



Quarterly Update

 Presented by
Kayla Mayers, Millcreek Promise





Recognized as a "Systems Transformation" Cradle-to-Career Partnership



[First](#) in the country to be recognized with this designation (2022)

Have been redesignated each time since ([3 times](#))

One of [11 out of 68](#) network members in the country with this designation as of 2024

Exploring
Emerging
Sustaining
Systems Change
Proof Point
Systems Transformation

Investable Plan

Plan being created for Millcreek with support of Promise Partnership Utah and with technical assistance from William Julius Wilson Institute

This will be a roadmap for communities to become the fullest expression of a “Promise Community”

Ensures a robust pipeline of services and supports for ***every kid*** from **cradle to career**

Last Quarter Updates (July 2025-September 2025)

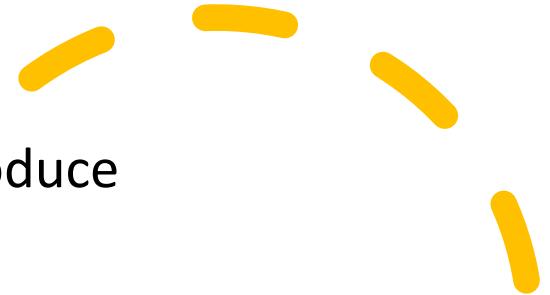
- Produce Pals Kicked Off July 1st
- Career Exploration Field Trip Day
- Early Childhood Education Kits at Canyon Rim Cares
- Afterschool Summer Camp
- Hired a part time staff (supporting mainly afterschool and child supervision program)
- Became a Just Serve City
- Kicked off new Youth Council Cohort
- Supported Willow Glen Fire Relief
- Hosted Back to School Bike Rodeo at James E. Moss Elementary
- Supported the 60th anniversary event at Churchill Junior High
- Continued UTA Pass Pilot Program
- 9/11 Day of Service
- Welcoming Week
- Health Coalition Trainings
- Continued to provide digital skills training



Data Showcase



- Produce Pals – 2,267 lbs of produce
- Job Exploration - 17 youth
- Digital Skills Classes
 - 9 new individuals
 - Attendance Total: 28 this calendar year
- Canyon Rim – 100 kits
- Youth Council – 25 youth
- Fire Relief – \$109,868.47 dollars
- UTA Pass Pilot – 5 passes
- 9/11 Day of Service – 629 kits
- Child Supervision – ADA 7 youth



Next Quarter: What is to Come?

- Wrapping Up Produce Pals on October 28th
- Promise Strategic Planning for 2026
- Wallace Foundation
- Winter Clothing Drive
- Sub for Santa
- Millcreek Futures Kick Off
- Continue regular programs
 - Supporting afterschool
 - Child supervision
 - Digital literacy

MILLCREEK, UTAH
ORDINANCE NO. 25-43

AN ORDINANCE AMENDING THE 2025-26 FISCAL YEAR BUDGET

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on September 22, 2025, to consider, among other things, amending the budget for the 2025-26 fiscal year; and

WHEREAS, the City Administration has presented a proposed amendment to the 2025-26 fiscal year budget (see attached Exhibit “A” identified as FY 2025-26 Budget Amendment #1); and

WHEREAS, on September 4, 2025, notice of a public hearing to consider the recommended amendment to the 2025-26 budget was published on the Utah Public Notice website, Millcreek website, and at City Hall; and

WHEREAS, on September 22, 2025, a public hearing to receive public comment to consider the amendments to the 2025-26 fiscal year budget was held at the Millcreek City Hall located at 1330 E Chambers Avenue, Millcreek, Utah; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, amending the budget for the 2025-26 fiscal year; and

WHEREAS, it is the intent and desire of the city to comply with all applicable State and local laws regarding the adoption of and the amendment to the 2025-26 fiscal year budget; and

WHEREAS, the Council finds that it has satisfied all legal requirements required to amend a budget.

NOW, THEREFORE, BE IT ORDAINED by the Council that the budget for the 2025-26 fiscal year is hereby amended as set forth in the attached Exhibit “A” identified as FY 2025-26 Budget Amendment #1. This ordinance shall take effect upon passage and posting as required by law.

PASSED AND APPROVED this 22nd day of September, 2025.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 25-43: AN ORDINANCE AMENDING THE 2025-26 FISCAL YEAR BUDGET was adopted the 22nd day of September, 2025 and that a copy of the foregoing Ordinance 25-43 was posted in accordance with Utah Code 10-3-711 this ____ day of September 2025.

Elyse Sullivan, City Recorder

Exhibit A

FY2025-26 Budget Amendment #1

General Fund	Account Description	Original Budget	09/22/25 Requested Amendments	Proposed Amended Budget	Comments
<u>Revenue</u>					
100-3320-3321	State Grants	400,000	55,000	455,000	JR Comm grant for playground on JR Trail
100-3800-3810	Contributions - Promise Program	150,000	104,760	254,760	\$101,010 - monetary donations for fire relief \$ 3,750 - additional from UW for Block Party
100-3900-3920	Budgetary Use of Fund Balance	728,876	121,400	850,276	\$110,000 - AAU \$ 11,400 - software
Totals			281,160		
General Fund	Account Description	Original Budget	09/22/25 Requested Amendments	Proposed Amended Budget	Comments
<u>Expenditures</u>					
Dept 100-4250 Promise Program					
100-4250-8250	Youth Council	10,000	3,750	13,750	Additional amt from United Way for Promise Block Party
100-4250-8300	Programs	21,000	110,000	131,000	Asian Association of Utah - for after school programming; 10-8-2 Study/ Ordinance #25-31 for up to \$110K approved 08-11-25
100-4250-8301	Fire Relief - Council Appropriation		11,500	11,500	Appropriation moved from 100-4510-2410; for fire relief 23 households x \$500 each
100-4250-8302	Fire Relief - Private Donations		98,370	98,370	distribution of private donations for fire relief to 23 households
Dept 100-4410 Building Services					
100-4410-6200	Bank Fees & CC Processing Fees		48,000	48,000	iWorq processing fees - appropriation moved from non-departmental
Dept 100-4510 Communications					
100-4510-2410	Postage & Shipping	120,000	(14,000)	106,000	\$11,500 - 100-4250-8301 fire relief (Council approved) \$ 2,500 - Reclass within Department
100-4510-8105	Comm Grps & Other 10-8-2 Contributions	40,000	2,500	42,500	for Millcreek Senior Center Reclass within Department
Dept 100-4730 Non-Departmental					
100-4730-6200	Bank Fees & CC Processing Fees	100,000	(80,360)	19,640	(\$ 83,000) mv \$35K to 5710 for Roller processing fees mv \$48K to 4410 for iWorq processing fees \$ 2,640 - processing fees for fire relief donations
Dept 100-4840 I.T.					
100-4840-2550	Software	350,000	5,600	355,600	Bulk BL renewal notification module (iWorq)
Dept 100-5710 Comm Life Admin					
100-5710-6200	Bank Fees & CC Processing Fees		35,000	35,000	Roller processing fees - appropriation moved from non-departmental
Dept 100-5730 Public Markets					
100-5730-2510	Software	1,500	5,800	7,300	\$5,600 - Thrive (for mkt inventory - remaining 10 mos) \$ 200 - Clover Vault (archiving software - remaining 10 mos)
Dept 100-9000 Debt Service & Other Financing Uses					
100-9000-9210	Contribution to Other Governments	151,000	55,000	206,000	Playground on JR Trail - funding source JR Comm; Asset will belong to SLCo; City match amt TBD
			281,160		



MILLCREEK FY26 CONSOLIDATED FEE SCHEDULE

#	DESCRIPTION	CODE	Fee
LAND USE FEES			
Administrative Decisions - Subdivisions			
132	Simple Boundary Adjustment	18-15-020 (e)	\$250.00
133	Full Boundary Adjustment	18-15-020 (e)	\$500.00
Administrative Decisions - Other Land Use Decisions			
137	Site Plan Approval for Signs, Fences, and Accessory Buildings, Excluding Accessory Dwelling Units	18-15-030 (b)	\$100.00
Administrative Decisions - Nonconformities and Variances			
151	Nonconformities Determination	18-15-040 (a)	\$100.00



MILLCREEK FY26 CONSOLIDATED FEE SCHEDULE

#	DESCRIPTION	CODE	Fee
RECREATION FEES			
Millcreek Common Event - Venue Rental			
257	Ice Loop Rental for Hockey Lessons	3-54-010	\$250.00/hour
Permits			
301	Block or Street Parties	14-58-090	No fee

MILLCREEK, UTAH
ORDINANCE NO. 25-40

**AN ORDINANCE REZONING 1.73 ACRES OF REAL PROPERTY KNOWN AS THE
WOODS AT ROSECREST P.U.D. SUBDIVISION LOTS 1-9, INCLUDING A CERTAIN
“OPEN SPACE” PARCEL, GENERALLY LOCATED AT APPROXIMATELY 2455
EAST 3225 SOUTH FROM THE SINGLE HOUSEHOLD RESIDENTIAL R-1-8 ZONE
TO THE SINGLE HOUSEHOLD RESIDENTIAL R-1-6 ZONE**

WHEREAS, the Millcreek Council (“Council”) met in regular session on September 22, 2025, to consider, among other things, an ordinance rezoning certain property from the Single Household Residential R-1-8 Zone to the Single Household Residential R-1-6 Zone; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on July 28, 2025, the required public hearing notice was published; and

WHEREAS, on August 20, 2025, the planning commission held a public hearing to discuss the rezone proposal; and

WHEREAS, at the planning commission meeting, the Millcreek Planning Commission recommended approval of the proposed rezone and development agreement; and

WHEREAS, the Millcreek Code of Ordinances provides, among other things, that before finally adopting any such rezone, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on September 3, 2025, the Council caused the required notice to be given; and

WHEREAS, on September 8, 2025, the Council discussed the rezone application, and on September 22, 2025, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek.

