashboard and GIS Map Portal	-June 2024 through May 2025	\$ 10,647
PHASE I, II, AND III		
Additional Inter-Agency Coordination, Documentation, and Data Compilation	-Additional EPA and BLM coordination and monthly update meetings -Prepare SF-299	\$ 45,709
Additional Neighborhood Coordination	-Assume three additional small group	\$ 20,303

and Small Group Meetings	meetings in Price	
Additional Environmental Studies and Coordination - Cultural Resources	<ul style="list-style-type: none"> -Class III pedestrian survey will be performed for additional property as design concepts evolve -Additional BLM coord for SF-299 	\$ 51,803
Additional Environmental Studies and Coordination- Wetlands and Waters of the U.S.	<ul style="list-style-type: none"> -Prepare Wetland Delineation (rather than inventory) for property as design concepts evolve -Assume no Stream Alt / Section 404 formal permit Applications included in Environmental phase 	\$40,696
Additional Environmental Studies and Coordination - T&E and Wildlife Resources	<ul style="list-style-type: none"> -Survey additional area as design concepts evolve -Provide 3 yrs of T&E surveys -Assume a fish biologist will not be required -Since ULT have been identified in the project area, perform 3 years of ULT Surveys 	\$ 50,567
Additional Effort to Formulate, Evaluate, Eng. Analyses, Screening of Alternatives <ul style="list-style-type: none"> -Perform high-level analyses to identify key concept/alternative parameters and any fatal flaws -Conduct alternatives screening 	<ul style="list-style-type: none"> -Additional design effort to complete 30% design and cost estimates for four Build alternatives, as project has evolved -Develop concepts for potential recreation facilities 	\$ 71,486
Additional Conceptual Design (of the Preferred Alternative)	<ul style="list-style-type: none"> -Additional effort to get to 30% design sheets and cost estimate 	\$ 32,200
Additional Effort to Prepare Preliminary Draft PLAN-EIS (PDEIS)	<ul style="list-style-type: none"> -Additional effort to develop PDEIS to include four build alternatives and No-build alternative -Make refinements based on NRCS Resource Management Center's review of another local project, in anticipation that we may get similar comments. 	\$ 292,415
Additional Effort To Address NRCS Comments and Concerns	<ul style="list-style-type: none"> -Additional effort to address NRCS Resource Management Center and Cooperating Agencies comments 	\$ 68,765
Direct costs	Mileage	\$ 3,549
	Meals	\$2,140
	Lodging	\$3,900
	Newspaper	\$0
	Postage	\$0
	Court Recorder	\$0
Subconsultant costs	Sub – J&T	\$119,748
	Sub – RB&G	\$0
	Sub - Loughlin	\$0
	Sub – Hal Gordon (Economics)	\$0
	Sub – Eric Johnson	\$25,000

	Sub – Bill Butcher	\$5,000
Contingency (0%)		\$ 0
	Total Estimated Cost	\$ 969,621

Cost summary

The current high-level Construction Cost Estimate ranges between \$364 Million and \$479 Million. Environmental Documentation costs are estimated to be \$1,211,000 (original contract) + \$964,318 (Amendment No. 1) + 969,621 requested Amendment No. 2 = \$3,144,939 which is less than 0.7 percent of anticipated construction cost.

A more detailed Hours/Cost Estimate is attached.

Upper Price River Watershed NRCS PLAN-EIS

Horrocks Engineers Team Contract Modification No. 2 Cost Estimate (March 2025)