NOW THEREFORE, BE IT ORDAINED by the Council that the property described in File # ZM-25-005 filed by Nan Bassett Taylor, as the applicant acting on behalf of the Woods at Rosecrest Homeowners Association is hereby rezoned/reclassified from the Single Household Residential R-1-8 Zone to the Single Household Residential R-1-6 Zone, such property being more particularly described in **EXHIBIT A**:

BE IT FURTHER ORDAINED, pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance assigned no. 25-40, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 22nd day of September 2025.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 25-40: AN ORDINANCE REZONING 1.73 ACRES OF REAL PROPERTY KNOWN AS THE WOODS AT ROSECREST P.U.D. SUBDIVISION LOTS 1-9, INCLUDING A CERTAIN "OPEN SPACE" PARCEL, GENERALLY LOCATED AT APPROXIMATELY 2455 EAST 3225 SOUTH FROM THE SINGLE HOUSEHOLD RESIDENTIAL R-1-8 ZONE TO THE SINGLE HOUSEHOLD RESIDENTIAL R-1-6 ZONE was adopted the 22nd day of September 2025 and that a copy of the foregoing Ordinance 25-40 was posted in accordance with Utah Code 10-3-711 this ____ day of September, 2025.

Elyse Sullivan, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

Beginning at a point being North 00°30'21" East 342.24 feet along the center line of 2300 East Street and North 89°48'00" East 971.02 feet and North 11°52'00" West 25.53 feet from a found street monument at the intersection of 3300 South Street and said 2300 East Street, said street monument being North 00°05'30" East 1145.40 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running

thence North 11°52'00" West 315.48 feet to and along the east line to the Northeast Corner of Young Haven Circle Subdivision, Book V, Page 83 of official records on file in the Office of the Salt Lake County Recorder;

thence South 88°42'18" East 79.86 feet;

thence South 87°54'36" East 32.78 feet;

thence North 25.00 feet;

thence North 88°55'12" West 99.92 feet;

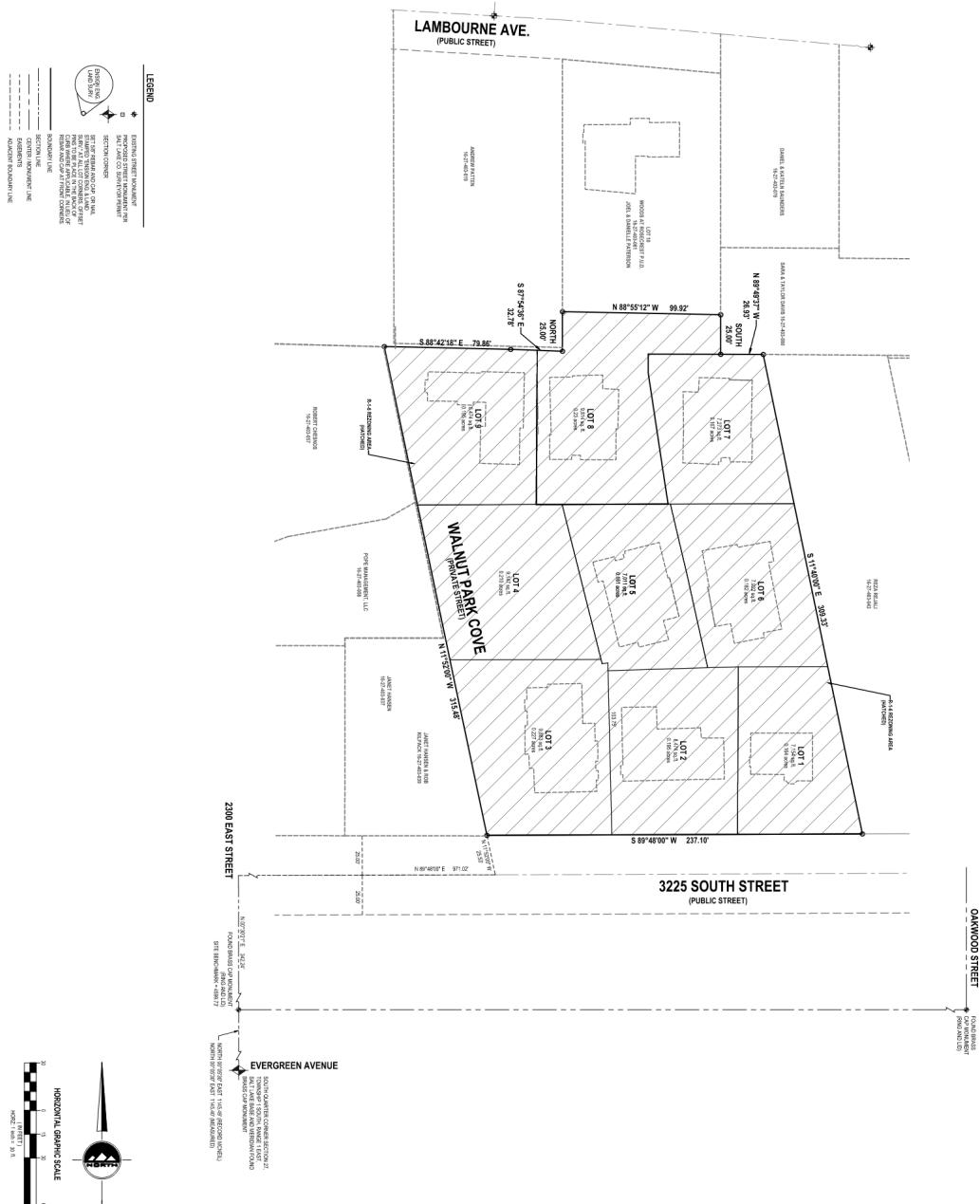
thence South 25.00 feet;

thence North 89°49'37" West 26.93 feet;

thence South 11°40'00" East 309.33 feet;

thence South 89°48'00" West 237.10 feet to the point of beginning.

Contains 75,152 square feet or 1.73 acres.



**WOODS AT ROSECREST R-1-6
ZONING EXHIBIT**

**WALNUT PARK COVE
MILLCREEK CITY, UTAH**

Phone: 435.896.2983
www.ensigneng.com

ENSIGN
THE STANDARD IN ENGINEERING

立

ZONING EXHIBIT



ZM-25-005

CITY COUNCIL STAFF REPORT

Date: September 8, 2025
Re: Rezone - The Woods at Rosecrest P.U.D.

Property Address: 2477 East 3225 South (approx.)
Zone: From: R-1-8, To: R-1-6

Applicant: Woods at Rosecrest Homeowner's Association
Prepared By: Brad Sanderson, AICP

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

REQUEST AND SYNOPSIS

Property owners within 'The Woods at Rosecrest P.U.D. Subdivision' are requesting approval from the City Council to change the zoning of their properties from the R-1-8 Zone to the R-1-6 Zone. The R-1-6 Zone would better align with the actual lot sizes of each of the properties as they currently range between 7,000 to 8,000 square feet in size.

If approved, the property owners would then be allowed, through a subsequent subdivision amendment application, to remove the Planned Unit Development (P.U.D) designation from their subdivision, which would then allow the underutilized 2,539 square foot open space to be consolidated with one of the adjoining lots.

For decades, Planned Unit Developments (P.U.D.s) were widely used to create cluster lot layouts, private roadways, reduce lot size, and setbacks, etc. in exchange for a higher quality of architecture and/or to preserve or create open space areas. While the designated open space area may have met the minimum size requirement for when the P.U.D. was established, the open space parcel is difficult somewhat difficult to access and may have been inappropriately size to function as a usable area.

FINDINGS:

1. For decades, Planned Unit Developments (P.U.D.s) were widely used to create cluster lot layouts, private roadways, reduce lot size, and setbacks, etc. in exchange for a higher quality of architecture and/or to preserve or create open space areas.
2. The Subdivision contains ten (10) individual residential lots and one, 2,539 square foot open space parcel.
3. All ten of the property owners, including the homeowner's association, have provided signed and notarized affidavits, affirming their support for the proposed rezone to the R-1-6 Zone.
4. In no case were PUDs allowed to increase density.
5. P.U.D.s were commonly approved by way of a conditional use permit to ensure compliance.
6. P.U.D. language was removed from Millcreek's code as part of the recent code update.
7. All but one of the lots has had a structure built on it.
8. The clustered lot layout through reduced lot sizes seems to have been one of the primary purposes for the P.U.D.
9. By changing the zone to the R-1-6 Zone lot sizes would be made to comply, as the R-1-6 Zone, which only requires a minimum 6,000 square foot size. Each lot currently exceeds 6,000 square feet in size.
10. Removing the P.U.D allows the possibility of removing the PUD and/or modifying the CUP requirements, such as opens space.
11. If approved, the applicant(s) will still need to seek approval through the subdivision amendment process.
12. All roads within the subdivision are privately owned jointly in common. Because the roads are privately owned, they may be sub-standard in width and design and may need to remain in private ownership.
13. The HOA will likely need to remain in place.
14. All lots currently exceed 7,000 sqft in size.
15. Some homes will become noncompliant with respect to setbacks.
16. There is one lot within the subdivision which currently does not have a house built upon it.
17. No new development or further subdivision of property is being proposed as part of this proposal and/or as part of this application.

CONCLUSIONS:

1. While the designated open space area may have met the minimum size requirement for when the P.U.D. was established, the open space parcel is difficult somewhat difficult to access and may have been inappropriately sized to function as a usable area.
2. The proposed zone change likely will not have a significant affect on the surrounding area, since the properties are already within the Single-Family Residential Zone and both properties already have a built single-family home.
3. The zone change is supported by the adopted Future Land Use Map, showing the land use designation as being 'Neighborhood 1'.
4. Since the removal of the PUD code, amending the PUD requirements is no longer a viable option since lot sizes were only allowed to be reduced through the PUD ordinance.
5. No development improvements are currently being proposed.

PLANNING STAFF RECOMMENDATIONS

Millcreek Staff:

Based on the findings and conclusions listed above, Staff recommends that the City Council take comments at a public hearing and approve the rezone of the properties contained within The Woods at Rosecrest PUD Subdivision, changing the zone from the R-1-8 Zone to the R-1-6 Zone.

Planning Commission:

The Planning Commission took comments during a public hearing held August 20, 2025 and made a positive recommendation 5-0 to the City Council to approve the rezone application, changing the zoning of the all property within the Woods at Rosecrest Subdivision - with the exception of Lot 10, which is accessed from Lambourne Ave and because of its larger size (15,582 square feet) Lot 10 might have the potential to further subdivide if rezoned to the R-1-6 Zone.

East Mill Creek Community Council:

On Aug. 7, 2025, East Mill Creek Community Council held a meeting to review, discuss, and take public comment pertaining to the proposal and made a 7-1 recommendation in favor of the proposal to rezone the property from R-1-8 to the R-1-6 Zone. One member was “not in favor of the rezone as a vehicle to facilitate that accomplishment due to the intended removal of the P.U.D. designation.”

Canyon Rim Community Council:

On Aug. 6, 2025, Canyon Rim Community Council held a meeting to review, discuss, and take public comment pertaining to the proposal and made a unanimous 5-0 recommendation in favor of the proposal to rezone the property from R-1-8 to the R-1-6 Zone.

SUPPORTING DOCUMENTS

- **Zoning Map**
- **Land Use Map**
- **The Woods at Rosecrest PUD Subdivision Plat (recorded 2014)**
- **PUD & CUP Approval (Salt Lake County Meeting Minutes 1/17/2014)**
- **Ordinance**

MILLCREEK, UTAH
ORDINANCE NO. 25-41

AN ORDINANCE AMENDING SECTION 14.20.110 OF THE MILLCREEK CODE OF ORDINANCES REGARDING VEHICULAR ACCESS REQUIREMENTS FOR FOUR-HOUSEHOLD DWELLINGS AND MULTIPLE-HOUSEHOLD DWELLINGS

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on September 22, 2025, to consider, among other things, amending Section 14.20.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings; and

WHEREAS, at the September 8, 2025 council meeting, Ordinance 25-39 was adopted to amend Title 14 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings; however, Ordinance 25-39 identified Section 14.12.110 rather than 14.20.110 in error; and

WHEREAS, City staff recommended an amendment to Section 14.20.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the city to amend Section 14.20.110 of the Millcreek Code of Ordinances regarding vehicle access requirements for four-household dwellings and multiple-household dwellings.

NOW, THEREFORE, BE IT ORDAINED by the Council that Section 14.20.110 of the Millcreek Code of Ordinances be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added) and no changes be made to Section 14.12.110:

14.20.110 Driveway Development

B. The city regulates all Aisleways and similar automobile access to properties from street rights-of-way. Four-Household Dwellings and Multiple-Household Dwellings must use the aisleway standard as described in this section, or shall access a public right-of-way by a private street, following the standards set forth in MKZ 18.25. ~~Density, angle of approach, grades, and other design elements shall conform to Millcreek standards. Aisleways and access restrictions are listed in Table 14.20-9 Aisleway Standards for Four-Household Dwellings, Multiple Household Dwellings, and Parking Lots and Parking Structures below:~~

1. Vehicular access to private garages serving four-household dwellings or multiple-household dwellings are subject to the following standards:

- a. Vehicle access serving a private garage shall be at least 26 feet in width.
- b. Where such drives serve units with opposing garages, where garages face each other, a minimum of 25 square feet of

landscaping shall be required at the edges of each driveway, between each dwelling unit.

c. Developments with 25 feet or more units and lot or parcel widths of 150 feet shall provide a driveway for each garage with a minimum width of 12 feet and minimum unobstructed depth of 20 feet.

2. Density, angle of approach, grades, and other design elements shall conform to Millcreek standards. Aisleways and access restrictions are listed in Table 14.20-9 Aisleway Standards for Four- Household Dwellings, Multiple Household Dwellings, and Parking Lots and Parking Structures below:

This Ordinance, assigned Ordinance No. 25-41, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 22nd day of September, 2025.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 25-41: AN ORDINANCE AMENDING SECTION 14.20.110 OF THE MILLCREEK CODE OF ORDINANCES REGARDING VEHICULAR ACCESS REQUIREMENTS FOR FOUR-HOUSEHOLD DWELLINGS AND MULTIPLE-HOUSEHOLD DWELLINGS was adopted the 22nd day of September, 2025, and that a copy of the foregoing Ordinance 25-41 was posted in accordance with Utah Code 10-3-711 this ____ day of September, 2025.

Elyse Sullivan, City Recorder

MILLCREEK, UTAH
RESOLUTION NO. 25-31

**A RESOLUTION OF THE MILLCREEK COUNCIL ADOPTING THE FIRST
AMENDMENT TO THE MILLCREEK EMPLOYEE HANDBOOK – FOURTH
EDITION**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on September 22, 2025, to consider, among other things, approving a resolution to adopt the first amendment to the “Millcreek Employee Handbook – Fourth Edition”; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to adopt a resolution to adopt the First Amendment to the “Millcreek Employee Handbook – Fourth Edition”, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the First Amendment to the Millcreek Employee Handbook – Fourth Edition is hereby approved, and the City Manager is hereby directed to implement the Millcreek Employee Handbook – Fourth Edition and the Council hereby grants and further gives authority to the HR Director and the City Attorney to correct errors, omissions, or typos and to make any non-substantive alterations, changes or additions to the First Amendment to the Millcreek Employee Handbook – Fourth Edition (designated by interlineating the words to be deleted and underlining the words to be added).

This Resolution, assigned No. 25-31, shall take effect immediately on passage.

PASSED AND APPROVED this 22nd day of September 2025.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No



Employee Handbook

Fourth Edition (amended)

Effective 07/01/2025



Millcreek Council
Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4



Millcreek City Hall
1330 E Chambers Ave
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

Dear Fellow Millcreeker,

Welcome to one of Utah's newest cities and a career in public service for an amazing community! Millcreek's motto is "Connected by Nature," and our natural beauty flows from the Wasatch Mountains west to the Jordan River. But you'll also find a close-knit community and city employees working hard to facilitate connections and make this a great place to live, work, and play.

Having just incorporated a few short years ago, we've been fortunate to hand-pick a "Dream Team" from scratch-including YOU! Millcreek needs your energy, talents, and positive attitude to help build a truly magical municipal organization. I'm glad you are here to enhance our entrepreneurial vibe.

Here we encourage each other to "Play to Win," and we expect big things. Our culture is fast-moving, nimble, and responsive. But we also expect hard work, dedication, and excellent customer service. We put a lot of trust in our team, and if you are fair with Millcreek, Millcreek will always be fair with you.

The policies in this handbook are here to help you do your job effectively and efficiently. Please take time to read and understand them and refer back to this book often. Any questions along the way? I'm here for you and so is your Department Head, and also Human Resources. We can't wait to help you thrive and soar at Millcreek!

All the best,

Mike Winder
City Manager

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DISCLAIMER

This Employee Handbook (Handbook) applies to all employees unless provided otherwise and provides general guidance only. The policies and procedures expressed in this Handbook and those in any other personnel material or other types of material that may be issued from time to time do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Handbook do not create an express or implied contract with any person.

Handbook Amendment History

Resolution 20-03 – February 10, 2020 – 3-03 Employee Benefits – Tuition Reimbursement

Resolution 20-18 – May 11, 2020 – 4-01 Code of Conduct – Reporting Fraud, Waste, and Abuse

5-02 – Financial Policies & Procedures – Travel Policy

Resolution 20-36 – August 24, 2020 – 3-03 Employee Benefits – Retirement for Elected Officials

Resolution 23-08 – February 13, 2023 – Adoption of the Third Employee Handbook

Resolution 23-47 – September 25, 2023 – 3-01 – Compensation – On-Call Notification, On-Call Compensation, Incidental Phone Calls, and Call Back Compensation

Resolution 25-25 – June 23, 2025 – Adoption of Fourth Edition Employee Handbook

Resolution 25-XX – September 22, 2025 – 1st Amendment to Employee Handbook – Fourth Edition

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SECTION 1: INTRODUCTION

MILLCREEK GOVERNMENT

Millcreek ("City") is a city of the Third Class. It is governed by a five-member Council comprised of five (5) elected Council Members, one (1) of which is the Mayor. As authorized by City ordinance, a City Manager is hired by the City Council to manage all day-to-day operations of the City. The City Manager is the City's Chief Administrative Officer (CAO) and reports directly to the Mayor and City Council. All City employees report directly or indirectly to the City Manager.

POLICY IMPLEMENTATION

The information contained in this Handbook is intended to help employees better understand their responsibilities and obligations as employees of the City. Employees are required to read, understand, and comply with all provisions of the Handbook.

1. The City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the City Manager. A complete copy of the Handbook is located on the City's M Drive and is available to all employees. Every employee is responsible for becoming informed of policy changes as they occur.
2. In addition to the policies and procedures in this manual, employees are responsible for understanding and abiding by the policies and procedures of their respective Departments.
3. The City Manager or designee shall be the final interpreter of the provisions of the Handbook as applied to all City employees.

MILLCREEK VISION STATEMENT

The City is a diverse community where residents and businesses are empowered to respectfully engage and interact with each other in governance and volunteerism to maintain a fiscally responsible, environmentally sustainable city that provides a “welcome home” feeling to everyone – past, present, and future.

MILLCREEK MISSION STATEMENT

Millcreek provides superior, responsive municipal governance and services in a fiscally conservative and responsible manner, sustaining and improving the City's residents' and stakeholders' quality of life.

EMPLOYEE SERVICE VALUES

- Listen to Understand
- Be Respectful to All
- Be Innovative and Invested
- Do What You Say You'll Do
- Play to Win and Have Fun!



At Millcreek, we believe in treating others as we would like to be treated, facilitating a culture of continuing improvement, and providing optimum customer service.



SECTION 2: EMPLOYMENT PRACTICES

2-01 RECRUITMENT

1. **General Policies**—The City intends to fill all positions with the most suitable applicant and to consider qualified in-house applicants when appropriate.
2. **Nepotism** – The City complies with Utah Code §52-3-1 et seq., “Prohibiting Employment of Relatives,” which provides that a public officer may not employ, appoint, vote for, or recommend the appointment of an appointee when the appointee will be either directly or indirectly supervised in the same supervisory hierarchy by a relative or household member.
 - Household member means a person who resides in the same residence as the public officer, or a person compensated by public funds. Relative means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
 - The City defines relative to include foster children, step-relationships of the preceding degrees of family relationships, or any of their spouses.
 - The City defines direct and indirect supervision as a working relationship in which an employee manages another employee’s job duties or decisions. This includes assigning work, approving schedules or time off, giving performance feedback, and being involved in decisions like hiring, promotions, or discipline, where an employee is in the direct line of authority of another employee or the formal chain of command of such employee. Volunteers providing services to the City are excluded from this provision.
3. **Employment of Minors** – It is the policy of the City that no one under the age of 18 shall be hired as a regular full-time or regular part-time employee. Persons aged 16 through 17 may be hired as a

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non-benefited employee, provided such employment complies with applicable laws. No one under the age of 16 shall be hired for any position.