	TASK DESCRIPTION	COST [June 2025-May 2026]	HOURS PER TASK [June 2025-May 2026]	Management			E			
				Project Manager	Enviro Lead	QC and Arch.	Process Control	Doc Prep	Wetlands	T&E/Wildlife
				Stan J PE	Monique PE	Chuck E	Judy I	Tiare L	Nathan	Staff
				102.64	70.91	78.37	62.45	37.31	49.57	50.72
MANAGEMENT TASKS										
	Additional Client Meetings (assume 36 online meetings)	\$38,182	168	36	36	10		36	5	
	Additional PRWRC Committee Meetings (monthly - ten in person)	\$37,716	150	50	60			20		
	Additional Internal Coordination meetings	\$49,793	235	30	30	20		20	10	15
	Additional Effort to Maintain Project Management Dashboard and GIS map portal	\$10,647	60	5	10			10		
PHASE I, II, and III										
	Additional Inter-Agency Coordination, Documentation, and Data Compilation	\$45,709	225	30	50	20		40	10	10
	Additional Neighborhood coordination and small group Meetings (Three meetings in Price)	\$20,303	100	20	20			20		
	Identify Environmental Resources	--	--	--	--	--	--	--	--	--
	Additional Cultural Resources	\$51,803	280	30	30	80		40		
	Additional Wetlands Work (add additional area, Delineation instead of inventory)	\$40,696	240	30	30			60	80	
	Additional T&E (additional area, additional yearly ULT surveys)	\$50,567	310	30	30			80	30	80
	Additional Effort To Formulate, Evaluate, Eng. Analyses, Screening of Alternatives	\$71,486	340	40	50	20		40		
	Additional Conceptual Design (of the Preferred Alternative)	\$32,200	160	10	20					
	Additional Work To Prepare PLAN-EIS (PDEIS)	\$292,415	1710	50	450	50		500	50	
	Additional Effort To Address NRCS Comments and Concerns	\$68,765	420	20	100			100	50	50
	TOTALS	\$810,284	4398	381	916	200	0	966	235	155
	DIRECT COSTS									
	Mileage:	Total		Quantity		Unit	Unit Cost	Notes:		
		\$3,549		5460		Miles	\$0.65			
	Meals:	\$2,140		107		each	\$20			
	Lodging:	\$3,900		26		Nights	\$150			
	Subconsultant - J&T (Design)	\$119,748								
	Subconsultant - RBG (Geotech) (additional boreholes)	\$0								
	Subconsultant - Loughlin (Hydrogeology)	\$0								
	Subconsultant (Paleontologist)	\$0								
	Subconsultant - Hal Gordon (NRCS Economist)	\$0								
	Sub - Eric Johnson	\$25,000								
	Sub - Bill Butcher	\$5,000								
	Newspaper	\$0		0		each	500			
	Postage	\$0		0		each	0.5			
	Court Reporter (Depomax etc.):	\$0		0		each	500			
	Total Direct Cost:	\$159,337								

TOTAL ESTIMATED COST: \$969,621

Environmental					Public Involvement		Design/Alternative Development					Support				
Cultural		Social	Planning / Visual	Graphics	PI Lead	PI Specialist	Design Lead	Design Concepts	Floodplain	Structures	Eng. Support	GIS Specialist	Editor	Survey	Accounting	Admin Asst
Aaron	Brienne M	Sam P	Zach S	Heather B	Beau H	Macey M	Dave D	Mark C	Todd A	Brett B	Isaac D	Zach St	Lisa B	Crew	Kenda V	Cathy
57.36	33.75	50.58	61.3	42.93	105.77	43.85	101.68	PE 83.41	99.04	101.92	27.55	59.76	60.1	90	43.85	38.93
\$177.82	\$104.63	\$156.80	\$190.03	\$133.08	\$327.89	\$135.94	\$315.21	\$258.57	\$307.02	\$315.95	\$85.41	\$185.26	\$186.31	\$279.00	\$135.94	\$120.68
					15			30								
								20								
					15		20	30	20	5		20				
					15								20			
					5	40		20								
						30	10									
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
60					40											
					40											
					60											
					40		50	50			50					
					30		30	30			40					
					500		100							10		
					100											
0	60	0	5	895	0	50	290	100	5	0	110	20	10	0	0	0

MINUTES

Minutes of the Price City Council Workshop
Conference Room 106
April 9, 2025 – 4:00 p.m.

Present:

Mayor Kourianos

Councilmembers:

Councilmember Miller

Councilmember Richardson

Councilmember Willis

Excused: Councilmember Christman, Councilmember Knott-Jespersen

Present: See Public Meeting Sign-In Sheet

Items discussed:

1. Safety Seconds/Nick Tatton/With warmer weather, many people will be doing yardwork, use safety equipment.
2. Mayor's report: Flood mitigation/Mead's Wash/Retention Basin/Woodhill Construction.
3. Councilmember report: Miller-Music in the Corridor poster/Buffalo Soldiers Historic Trail/Public Hearing.
4. Councilmember report: Richardson-International Days meeting/Emergency Plan/3 on 3 Basketball on Main Street during International Days.
5. Councilmember report: Willis-Main Street meeting/working toward more ribbon cuttings for new businesses by Chamber of Commerce.

Adjourned: 4:56 p.m.

APPROVED:

Michael Kourianos, Mayor

ATTEST:

Jaci Adams, City Recorder

Minutes of the City Council Meeting

City Hall

Price, Utah

April 9, 2025

Present:

Mayor Kourianos

Jaci Adams, City Recorder

Councilmembers:

Lisa Richens, Finance Director

Amy Knott-Jespersen via phone

Miles Nelson, Public Works Director

Layne Miller

Nick Tatton, Administrative Director

Tanner Richardson

Terry Willis

Excused: Councilmember Christman, Councilmember Knott-Jespersen

Staff/Others: See Public Meeting Sign-In Sheet

1. PLEDGE OF ALLEGIANCE

Mayor Kourianos called the regular meeting to order at 5:04 p.m. Jimmy Darter, Living Hope Church offered a word. Mayor Kourianos led the Pledge of Allegiance.

2. ROLL CALL

Roll was called with the above Councilmembers and staff in attendance.

3. SAFETY SECONDS

Councilmember Willis reminded everyone to keep your eyes and vision healthy and take any necessary precautions.

4. GENERAL BUSINESS/DISCUSSION

a. SAFETY DRAWING. Drawing for the quarterly employee safety prize.

The winner of the quarterly employee safety prize was Jason Wichman.

b. PUBLIC HEARING – SPRING WATER TRANSMISSION LINE REPLACEMENT. To receive public comment on the Spring Water Transmission Line Replacement project.

Mayor Kourianos asked for a motion to open the Public Hearing.

MOTION.

Councilmember Willis moved to open the Public Hearing at 5:08 p.m. Councilmember Richardson seconded and motion carried.

Miles Nelson, Public Works Director explained the Price City Spring Water Transmission Line Replacement Project by reading aloud the following:

The purpose of this public hearing is to receive public comment on the City's proposed Spring Water Transmission Line Replacement Project. The project is needed to ensure the continued delivery of safe, clean drinking water from the City's Colton Springs to its water treatment plant and distribution system. An extensive study of the condition of the transmission line was completed in February 2024 which documented the poor condition of the aging infrastructure.

The City is planning to replace approximately 7 miles of the existing 11 mile stretch of pipeline. Most of the seven-mile section of pipeline to be replaced is over 95 years old and is beyond its useful life. There are some sections of the pipeline that are in such poor condition that leaks have become a more regular occurrence, requiring the City's water system maintenance crew to inspect and make repairs more frequently. The old thin-wall steel pipe is in such poor condition it is difficult to patch and repair. The new proposed pipe material will be HDPE pipe, which stands for high density polyethylene pipe. HDPE pipe is known for its strength and resistance to impact and corrosion. It's also flexible which facilitates installation in challenging terrain. With its durability, it can have a lifespan of over 100 years.

It is anticipated that the transmission line replacement project will take at least 3-4 years to complete as the majority of the work will likely only be performed from late April until October. This schedule avoids construction during the coldest months of the year when the transmission line cannot be taken off-line because it is the sole source of drinking water for Price City's customers during those months. Utilizing this approach, it is anticipated that there will be little to no interruption in water service for the City's customers during the project.

The total cost of the project is estimated to be \$12 million to \$14 million dollars. Price City will be seeking funding assistance for the design and construction phases of the project from multiple sources, including grant/loan funding through the State Division of Drinking Water, as well as grant/loan funding through the Permanent Community Impact Board (CIB). In order to qualify for loan funding, the City will be required to issue revenue bonds. The increase in the City's debt obligations will be funded through increases in customer water rates.

Janell Braithwaite, Rural Water Association of Utah, Marie Owens, Advanced Engineering Environmental Services (AE2S) and Jon Johansen, Johansen and Tuttle Engineering were also in attendance to explain how critical the need to replace the spring water transmission line is. During the public hearing Ron Gordon, Price resident had concerns regarding replacement of the transmission line, along with Rory Jones, Cal Ockey, Todd Richardson, Jaron Hansen, Paul

Smith and Russ Seeley. After a lengthy discussion, Mayor Kourianos asked for a motion to close the public hearing.