4. Equal Employment Opportunity – The City is an Equal Opportunity Employer and selects, hires, promotes, and compensates employees without regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.

- The City evaluates applicants for employment or candidates for promotion based on their knowledge, skills, experience, education, and potential for job performance that is consistent with the position's needs.
- The City complies with the prohibitions on using certain submissions, training, and discriminatory practices as set forth in Utah Code Ann. §67-27-101 et seq.

5. Disability Accommodations - The City is committed to providing all current and prospective employees equal employment opportunities. As part of that commitment, the City seeks to implement all applicable provisions of the Americans with Disabilities Act (ADA), as amended, which includes recognizing that some individuals with disabilities may require a reasonable accommodation to perform their job duties.

- Employees who are disabled or become disabled and require reasonable accommodation may request accommodation from their Department Head or Human Resources.
- The City will make reasonable accommodations for qualified individuals with a disability unless doing so would impose an undue hardship on the City.
- The City may request documentation of a disability if an accommodation is requested.
- The ADA defines a disability as a physical or mental impairment that substantially limits one (1) or more major life activities or any record of such impairment or is regarded by the employer as having such impairment.
- This policy governs all aspects of employment, including recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

6. Other Accommodations

- The City will not compel an employee to engage in religiously objectionable expression that the employee reasonably believes would burden or offend the employee's sincerely held religious beliefs unless accommodating the employee would cause an undue burden to the City by

substantially interfering with the City's core mission or the City's ability to conduct business in an effective or financially reasonable manner; or ability to provide training and safety instruction for the job as set forth in Utah Code Ann. §34A-5-101 et seq.

- The City complies with Utah Code Ann. §67-27-106 and may not deny an employee's reasonable request to be relieved from performing a certain task if:
 - performing the task would conflict with the employee's sincerely held religious beliefs or conscience;
 - the employee has complied with the requirements of Utah Code Ann. §67-27-106 (3); and
 - relieving the employee from the task would not impose an undue hardship on the City.

The City is not required to grant an employee's request if:

- the request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's employment;
- granting the request would result in a deficit in the amount of work for which the employee is compensated;
- granting the request would create a conflict with an existing legal obligation, and the City cannot avoid the conflict if the City grants the employee's request; or
- the employee's asserted religious beliefs or conscience is being asserted for an improper purpose.

The City may grant relief from performing the objectionable task identified in this section by complying with the requirements as set forth in Utah Code Ann. §67-27-1059 (3).

7. **Job Postings** – When a Department Head requests to fill a new or vacant position and has been approved by the City Manager and the HR/Finance Director, Human Resources will take the necessary steps to advertise and recruit for the authorized position. All full-time and part-time employment opportunities will be posted in accordance with this section. At the City Manager's discretion, vacant appointed positions, as defined by Utah Code §10-3-1303, "Municipal Officers' and Employees' Ethics Act," may or may not be advertised and are not subject to the minimum posting time requirements as stated below.



Keep an eye out for email notifications containing job opportunities within the City.

Human Resources shall review or prepare a job description defining a vacant position's essential functions and conduct a market compensation study before the vacancy is advertised.

Job postings identified for open recruitment will be advertised for at least three (3) calendar days. For the purposes of this policy, open recruitment means employment opportunities that are available to both internal and external applicants.

The City reserves the right to limit recruitment to internal applicants for some vacancies. Internal job postings shall be advertised for at least three (3) calendar days and include City email notifications to current employees and posted at appropriate City locations.

Open recruitment job opportunities may be posted in the following locations:

- Employment agencies
- Professional staffing services
- Professional association websites
- City website
- Department of Workforce Services
- Online job boards
- Social media

Other advertising sources may be used to fill open positions in the City's best interest.

To the extent authorized by State law, the City shall only post new or vacant positions. The City does not need to post a job if positions are reassigned, duties are reclassified, a job title is modified, or a department is restructured.

8. Application Requirements – In general, the following application process is followed for all job postings. City employees are encouraged to apply for any posted position.

- All applicants for employment with the City must comply with the specific application process for each position. The applicant must submit all application materials to Human Resources by the closing date and time of the posted position.
- The City accepts applications from all interested parties and evaluates applicants based on job-related criteria.
- Falsifying any information required in the application process is grounds for immediate disqualification.

- Applications will be retained according to the City's retention schedule.

9. Selection Procedures

- Skill-based Testing – Job applicants may be required to take tests the City deems necessary for a specific position.
- Veterans Preference – In accordance with Utah Code Ann. §71A-1-101 et seq., veterans eligible for a preference and their spouses shall be given preference in the hiring process as provided therein.
- Pre-employment Screenings—Once an applicant is selected and has signed a written conditional offer, the applicant must submit to drug testing, a criminal background check, a sex and kidnapper offender background check at both the national and state level, if the position requires, and a driver's license check, if needed. The City Manager or designee shall approve the conditional offer. If an applicant does not pass the drug screening, background, or sex offender checks, the conditional employment offer will be rescinded.

10. Youth Protection – If a programmed event that is sponsored by the City is determined to be a youth service organization, the City shall not employ a "youth worker" or allow an individual to volunteer as a "youth worker" unless the City has completed a registered sex offender check for the individual.

- A "youth worker" is defined as an individual who is 18 years old or older, is employed or volunteers with a youth services organization, and whose responsibilities as an employee or volunteer with the youth services organization give the individual regular and repeated care, supervision, guidance, or control of a child or children.

If an individual is registered on the state's Sex and Kidnap Offender Registry or the National Sex Offender Public Website, the City may not employ the individual as a youth worker or allow the individual to volunteer as a youth worker, as defined and as set forth in Utah Code Ann. § 80-8-101 et seq.

11. Criminal Background Checks – Because the City must protect the safety, health, and security of its citizens, employees, and property, past behavior may disqualify a job applicant ("applicant") from certain positions within the City. While this policy provides some guidelines for making employment decisions, the City Attorney or designee will ultimately determine the relevancy of past criminal conduct to a position; any evidence of rehabilitation will be considered on a case-by-case basis.

- When offered employment with the City, applicants aged 18 years or older must obtain and submit their criminal background check report from the Utah Bureau of Criminal Identification to Human Resources.
- Criminal background checks will not be used to discriminate based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.
- The City shall consider the following factors, related to past criminal conduct, when making a hiring decision:
 - the nature and gravity of the offense or conduct;
 - the time passed since the offense, conduct, and completion of the sentence; and
 - the nature of the job sought.
- If the contents found on a criminal background check are deemed unsatisfactory for employment, the City shall notify the applicant of its decision to withdraw the job offer. If the applicant believes a mistake has been reported on the criminal background check, it is that person's responsibility to contact the reporting agency to resolve any issues. The City is not responsible for errors or omissions that may be reported on criminal background checks.
- Applicants who refuse to obtain a criminal background check are not eligible for employment with the City.
- The City will reimburse any fees charged to applicants for criminal background checks.

2-02 EMPLOYMENT CLASSIFICATIONS

1. Employment Status –

- **Regular full-time employee** means employee-a person who is not appointed statutory or a department head and is hired for an indefinite period. Regular full-time employees:
 - are eligible for all City-provided employee benefits, including Utah Retirement Systems (URS);
 - are generally scheduled to work 40 hours a week;
 - may not be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration except as provided in Utah Code Ann. §10-3-1106. This limitation does not apply to an employee who is discharged or involuntarily

transferred to a position with less remuneration if the discharge or involuntary transfer results from a reduction in force (RIF) or reorganization; and,

- are exempt from Social Security payroll taxes.

- **Appointed Statutory position and Department Head** means an employee appointed to a position by the Mayor with consent from the City Council or is a department head. An employee appointed by the Mayor with the consent of the City Council includes the City Engineer, City Recorder, City Treasurer, City Attorney, and Director of Finance. Appointed statutory and department head full-time employees:
 - are eligible for all City-provided employee benefits, including URS;
 - are generally scheduled to work 40 hours a week;
 - are considered at-will, meaning the employee may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without satisfying the requirement of Utah Code Ann. §10-3-1106;
 - are exempt from Social Security payroll taxes.
- **Regular part-time employee** -means a person an employee hired for an indefinite period and is generally scheduled to work at least 20 hours a week but less than 30 hours. Regular part-time employees:
 - are eligible for some City-provided employee benefits, including URS;
 - are eligible to receive prorated personal time off (PTO), annual birthday PTO, holiday leave, caregiver leave, bereavement/funeral leave, and jury duty leave;
 - may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without the protection of Utah Code Ann. §10-3-1106; and
 - are exempt from Social Security payroll taxes.
 - The City classifies elected officials as regular part-time employees. Depending on the benefits provider's criteria, elected officials may be eligible for some benefits.
- **Non-benefited employee** means a seasonal or temporary employee or intern hired in a position for a limited period. A copy of the Non-benefited Handbook can be found on the City's M Drive. Non-benefited employees:
 - are not eligible for City-provided employee benefits;

- may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without the protection of Utah Code Ann. §10-3-1106;
- are subject to Social Security payroll taxes; and,
- may not exceed ACA limitations of the number of hours worked in a specific time frame.
- Non-benefited employees do not have a probationary period, performance appraisals, and are not eligible for merit increases.
- **Volunteer and unpaid interns** means anyone who, without compensation or expectation of compensation, beyond reimbursement of expenses, performs a task at the direction of and on behalf of the City. A copy of the Volunteer Handbook can be found on the City's M Drive.
 - Volunteers are subject to the same applicable rules and regulations as City employees.
 - Prior to accepting or performing any volunteer services, the volunteer shall sign the following forms, including but not limited to the "Volunteer Agreement," "Consent, Media Release & Liability Waiver," "Volunteer Conflict-of-Interest Disclosure Statement," and "Consent for Sex Offender Background Check," if applicable, all of which are located on the City's website.
 - A volunteer shall be provided the same protections as a City employee for Worker's Compensation benefits (for compensable injuries sustained by the volunteer while acting in the scope of voluntary assignment) and liability insurance coverage.
 - Volunteers shall not operate City-owned vehicles or equipment unless authorized in writing by the City Manager.
 - A City employee may volunteer to perform other services for the City or the City's benefit if such services are not the same type of service the employee is employed to perform for the City.
 - For this subsection, the phrase "same type of service" means similar or identical services determined by the City Manager. The decision of the City Manager may not be appealed.