MOTION.

Councilmember Miller moved to close the Public Hearing at 6:03 p.m. Councilmember Richardson seconded and motion carried.

c. SPRING WATER TRANSMISSION LINE REPLACEMENT PROJECT. Consideration and possible approval to advance the project forward, including pursuing funding for design engineering and pipeline construction from the Division of Drinking Water and the Permanent Community Impact Board (CIB).

MOTION.

Councilmember Richardson moved to approve to advance the Spring Water Transmission Line Replacement project forward, including pursuing funding for design engineering and pipeline construction from the Division of Drinking Water and the Permanent Community Impact Board (CIB). Councilmember Miller seconded and motion carried.

d. PUBLIC HEARING – CULINARY WATER RATE INCREASES. To receive public comment on the proposed increases for the City's culinary (drinking) water rates charged to its customers. The rate increases are needed to help fund essential upgrades to the City's water infrastructure.

Mayor Kourianos asked for a motion to open the Public Hearing.

MOTION.

Councilmember Willis moved to open the Public Hearing at 6:04 p.m. Councilmember Miller seconded and motion carried.

Miles Nelson, Public Works Director, informed everyone that the purpose of the water rate increase is to ensure the continued reliability and quality of its drinking water supply, the City is implementing water rate increases to fund essential upgrades to some of the City's aging water infrastructure, including its spring water transmission line and water treatment plant. It is anticipated that there will be a series of rate increases implemented over the next three years, with the current year increase taking effect on May 1, 2025. Miles Nelson then went on to explain the proposed water rate increases according to residential and commercial. Janell Braithwaite, Rural Water Association of Utah again, explained the necessity of the water rates increase and how crucial the need is to have this happen immediately. Bob Teny, Price resident had concerns with the increase of water rates along with the replacement of the spring water line transmission line, along with Cal Ockey and Ron Gordon that also expressed their concerns. After a lengthy discussion, Mayor Kourianos asked for a motion to close the public hearing.

MOTION.

Councilmember Miller moved to close the Public Hearing at 6:41 p.m. Councilmember Willis seconded and motion carried.

e. ORDINANCE NO. 2025-002. Consideration and possible approval of An Ordinance Establishing the Water Rates to be Charged to Drinking Water Customers Inside and Outside the Corporate Limits of Price City.

MOTION.

Councilmember Miller moved to approve Ordinance No. 2025-002 establishing the water rates to be charged to drinking water customers inside and outside the corporate limits of Price City. Councilmember Willis seconded and motion carried.

f. RESOLUTION NO. 2025-10. Consideration and possible approval of a Resolution Amending and Expanding the Tenure Based 401K Retirement Financial Contribution Incentive for Certain Price City Employees.

MOTION.

Councilmember Willis moved to approve Resolution No. 2025-10 amending and expanding the tenure based 401K Retirement Financial Contribution Incentive for certain Price City employees. Councilmember Richardson seconded and motion carried.

g. RESOLUTION NO. 2025-11. Consideration and possible approval of a Resolution Adopting Price City Privacy Posting and Policy Documents.

MOTION.

Councilmember Richardson moved to approve Resolution No. 2025-11 adopting Price City Privacy Posting and Policy Documents. Councilmember Willis seconded and motion carried.

h. RESOLUTION NO. 2025-12. Consideration and possible approval of a Resolution Amending the Price City Elected Official Compensation Time frame.

MOTION.

Councilmember Willis moved to approve Resolution No. 2025-12 amending the Price City Elected official compensation time frame. Councilmember Miller seconded and motion carried.

5. CONSENT AGENDA

MOTION.

Councilmember Miller moved to approve consent agenda items a. thru h. Councilmember Richardson seconded and motion carried.

a. MINUTES for 03-26-2025 City Council Workshop and City Council.

b. GRANT CONTRACT. Consideration and possible approval/ratification of the Dept of Energy Grant Contract for assistance to rebuild the Price City 46kv line.