2. Probation—All newly hired or rehired regular full-time or part-time employees must complete a probationary period, during which the City evaluates their performance. Employees will receive a performance evaluation at the end of their probationary period.

- Regular full-time and regular part-time employees are subject to a six (6) month probationary period beginning on the date of hire.
- Appointed statutory or department head employees are not entitled to a six (6) month probationary period.
- During probation, such employees may be terminated at any time, with or without cause and without satisfying the requirements of Utah Code Ann. §10-3-1106.
- Current employees who are promoted or assume a new position that requires new job qualifications or skills may be required to complete a new probationary period at the City Manager's discretion.
- Employees reclassified from regular part-time to regular full-time status are not required to complete a new probationary period unless the City Manager determines otherwise.



The probationary period for all regular full-time and part-time employees is 6 months beginning on your hire date.

3. Performance Evaluations – Supervisors of all benefited employees shall complete performance evaluations as determined by the City Manager.

- Regular full-time and part-time employees shall receive an annual performance evaluation.
 - Approved copies of performance evaluations are placed in the employee's personnel file kept by the City. Employees will receive a copy of their performance evaluation.
- Non-benefited positions do not receive an annual performance evaluation.

4. Employment Classification for Purposes of FLSA—

- In accordance with the Fair Labor Standards Act (FLSA), employees are classified as either exempt or non-exempt regarding eligibility for overtime pay.
- Exempt employees are those in executive, administrative, or professional positions as prescribed by the FLSA and, therefore, do not receive overtime pay for more than 40 hours worked in a workweek.
- All other FLSA-covered employees are classified as non-exempt and are compensated for time worked in excess of 40 hours in a workweek.

- Non-benefited employees are not eligible to earn compensatory time; time worked in excess of 40 hours in a workweek will be paid at time and a half.
- Non-benefited employees are not eligible for Personal Time Off (PTO) or paid holiday time.

2-03 EMPLOYEE REDUCTION IN FORCE POLICY (RIF)

The City Manager may determine that an employee RIF is necessary due to budgetary restrictions, workload reductions, or reorganizations. When this happens, the employee(s) in the positions to be eliminated shall, when possible, be notified in writing at least two (2) weeks before the planned reduction in force. Seniority may govern the selection of employees subject to a RIF.



SECTION 3: COMPENSATION, LEAVES, AND BENEFITS

3-01 COMPENSATION

1.1 Work Hours — Department Heads or immediate supervisors will establish work schedules for all employees. Work hours for employees are determined by the City Manager or designee. Employee work hours may be changed as determined to be in the City's best interest.

- For all employees, the City's work week begins at 12:00 p.m. on Friday and ends at 11:59 a.m. the following Friday.
- Employees are responsible for accurately recording and reporting time worked and leave used on their time records.
- Supervisors are responsible for reviewing and approving time records in a timely manner.
- The City Manager or designee may allow employees to go home early with pay under certain circumstances. Early dismissal is a discretionary decision, not a basis for additional compensation.

1.2 Meal Periods — Meal periods are generally unpaid. Department Heads and/or immediate supervisors determine meal periods for their department.

- Employees requesting to work through meal periods must have prior authorization from their Department Head.
- Employees under the age of 18 are required to take one (1) paid 10-minute break for every three (3) consecutive hours worked and one (1) unpaid meal period of at least 30 minutes for every five (5) hours worked.

2.3. Pay Grade Assignment—The City assigns each position a classification pay grade and salary range, as established by its pay scale. The pay scale reflects internal and external equities based on assigned duties, responsibilities, and market compensation studies. Human Resources conducts market compensation studies as it deems appropriate.

3.4. Payroll - All employees are paid bi-weekly. Each payment includes earnings for all work performed through the end of the previous payroll period.

- Employees may voluntarily authorize payroll deductions to cover the costs of participating in City-approved programs. They should review any discrepancies in payroll deductions with the HR/Finance Department.
- Upon receiving a valid garnishment, the City deducts wages from an employee's pay. The City continues to withhold the garnishment wages until a court order indicates satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
- Employees and the City are jointly responsible for ensuring correct payments for wages and deductions. Payroll errors may be corrected retroactively, but only for up to 26 pay periods.



Payments are issued by direct deposit bi-weekly on Thursdays except for when a holiday falls on a Thursday, pay will be issued on the preceding Wednesday.

4.5. Merit Increases — Appointed full-time, regular full-time, and regular part-time employees may receive merit increases based on performance evaluations or other established criteria according to the available funds appropriated by the City Council through the budget process. Non-benefited employees are not eligible for merit increases.

5.6. Cost-of-living adjustments (COLA) or Market Adjustments— Appointed full-time, regular full-time, and regular part-time employees may receive a COLA or market adjustment as determined appropriate and according to the availability of funds appropriated by the City Council through the budget process. Non-benefited employees are not eligible for a COLA.

7. **Non-Benefited Employee Rates of Pay**— Hourly wages are based on factors such as market compensation studies and the availability of funds appropriated by the City Council through the budget process. ~~Market adjustments, if applicable, are effective at the beginning of each fiscal year.~~
8. **Incentive Policy** - The City values its employees' hard work and dedication and is committed to recognizing outstanding performance. All incentives must be awarded in accordance with this policy to ensure transparency, fairness, consistency, and adherence to budgetary guidelines.

- Eligibility and Approval Process - Department Heads may propose incentives to recognize employees who demonstrate outstanding performance, innovation, or significant contributions to the department and/or City. All incentive proposals must be submitted in writing to the City Manager and Human Resources for approval before being awarded.
- Incentive Types - All incentives may be considered taxable compensation. Incentives may be awarded in the following forms:
 - Monetary Incentives - Cash awards to recognize exceptional performance or achievement.
 - Non-Monetary Incentives - Other rewards include additional personal time off (PTO), free lunches, or other appropriate recognition items.
- Approval Procedure
 - For any monetary incentives, the respective Department Head must submit a written justification to the City Manager and Human Resources detailing the employee's exceptional performance and the proposed incentive.
 - The City Manager and Human Resources will review the submission to ensure it aligns with city goals and fair employee recognition practices. Incentives will only be awarded once approval is granted.
- Budget Considerations
 - All proposed incentives must be considered within the scope of the department's budget. Department Heads must ensure that any incentive awards are covered within their allocated salary or operating budgets.
 - If an incentive exceeds available budgeted funds, additional approval will be required through the HR/Finance Department for adjustments.
- Seasonal Service Incentive Pay
 - Certain non-benefited employees may be eligible to receive ~~a maximum~~ service incentive ~~pay of \$100~~ at the end of each season to recognize their commitment to the City and to improve retention, subject to the availability of funds appropriated by the City Council through the budget process. Employees must complete the entire season to be eligible for service incentive pay.

9. Overtime Provisions—The City's general policy is not to require employees to work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by their Department Head.

- Overtime is payment received for time worked in excess of 40 hours a work week for non-exempt employees.
- Overtime is paid consistent with FLSA requirements at the rate of one and one-half times the regular rate of pay, except as otherwise provided in this section.
- Overtime is calculated based on actual time worked.
 - Time worked includes the hours an employee works, as well as emergency pay, jury duty, and witness duty.
 - Time worked does not include PTO, holiday leave, caregiver leave, bereavement/funeral leave, paid or unpaid administrative leave, paid military leave, compensatory time, or on-call compensation.
- Funding from federal and state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll stipulated for time and a half compensation will be paid as such.
- In situations where the Mayor has declared a “Local State of Emergency,” FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked outside of their regularly assigned work schedule, in addition to their normal work schedule.

10. Compensatory Time Provisions – When it is in the City's best interest, the City reserves the right to grant compensatory time (“comp time”) in lieu of overtime wages to FLSA non-exempt employees. An employee's Department Head must pre-authorize the use of comp time.

- Comp time is calculated the same as overtime, as described in Section 3-01-9.
- Employees with a balance of earned comp time who request use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the City or the employee's respective department.
- The City may require employees to use earned comp time.
- The maximum amount of comp time employees may carry is 80 hours.
- Any earned comp time of employees moving to FLSA-exempt status shall be used or compensated prior to such action.



Employees can store up to 80 hours of comp time. Once this limit has been met, all hours over 40 during the work week will be paid at the employee's overtime rate.

11. Exempt Employees— Exempt employees are paid in accordance with the following principles.

- Employees classified as exempt will receive a salary intended to compensate them for all hours they work for the City. This salary will be established at the time of hire or when classified as exempt.
- Exempt employees work 40 hours a week. The City Manager or designee determines each exempt employee's daily working hours.
- Acceptance of an exempt position with the City constitutes acknowledgment that job responsibilities may require a work week in excess of 40 hours. Exempt employees are not paid hourly and are not eligible for overtime or comp time, except in exceptional circumstances such as federal or state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll.
- In any work week in which the exempt employee performed any work, salary will not be reduced for the following reasons:
 - partial day absences for personal reasons, sickness, or disability;
 - an absence because the City has decided to suspend operations on a scheduled workday temporarily;
 - absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
 - any other deductions prohibited by state or federal law.
- Exempt employees are responsible for maintaining and submitting accurate records of paid leave usage.
- Exempt employees may be placed on leave without pay for absences during any work week in which no work was performed when accrued leave has been exhausted, permission for leave use has not been sought or is sought but is denied, or the employee requests and is granted leave without pay.
- Exempt employees may be disciplined for violations of the [Employee](#) Handbook. Suspensions for workplace conduct rules must be imposed in full-day increments, and performance-related suspensions must be imposed in work week increments.

12. On-Call Notification - Certain departments may require employees to be available to return to work during off-duty hours to respond to unforeseen, unplanned emergencies.

- Employees must be available and able to respond within one (1) hour and in compliance with the City's Drug/Alcohol Policy.

13. On-Call Compensation - Non-exempt employees officially assigned to on-call duties are eligible for on-call compensation.

- On-call compensation is issued at a flat rate of \$300 a week or \$42.86 a day during the assigned on-call duration.
- On-call compensation is not counted as hours worked to calculate overtime.

14. Incidental Phone Calls

- The time it takes to respond to incidental phone calls received while assigned on-call is anticipated and included in the on-call compensation rates described above.
- Time to respond to incidental phone calls received during off-duty hours is considered part of the normal work week and shall be counted as additional time worked.

15. Call-Back Compensation

- Non-exempt employees called back to work after scheduled work hours have ended and before the next regularly scheduled work time are eligible to receive call-back compensation.
- Upon call-back, travel time to and from a City work site is considered time worked.
- Call-back compensation shall be at least two (2) hours for each incident (including travel time) and calculated at the employee's overtime pay rate.
- Call-back compensation may be taken as paid overtime or added to the employee's comp time bank.

16. Travel Time – Whether work-related travel time is compensable, "time worked" depends on the kind of travel involved. Situations not covered below should be resolved in consultation with the City Manager, designee, or Human Resources.

- Commuting travel time from home before the regular workday and returning home after the regular workday is not time worked. This includes any assignment to a different work location within 50 miles of City Hall for an entire workday.
- Travel time to a work location 50 miles or more from City Hall for an entire workday is time worked, after excluding the time the employee would normally commute to the regular work site.



The current mileage reimbursement rate as determined by the IRS can be found at www.irs.gov.

- Time spent in travel as part of the employee's assigned duties after arriving at the employee's work location shall be considered time worked.
- Time spent in travel due to a call-back request is time worked.
- Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is time worked when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9:00 a.m. to 5:00 p.m. Monday through Friday, the travel time during these hours is time worked on Saturday and Sunday. Travel outside regular working hours on public transportation is not time worked.
- If an employee is offered public transportation but requests permission to drive his vehicle, the employer may count as hours worked, either the time spent driving or the time he would have had to count as hours worked during working hours if the employee had used the public transportation.
- Travel time as an automobile driver, assistant, or helper outside regular working hours is time worked.
- Any work an employee must perform while traveling is time worked.

3-02 LEAVES

1. **Personal Time Off (PTO)**—PTO is time off with pay available to eligible employees to provide opportunities for rest, recovery from illness, accidents, medical procedures, relaxation, and personal pursuits. PTO is accrued biweekly with the regular payroll cycle. Employees will stop accruing PTO hours when the maximum accrual limit has been met and until PTO hours have been reduced unless the City Manager or designee has granted an extension.
 - PTO shall be requested from and pre-approved by the employee's supervisor.
 - Employees who wish to exhaust accrued PTO immediately preceding the last day worked before retirement, resignation, or termination may do so if approved by the City Manager, but they are not eligible for leave-on-leave accrual.
 - Employees do not accrue PTO while on a leave without pay status, including any pay period in which accrued leave is the only available paid leave.
 - Except during the first 12 months of employment, deficit balances in an employee's PTO account are prohibited except for extraordinary circumstances acceptable to the City Manager.
 - PTO may be used for any City approved FMLA leave.

- Regular part-time employees are eligible for prorated PTO.
- Non-benefited employees are not eligible for PTO.
- PTO accrues based on the following schedule for full-time employees:

Years Of Service	Annual Accrual	Accrual Rate Per Pay Period (26 Pay Periods)	Maximum Accrual Of Hours
0 to 5	160	6.15	320
6 to 9	200	7.69	320
10 and over	240	9.23	320

2. **Holiday Leave** – The City recognizes the following holidays for purposes of paid holiday leave:

New Year's Day	January 1 st
Dr. Martin Luther King, Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th
Floating Holiday	Determined by City Manager

- If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed the following Monday or as designated by the City Manager.
- Employees who are not normally scheduled to work on a holiday shall be allowed to use accrued holiday hours on a floating basis within two (2) pay periods of when the holiday falls. Holiday leave used on a floating basis shall be requested and pre-approved by the employee's supervisor.
- Employees scheduled to work on a holiday shall be allowed to use accrued holiday hours on a floating basis within two (2) pay periods of when the holiday falls. Holiday leave used on a floating basis shall be requested and pre-approved by the employee's supervisor.

- Employees do not receive holiday leave when taking leave without pay.
- Regular part-time employees are eligible for prorated holiday leave.
- Non-benefited employees are not eligible for holiday leave.

3. **Caregiver Leave** - Full-time employees may request a maximum of 80 hours of paid caregiver leave each rolling year for situations related to certain caregiving reasons, such as:

- To care for the employee's child after birth or through adoption or foster care.
- To care for an employee's immediate family member with a serious health condition such as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
 - Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. It does not include routine physical, eye, or dental examinations. Continuing treatment by a health care provider includes conditions with short-term, chronic, long-term, or permanent periods of incapacity.
 - Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
 - Immediate family means the following relatives of the employee (including in-laws or step-relatives) unless otherwise approved by the City Manager: spouse, parents, siblings, children, grandparents, and grandchildren.
- Employees should request caregiver leave in writing to their Department Head and Human Resources at least 30 days before foreseeable events or as soon as practical for unforeseeable events.
- The City will request documentation to verify the need for caregiver leave.
- Caregiver leave may be taken intermittently.
- Caregiver leave may be taken during an employee's probationary period; however, the probationary period shall be extended by the amount of time equivalent to the amount of caregiver leave taken.
- Caregiver leave is not charged against accrued PTO.
- Regular part-time employees are eligible for prorated caregiver leave.
- Non-benefited employees are not eligible for caregiver leave.

- The purpose of caregiver leave is for situations related to certain immediate family caregiving reasons. Employees who abuse this benefit may be subject to discipline up to and including termination.

4. Bereavement/Funeral Leave— Bereavement/Funeral Leave is a type of leave granted to employees following the death of a loved one, allowing them time to grieve, attend funerals, and manage related responsibilities. Employees shall receive up to three (3) working days of bereavement/funeral leave each occurrence with pay following the death of a member of the employee's immediate family.

- Immediate family means the following relatives of the employee or spouse (including in-laws or step-relatives): spouse, parents, siblings, children (including stillborn or miscarriage, Utah Code Ann. §10-3-1103), all levels of grandparents, or all levels of grandchildren.
- The employee's supervisor may grant up to five (5) hours of bereavement/funeral leave for non-immediate family members.
- Bereavement/funeral leave does not need to be taken consecutively; however, the requested leave should be taken within a reasonable timeframe. The City may request documentation verifying the need for bereavement/funeral leave.
- Bereavement/funeral leave is not charged against accrued PTO.
- Regular part-time employees are eligible for prorated bereavement/funeral leave.
- Non-benefited employees are not eligible for bereavement/funeral leave.

5. Military Leave— A military leave is paid time off granted to eligible employees for military duty.

- An employee on official military orders is entitled to paid military leave, which shall not exceed 80 hours a calendar year, to complete military duty. Unused paid military leave may not be carried over from one year to the next.
- Employees shall notify their immediate supervisor, Human Resources, and the City Manager or designee of their military orders in writing as soon as possible. The written notification will include the estimated leave date, the intended return date, and any required payroll deduction decisions.

6. Active Duty

- An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.

- An employee ordered to active duty may use accrued paid and/or leave without pay for the remainder of the active duty period.
- Contribution payments by the City and the employee may be required during active duty to continue accruing years of service. The City and employee shall follow the process outlined by Utah Retirement Systems (URS).
- Employees on active duty who elect to continue payroll deductions shall notify the City Manager or designee in writing and coordinate with Human Resources.
- Employees on active duty will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- In accordance with USERRA, the City will maintain health and other benefits for the first 30 days of military leave as if the employee were actively employed. After this initial 30-day period, employees on military leave may continue benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to 24 months. The employee must pay the required premiums to keep the benefits active.
- Any City employee in the Uniformed Services who is called up to active military duty by the Federal Government for longer than 30 consecutive days shall be allowed full pay equal to the difference between military pay and City pay when military pay is less than City pay. This pay adjustment shall not continue beyond 12 consecutive months and is subject to available funding.

7. Jury or Witness Duty—The City recognizes the duty of every employee to serve as a jury or witness in court on behalf of another party.

- Employees must show the jury or witness duty summons to their supervisor as soon as possible after receiving it so the supervisor can make arrangements to accommodate any absences.
- The City pays an employee's regular salary when the employee is absent during a scheduled shift, except for court appearances on their own behalf as a defendant or plaintiff. The employee must remit any such jury or witness fee(s) and jury or witness duty summons received to Human Resources.
- An employee may retain mileage reimbursement paid by the court.

8. FMLA Leave Provisions – The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of unpaid job-protected leave for specified family and

medical reasons. The City will designate FMLA leave for an employee whenever it knows that the employee may qualify.

- An employee is eligible under the FMLA if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1,250 hours in the 12 months immediately preceding the request.
- Eligible employees may request up to 12 weeks of unpaid leave for situations related to certain family and medical reasons, such as:
 - To care for the employee's child after birth or through adoption or foster care.
 - To care for the employee's child, spouse, or parent (but not in-law) with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.
 - For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
 - For any qualifying exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a member of the reserves or National Guard being called to active-duty deployment to a foreign country, or to care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five (5) years of leaving the Armed Forces.
- Eligible employees should request FMLA leave from Human Resources and notify supervisors in writing at least 30 days before the foreseeable event(s) and as soon as practical for the unforeseeable event(s).
- In an emergency, employees must contact their supervisor within 48 hours or as soon as practical.
- An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule it, so it does not unduly disrupt City operations.



The City uses the rolling year calculation (look-back) method to determine employee FMLA leave entitlement.