- c. AGREEMENT EXTENSION REQUEST – UPPER PRICE RIVER PLAN-EIS. Consideration and possible approval to request an extension for the current Upper Price River Plan-EIS Agreement (lower elevation reservoir study) with the Natural Resources Conservation Service (NRCS) from May 2025 to May 2026.
- d. RENAISSANCE FAIR ENTERTAINMENT CONTRACTS. Consideration and possible approval of Renaissance Fair entertainment contracts between Price City and (1) Mayada Banjara World Dancers-The Dueling Pyros-The Northern Lights; (2) The Reel Folk; (3) The Order of the Silver Rose.
- e. BLACK DIAMOND RODEO SPONSORSHIP REQUEST. Black Diamond Rodeo representative, Jen Robertson is requesting a \$500.00 sponsorship donation for the Black Diamond Rodeo that will be held at the Carbon County Fairgrounds June 6-7, 2025.
- f. FEE WAIVER REQUEST. Consideration and possible approval to waive fees for the Utah Division of State History to use the Price City Auditorium for a Public Hearing for the creation of a National Buffalo Soldiers Historic Trail. The Public Hearing will be held June 6, 2025 at 6:00 p.m.
- g. TRAVEL REQUESTS. Debbie Worley, 37th Annual Crime Victims Conference, Midway, UT., April 23-25, 2025. Miles Nelson, Public Works Director, Joint Highway Committee & ULCT Conference, April 16-18, 2025, St. George, UT.
- h. BUSINESS LICENSES. Homestead Steaks at 406 State Hwy 55 (Sutherlands parking lot).

6. PUBLIC COMMENTS

NO public comments were discussed or reported.

7. UNFINISHED BUSINESS

No unfinished business was discussed or reported.

Mayor Kourianos asked for a motion to close the regular City Council meeting.

Councilmember Willis moved to closed the regular City Council meeting. Councilmember Richardson seconded and motion carried.

The regular City Council meeting was adjourned at 6:51 p.m.

APPROVED:

Michael Kourianos, Mayor

ATTEST:

Jaci Adams, City Recorder



MEMORANDUM

TO: Mayor and City Council

FROM: Nick Tatton 

DATE: April 14th, 2025

*Distributed electronically via email by
NT on 4-14-25*

SUBJECT: Career Ladder Promotion: Melanie Adams

Robby Matkin, Parks and Cemetery Department Supervisor, is recommending that Melanie Adams be promoted and the wage adjusted via a selective salary adjustment. The position will remain a Grade 10, Lead Worker. Melaine has been in the position and a department leader for over ten (10) years.

The Finance Director has confirmed funds for the promotion are available in the budget for the 2025-2026 fiscal year and the promotion/adjustment was planned and budgeted for by the department via the 'people budget' process for the fiscal year. It is recommended that the promotion/adjustment become effective on the payroll cycle when the approval by the City Council on April 23rd, 2025 is completed (payroll beginning April 18th, 2025). Based on the review of the supporting documentation, wage relativity, attendance, and performance evaluations I support the promotion, as amended. The completed form and supporting documentation are available for review.

The promotion will be on the consent agenda for the City Council Meeting scheduled for April 23rd, 2025. If you have any questions, please contact me.

CC: Lisa Richens
Monica Donaldson
Miles Nelson
Scott Olson
Robby Matkin



MEMORANDUM

TO: Mayor and City Council

FROM: Nick Tatton

A handwritten signature in blue ink, appearing to read "NT".

DATE: April 14th, 2025

*Distributed electronically via email by
NT on 4-14-25*

SUBJECT: Career Ladder Promotion: Justin Busk

Robby Matkin is recommending that Justin Busk be promoted from Groundkeeper II, Grade 6, to Groundskeeper III, Grade 8.

In accordance with our promotion and career ladder guidelines, a recommendation form to justify the promotion has been completed. The promotion is supported and signed by Robby Matkin and Scott Olson and Miles Nelson. The Finance Director has confirmed funds for the promotion are available in the budget for the 2025-2026 fiscal year and the promotion was planned and budgeted for by the department via the 'people budget' process for the fiscal year. It is recommended that the promotion become effective on the payroll cycle when the approval by the City Council on April 23rd, 2025 is completed (payroll beginning April 18th, 2025). Based on the review of the supporting documentation, wage relativity, attendance, and performance evaluations I support the promotion, as amended. The completed form and supporting documentation are available for review.

The promotion will be on the consent agenda for the City Council Meeting scheduled for April 23rd, 2025. If you have any questions, please contact me.