- All employees requesting leave under this policy must complete the applicable Certification of Health Care Provider form and return it to Human Resources within 15 working days.
- Human Resources will process the certification and provide the employee with the Notice of Eligibility, Rights & Responsibilities form, and Designation Notice. Employees on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
- While on FMLA leave, employees may supplement pay with accrued PTO, comp time, caregiver leave, and short-term disability insurance.
- Employees must exhaust all accrued PTO or comp time before going on leave without pay status. Supervisors will be responsible for submitting the employee's timecard, including FMLA use, to Human Resources while an employee is on FMLA leave if the employee cannot do so.
- Subject to the terms, conditions, and limitations of the applicable health insurance plans, the City will continue to contribute to premiums in accordance with established policy during an employee's approved FMLA leave; however, seniority and other benefits will not accrue during unpaid time off. The employee must continue to pay any portion of the premiums that the employee would typically pay if not on leave, either through payroll deduction or in person.
- The City has the right to recover health insurance premiums if it advances them on behalf of the employee or if the employee does not return from FMLA leave unless the failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.
- If the employee is returning from leave due to his or her own serious health condition, the City may request a fitness-for-duty report from the health provider before the employee can return.
- Upon return from FMLA leave, an employee will return to their original or an equivalent position.
- Employees shall not work secondary employment during regularly scheduled working hours while on FMLA leave. Other secondary employment must be consistent with the qualifying medical condition or any restrictions medically imposed related to the FMLA leave.

9. Administrative Leave – The City Manager or designee shall approve administrative leave with pay.

- An employee shall not engage in secondary employment during the actual hours designated as administrative leave. The City may also modify the employee's work hours or restrict secondary employment outside these hours. At its discretion, the City may also restrict an employee's activities on administrative leave with pay. For example, the employee must remain readily available and immediately able to respond to phone calls or return to work.
- After a criminal charge(s) and review by the City Attorney and the authorization of the City Manager, an employee charged with a job-related felony or class A misdemeanor may be placed on administrative leave without pay.

10. Job Abandonment –

- Employees who are absent from work for three (3) consecutive scheduled shifts and are capable of providing proper notification to their supervisor but do not shall be deemed a no-call/no-show and have abandoned their jobs.
- Employees absent from work without notifying the City of the first scheduled shift after exhausting all accrued paid leave, FMLA leave, or any authorized leave shall be deemed to have abandoned their job.
- The City considers job abandonment as a voluntary termination.



11. Pregnancy

- The City supports pregnant employees and complies with all legal requirements regarding pregnancy. If an employee becomes pregnant and has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify her supervisor and Human Resources as soon as practicable.
- Human Resources will notify the pregnant employee of potential eligibility for FMLA and complete the process outlined in Section 3-02-8.
- Human Resources will review the Certification of Health Provider or doctor's notes for the pregnant employee to determine FMLA eligibility. This may cause Human Resources to facilitate an interactive meeting with the employee and supervisor to determine if a reasonable accommodation is needed and available.

- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified due to pregnancy.

12. Lactation Breaks – The City supports breastfeeding and complies with the requirements of Utah Code Ann. §34-49-201 et seq., including:

- Providing reasonable breaks to accommodate breastfeeding and milk expression for at least one (1) year after the birth of the employee's child.
- Consulting the employee about the frequency and duration of the breaks shall, to the extent possible, run concurrently with any other break period otherwise provided to employees.
- Provide an appropriate, non-restroom location near the employee's work area and access to a clean and well-maintained refrigerator or a non-electric insulated container for breast milk storage.
- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.
- Complaints alleging discrimination under this policy will be handled in a manner consistent with Section 4-02 of this Handbook.

13. Infants in the Workplace - The City supports a family-friendly work environment and recognizes that the early months of an infant's life are important for bonding. Subject to Department Head approval, employees may temporarily bring their baby to work until the child becomes mobile or reaches six (6) months, whichever comes first. Requests must be submitted in writing to the employee's Department Head and Human Resources.

Approval is subject to the following considerations:

- the type of work performed and whether it allows for the presence of an infant;
- how often the infant will be brought to work;
- safety risks or hazards present in the workplace;
- potential for disruption or distraction from the employee's duties and performance;
- impact on co-workers and the overall work environment; and
- liability or insurance concerns related to the presence of a child in the workplace

Employee Expectations – Employees approved to bring their infant to work must:

- maintain full responsibility for the infant at all times;
- ensure that the infant does not interfere with the performance of their duties;
- provide all necessary care items and make arrangements for feeding, changing, and soothing without relying on coworkers;
- be prepared to leave work or make alternative childcare arrangements if the infant becomes consistently disruptive; and,
- maintain a clean and safe workspace that accommodates the infant without affecting others.

Approved arrangements may be modified or revoked at any time. This privilege is intended as a temporary support option and shall not compromise the City's ability to serve the public or fulfill its operational responsibilities.

3-03 EMPLOYEE BENEFITS

The City offers various benefits to employees working 30 or more hours a week, such as medical, dental, vision, health savings accounts (HSA), flexible spending accounts (FSA), basic life insurance, accidental death and dismemberment insurance, and disability coverage. Elected officials' eligibility is determined by their Utah Retirement Systems (URS) classification. Employees working less than 30 hours are not eligible for these benefits.

Employees are eligible for healthcare benefits from the date of hire to the date of termination. Benefit enrollment is not automatic.

Employees must enroll within 60 days of eligibility. Thereafter, changes in benefits can only be made during open enrollment, mid-year qualifying events, or special enrollment required by the Health Insurance Portability and Accountability Act (HIPAA). Detailed information regarding benefits is provided in the Millcreek Benefit Employee Guide at the time of hire and annually during open enrollment. Any questions regarding benefits should be directed to Human Resources.

1. **Medical Insurance Opt-Out Program Policy:** Eligible employees can opt out of the City's medical insurance coverage and receive a bi-weekly stipend as an alternative.
 - To be eligible to opt out of medical insurance and receive the bi-weekly stipend, an employee must be:



Benefits, except for life insurance, AD&D coverage, and short-term disability, start the date of hire and terminate the date of separation.

- A regular full-time, appointed statutory, or department head employee (regularly scheduled to work 30 or more hours a week); and
- certified by other health insurance coverage.

Employees shall provide proof of alternate coverage before the stipend is approved at the time of hire and each successive open enrollment.

- Employees may only elect to opt out of health insurance coverage:
 - during the new hire eligibility period and annually thereafter;
 - during the open enrollment period; or
 - as a result of a mid-year qualifying event where the life event is consistent with a change in health insurance that allows the employee to cancel health insurance completely.
- Opt-Out Payment - The stipend is calculated at 85% of the premium for single-employee coverage under the traditional plan option. Additionally, the stipend:
 - will be paid on a bi-weekly basis in accordance with the City's payroll schedule;
 - is taxed as part of the employee's income at the W-4 requested withholding status;
 - is listed as a Stipend under the Earnings category on the employee's pay stub; and
 - is not a URS-eligible retirement wage.

If there is any overpayment or underpayment concerning the stipend or health insurance deductions, the City will adjust payment accordingly.

2. **HSA Employer Contributions Policy**—Employees who enroll in a City-approved high-deductible health plan may be eligible for an employer contribution to their HSA. Contribution amounts vary depending on the tier of coverage selected by the employee (e.g., single, double, or family coverage) and the availability of funds allocated by the City Council through the annual budget process.
 - Contributions are frontloaded annually at the beginning of the fiscal year and will be prorated when necessary.
 - Contributions made by the City to an employee's HSA are excluded from the employee's income and are not subject to federal income tax, Social Security, or Medicare taxes.
 - City and employee contributions are combined and count toward the HSA's annual contribution limits. For more information, refer to IRS Publication 969.
 - HSA contributions do not expire and are nonforfeitable.

- Employee Contributions-
 - Eligible employees may elect to contribute more to their HSA through the bi-weekly payroll process. A copy of the "Employee Elected HSA Deduction Form" is located on the City's M Drive.
 - Employees are responsible for ensuring their elected HSA contributions and changes comply with federal regulations and HSA limit requirements, including any contributions the City has made.

3. Retirement

- Utah Retirement Systems (URS) covers all appointed statutory, department head, regular full-time, and regular part-time employees unless exempted by Utah state law.
- For purposes of URS, the City classifies elected officials as regular part-time employees. Tier 1 designated elected officials may be eligible for pension benefits based on the minimum salary requirement set by URS. Tier 2 designated elected officials are classified as regular part-time and do not qualify for URS benefits.



Employees and the City both contribute the "in lieu" of social security rate of 6.2%, making it a total of 12.4% biweekly into your designated savings account at URS.

4. FICA (Social Security and Medicare) –The City participates in the Federal Medicare System and the Federal Social Security Program as described below.

- All employees are required to participate in Medicare by contributing 1.45% of gross earnings each pay period, which the City matches.
- In lieu of Social Security coverage, appointed statutory, department head, regular full-time, and regular part-time employees contribute 6.2% of gross earnings each pay period to an approved retirement plan managed by URS. The City matches this contribution.
- The City participates in Social Security for its non-benefited employees. Non-benefited employees are subject to Social Security taxes.

5. Cell Phone Allowance – Employees authorized to use personal phones while conducting City business will receive a bi-weekly payroll stipend as approved by the City Manager or designee.

- The employee is solely responsible for purchasing and maintaining personal cell phone equipment, accessories, and cellular service.

- The City is not responsible for personal cell phones that are damaged, lost, or stolen, even if the incident occurs on City property. These are not reimbursable expenses.
- Employees must comply with all applicable laws and City policies regarding cell phones, including, but not limited to, using cell phones while driving.
- All devices under this policy may be subject to the Government Records Access Management Act (GRAMA) and/or legal/judicial actions. Any device used to conduct City business may contain a record subject to GRAMA.
- The bi-weekly stipend is an IRS non-accountable plan and is not a URS eligible retirement wage.

6. Workplace Pets –The City promotes a positive employment experience by allowing appropriate pets in the office while securing the health and safety of all employees. An appropriate pet is a dog or cat with acceptable health and behavior that does not adversely affect City operations.