CC: Lisa Richens
Monica Donaldson
Miles Nelson
Scott Olson
Robby Matkin



MEMORANDUM

TO: Mayor and City Council

FROM: Nick Tatton

A handwritten signature in blue ink that appears to read "NT".

DATE: April 14th, 2025

*Distributed electronically via email by
NT on 4-14-25*

SUBJECT: Career Ladder Promotion: Justin Busk

Robby Matkin is recommending that Kimberly Moosman be promoted from Groundkeeper II, Grade 6, to Groundskeeper III, Grade 8.

In accordance with our promotion and career ladder guidelines, a recommendation form to justify the promotion has been completed. The promotion is supported and signed by Robby Matkin and Scott Olson and Miles Nelson. The Finance Director has confirmed funds for the promotion are available in the budget for the 2025-2026 fiscal year and the promotion was planned and budgeted for by the department via the 'people budget' process for the fiscal year. It is recommended that the promotion become effective on the payroll cycle when the approval by the City Council on April 23rd, 2025 is completed (payroll beginning April 18th, 2025). Based on the review of the supporting documentation, wage relativity, attendance, and performance evaluations I support the promotion, as amended. The completed form and supporting documentation are available for review.

The promotion will be on the consent agenda for the City Council Meeting scheduled for April 23rd, 2025. If you have any questions, please contact me.

CC: Lisa Richens
Monica Donaldson
Miles Nelson
Scott Olson
Robby Matkin



I. Fuel Type(s) provided (please check all that apply):

- Natural Gas
- Electricity
- Propane
- Coal
- Wood
- Fuel Oil
- Kerosene
- I have selected at least one energy type

II. PURPOSE OF ATTACHMENT:

The Low-Income Home Energy Assistance Act of 1981 (Pub. Law 97-35, Sections 2601-11, 42 U.S.C. Sections 8621-8629) provides grants to DWS to assist eligible low-income households in meeting the costs of home energy. Eligible households are defined as those meeting the criteria set forth in the Utah HEAT Program Policy Manual, issued by the Utah Department of Workforce Services (DWS) HEAT Program. This contract incorporates the requirements that must be met by ENERGY ASSISTANCE PROVIDER if payments are to be made directly to ENERGY ASSISTANCE PROVIDER in accordance with 42 U.S.C., Section 8624 (b)(7).

III. SCOPE:

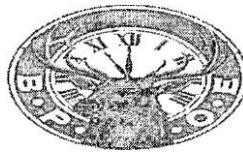
- A. DWS will make payments directly to ENERGY ASSISTANCE PROVIDER provided that:
 - 1. ENERGY ASSISTANCE PROVIDER charges the household in ENERGY ASSISTANCE PROVIDER'S normal billing process.
 - 2. ENERGY ASSISTANCE PROVIDER bills the household no more than the cost of the energy delivered minus the cost of the payments received or expected from DWS.
 - 3. ENERGY ASSISTANCE PROVIDER does not discriminate against or treat adversely any eligible household for any reason in relation to terms and

conditions of service, sale, credit, delivery, or price, including service charges, reconnection charges, and payment plan arrangements.

4. ENERGY ASSISTANCE PROVIDER agrees not to discontinue utility service for at least 30 days after receiving verbal/written verification of payment from DWS, whether for the standard HEAT program or for emergency funds, excluding repairs. Examples of valid HEAT verifications will be available upon request from DWS.
5. ENERGY ASSISTANCE PROVIDER agrees to waive any security deposit billed to households approved for the HEAT program. The HEAT program cannot pay for security deposits.
6. The HEAT payments may cover additional fees such as shut off notice fees, reconnection fees, late payment fees, or similar fees directly related to heating or cooling costs. Water, sewer, and garbage charges are allowable only if they are required as part of the energy portion of the vendor bill to keep the energy source to the household. Other miscellaneous charges on the bill that are not energy-related cannot be paid, such as appliance purchases, tampering fees, returned check fees, collection fees, and charge/write offs. Upon request from the HEAT program, ENERGY ASSISTANCE PROVIDER may be required to provide justification for the type and amount of fees on the client's energy bill.
7. Delivery of fuel or energy will be made within four calendar days of the receipt of or verbal/written verification of payment, if not earlier.
8. In regard to clients who have either been disconnected or have run out of fuel and are receiving HEAT or CRISIS funds for reconnection or fuel delivery:
 - a. ENERGY ASSISTANCE PROVIDER agrees to reconnect client within 24 hours upon receiving verbal or written commitment of payment from DWS.
 - b. For fuel sources other than natural gas or electricity, ENERGY ASSISTANCE PROVIDER agrees to provide emergency fuel within 48 hours upon receiving verbal or written commitment of payment from DWS.
9. If ENERGY ASSISTANCE PROVIDER is a utility regulated by the Public Service Commission of Utah, ENERGY ASSISTANCE PROVIDER will supply energy in accordance with provisions of Utah Residential Utility Service Regulation R746-200, as adopted by the Public Service Commission of Utah.
10. ENERGY ASSISTANCE PROVIDER will ensure that payment by DWS is credited toward the household's home energy costs.

11. If the HEAT benefit was paid in error or if fraud is determined, upon request, the ENERGY ASSISTANCE PROVIDER agrees to return the HEAT benefit to DWS.
- B. DWS will include a list of eligible households and amounts paid on behalf of households with each warrant paid to ENERGY ASSISTANCE PROVIDER via the HEAT Vendor Portal.
- C. CREDIT BALANCES
 1. If a household discontinues service with ENERGY ASSISTANCE PROVIDER, the ENERGY ASSISTANCE PROVIDER must return any HEAT benefit credit remaining on the account to DWS with the Return Funds to State Form.
 - a. If the household opens a new utility account for a Utah address, the ENERGY ASSISTANCE PROVIDER may transfer the remaining credit balance directly to the new utility vendor without notifying DWS.
 - b. ENERGY ASSISTANCE PROVIDER may not return credit balances directly to the client. If the ENERGY ASSISTANCE PROVIDER returns credit balance directly to the client, the ENERGY ASSISTANCE PROVIDER is responsible to send a check to DWS for the amount of the credit balance and collect a reimbursement directly from the client.
- D. In the event ENERGY ASSISTANCE PROVIDER erroneously returns funds to DWS, DWS shall remit such funds to the ENERGY ASSISTANCE PROVIDER within 30 days after a determination that such return was in error.
- E. RELEASE OF INFORMATION:
 1. The ENERGY ASSISTANCE PROVIDER named above is a Retail Energy Provider who represents and warrants that it is authorized to receive payment from DWS on behalf of a customer determined by DWS under the HEAT guidelines to be an eligible HEAT applicant. ENERGY ASSISTANCE PROVIDER will, with reference to an eligible HEAT applicant:
 - a. Upon verbal or written request from DWS, provide at no cost to DWS the eligible HEAT applicant's billing and usage history for the previous twelve (12) months. ENERGY ASSISTANCE PROVIDER will transmit such billing history via electronic mail or facsimile by requested date each year.
 - b. ENERGY ASSISTANCE PROVIDER agrees to provide relevant account information including account balance, account status, utility number, and a copy of recent utility bills when requested by DWS.

FEE WAIVER REQUEST



Price Elks Lodge #1550'

April 18, 2025

Mayor Kourianos:

The following Elks events for Youth Week and Drug Awareness are the ones we spoke about on the phone.

It would be our privilege if you were able to attend.

May 5th at 5 p.m. at the Elks Lodge, we will have a Cinco De Mayo Party for the Youth Activity along with Drug Awareness. We will do Walking Tacos, Snow Cones, a Cake Walk with some other games.

May 6th at 5 p.m. at Washington Park, we will have a Youth Activity along with Drug Awareness. We will have food coloring Water balloons. Everyone will wear white so they can dye _their shirts. And of course, Pizza!

June 21

Fishn'g with the Fuzz from 12 to 2, at the Fairgrounds Pond. Hot Dogs, chips, and drinks. We may have fishing poles available but just in case, please bring your own.

The Police Officers really enjoyed this last year and requested we do it again.

Also, on Mother's Day, May 11th at noon, we will have a luncheon for mom's and then at 1:30 p.m., we will have our Mother's Day Ritual which we would love to have you at as well, if possible.

We at the Elks appreciate it any time you can attend our functions.

Sincerely,


Kenneth Jensen, Exalted Ruler