- Employees who wish to bring a pet to City Hall during work hours must first obtain authorization from their respective Department Heads.
- Employees may not bring more than one (1) pet to work at a time.
- Visiting pets must be:
 - up to date on vaccinations required by state law;
 - free of communicable infections or parasites (i.e., fleas, parvovirus, etc.);
 - house trained with good general hygiene and socially well-adjusted; and
 - covered under the employee's homeowners/renter's insurance policy, which must cover dog bites.
- Pets must be supervised at all times while visiting City Hall. Employees are entirely responsible and accountable for their pet's behavior and any injury or damage it may cause.
- The City Manager or designee may temporarily or permanently prohibit a pet from City Hall for aggressive or disruptive behavior.
- Employees shall provide their pets with items to ensure their safety and wellness (e.g., food, waste bags, crates, gates to keep the pet securely in the employee's work area, etc.).
- Employees are responsible for cleaning up after their pets both indoors and outdoors. If their pet has an accident, employees must clean up after it immediately.
- The City shall not be liable for loss of, or injury to, any pet brought to City Hall.

Service Animals - The City supports employees with physical or mental disabilities by permitting the use of service animals as a reasonable accommodation. The request process for reasonable accommodation is outlined under Disability Accommodations in Section 2-01-5.

7. **Training** – Employees are encouraged to obtain training through attendance at job-related seminars, conferences, classes, certification courses, etc., subject to available funding adopted by the City Council.
 - The employee's supervisor must pre-approve all training attendance and payment of associated costs.
 - When training is approved, the time involved will be treated as time worked, consistent with City policy and FLSA regulations.
8. **Tuition Assistance**—Employees are encouraged to pursue continuing education opportunities to enhance their job skills and their ability to be promoted. Subject to available funding adopted by the City Council and priorities established by the City Manager, employees may be eligible to receive partial tuition assistance.
 - To be eligible for tuition assistance, an employee must satisfy all the following conditions:
 - be an appointed statutory, department head, regular full-time, or regular part-time employee;
 - have completed new hire probation (if applicable); and
 - be an employee in good standing (not be subject to a current "Corrective Action Plan" with regard to disciplinary action).
 - A written request for tuition assistance must be submitted to the employee's Department Head, the City Manager, and Human Resources prior to enrollment. The request must outline the type of degree or education the employee is seeking, the name of the educational institution providing the education, the cost of the program, the expected program completion date, and how the City will benefit from the employee's completion of the program.
 - The City Manager or designee must approve all requests for tuition assistance.
 - Employees who are approved for tuition assistance will be required to enter into a "Millcreek Tuition Assistance Agreement," which includes the following:
 - An anticipated date for completion of the program or degree for which tuition assistance is being requested;

- A grade point average of at least a "B" each semester or a passing grade in a pass/fail course.
- A continued employment obligation based on the following:
 - 6 months for every semester the employee receives tuition assistance, or
 - 3 months for every term the employee receives tuition assistance, or
 - 1 month for every credit hour the employee receives tuition assistance
- The tuition assistance program includes a repayment provision stating that if an employee separates from the City for any reason prior to completing the continued employment obligation, the employee shall repay the reimbursement for which the employment obligation has not been satisfied.
- Payment of tuition reimbursement will be made according to the following:
 - The employee must provide acceptable written evidence of satisfactory course completion and proof of payment.
 - Payment requests must be received within 30 calendar days after the educational institution supplies grades.
 - The maximum payment will be no more than 50% of the amount paid by the employee for tuition, books, and mandatory fees, not to exceed the IRS limit of \$5,250 for tax-free reimbursement. Regular part-time employees will receive pro-rated assistance based on their normal work schedule.
 - All payments for continuing education will be reported on a calendar year basis through payroll and treated as taxable or excludable, consistent with IRS regulations.
- Employees will attend classes, travel to or from them, and study on their own time. Department Heads may authorize irregular work schedules to accommodate course scheduling.
- The total number of employees approved for tuition assistance will be subject to available funding based on annual appropriations adopted by the City Council, which are allocated on a first-come, first-served basis.

9. Employee Discounts



- City Recreation Activities – Employees can recreate for free year-round at Millcreek Common by showing the Adventure Hub their City ID badge upon arrival.
- Room Rentals – Employees receive a discount for room rentals as set forth in the consolidated fee schedule.
 - Fringe benefits will be taxable in accordance with the Internal Revenue Code (IRC).
- Other Discounts for Recreation Activities
 - Employees receive 20% off the cost of any lessons, camps, or classes coordinated by the Community Life Department.
- Admission to City-Sponsored Events
 - Employees and their friends and family members accompanying them can attend City-sponsored events for free by showing their City ID badge upon arrival.
 - Admission and equipment rental only is free; no discounts will be given for extras.



SECTION 4: CODE OF CONDUCT AND ETHICAL BEHAVIOR

4-01 CODE OF CONDUCT

- 1. Professionalism** – The City is a public entity whose purpose, among others, is to provide municipal services to its residents. City employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City. Employees are expected to treat the public, visitors, and fellow employees with respect at all times.
- 2. Conflict of Interest** – The purposes of this section are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.
 - General - All municipal officers and employees shall comply with the Municipal Officers' and Employees' Ethics Act (Utah Code Ann. §10-3-1301 et seq.)
 - Use of Office for Personal Benefit - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1304.
 - Compensation for Assistance in Transaction Involving Municipality - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1305.
 - Interest in Business Entity Regulated by Municipality - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial interest in a business entity that is subject to the regulation of the City in which the officer or municipal employee is elected, appointed, or employed, shall comply with Utah Code Ann. §10-3-1306.
 - Interest in Business Entity Doing Business with the City - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial

interest in a business entity that does or anticipates doing business with the City shall comply with Utah Code Ann. §10-3-1307.

- Investments Creating Conflict of Interest - All municipal officers and employees who have a personal interest or investment that creates a conflict between the officer's or municipal employee's personal interests and the officer's or municipal employee's public duties shall comply with Utah Code Ann. §10-3-1309.
- Officer/Employee Conflict-of-Interest Disclosure Statement - All municipal officers and employees shall file an "Officer/Employee Conflict-of-Interest Disclosure Statement" with Human Resources at the time of hire and thereafter as required. The "Officer/Employee Conflict-of-Interest Disclosure Statement" can be accessed on the City's M Drive.
 - City elected officers must complete an additional conflict-of-interest form, the "Elected Officer Annual Conflict-of-Interest Disclosure Statement," in January each year, as set forth in Utah Code Ann. §10-3-1313.

3. **Annual Ethics Pledge** - All municipal officers and employees of Millcreek, before commencing the duties of their respective offices and annually thereafter, shall read, sign, and file the "Annual Ethics Pledge" in a form provided by the City.

- The "Annual Ethics Pledge" form can be accessed on the City's M Drive.

4. **Reporting Fraud, Waste, and Abuse**--The City recognizes the need to establish a reporting and investigation process for suspected fraud, waste, or abuse by City employees, vendors, or the public.

- Employees are responsible to report fraud, waste, abuse, and other irregularities.
- Suspected fraud, waste, or abuse should be reported immediately. To aid in the investigation, provide as much information as possible, including the names of individuals involved, details about the issue, and the date, time, and place of the occurrence.
- The Utah Protection of Public Employees Act protects employees who report suspected fraud. (Utah Code Ann. §67-21-1 et seq.)
- Types of behavior that should be reported:
 - Gross mismanagement
 - Abuse of authority
 - Unethical conduct
 - Undisclosed conflicts of interest

- Physical or emotional abuse
 - Child molestation or sexual abuse
 - Using City assets for personal benefit
 - Timecard violations
 - Wasteful or fraudulent purchases
 - Theft
 - Forgery
 - Other irregularities
- Employees may file a report directly through one of the following means:
 - Email fraudhotline@millcreekut.gov
 - Immediate Supervisor
 - Any Department Head
 - Human Resources Manager or HR/Finance Director
 - Assistant City Manager
 - City Manager
 - City Attorney
 - Mayor or member of the City Council
 - State Auditors Fraud Hotline (801) 538-9777
- Employees shall not knowingly file a false, frivolous, or malicious report.
- Employees shall not alert suspected individuals whether they are the subject of or part of a fraud, waste, or abuse report. If a supervisor is suspected of being involved in the reported activity, the employee should choose a reporting avenue that does not include that supervisor.
- Employees shall not attempt to personally conduct investigations, interviews, or interrogations related to any suspected inappropriate activity. The employee making the report should not contact the suspected individual to determine the facts or demand restitution.
- The proper management level or an independent third party will thoroughly investigate reported fraud, waste, or abuse.

- Fraudulent, wasteful, or abusive behavior may result in disciplinary action up to and including termination of employment.

5. **Confidentiality** – City employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of state law and the City Code, including restrictions against disclosing or using private, protected, or controlled information acquired by reason of a person's official position for the employee's or another's personal benefit.

6. **Gifts and Gratuities** – City employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift, gratuity, loan, favor, or bribe for items of monetary value or of substantial economic benefit that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties. This section does not apply to:

- an occasional non-pecuniary (not cash) gift having a value of less than \$50;
- an award publicly presented;
- any bona fide loan made in the ordinary course of business; or
- any political campaign contributions if the contribution is used in a political campaign.

7. **Attendance** – All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.

8. **Appearance** – In order to maintain a professional atmosphere and appearance, all employees shall maintain the following minimum standards:

- Employees must maintain a high standard of personal hygiene. They must appear neat and clean and have no offensive odors. Employees' hair must be clean and groomed.
- Employees' dress and appearance must be appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.



With your Department Head's approval, City branded apparel is available to order through the Facilities Director.

- Employees may be required by their Department Head to wear uniforms or apparel imprinted with a City logo or approved marks/emblems.
- Employees must wear clean, neat clothing that is not torn or frayed. They must also avoid unduly revealing, immodest, or otherwise inappropriate attire for a professional office or other work environment.
- Tattoos, brandings, or piercings that are deemed unsafe, or contain content offensive to modesty, decency, propriety, or professionalism must be covered or removed while at work.
- The City's dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other class protected by law.

9. Personal Use of City Property—The City recognizes ~~there will be times the community's benefits~~ when employees ~~can~~ use City-owned property for incidental ~~or de minimis~~ personal use in addition to the primary use of fulfilling the employee's duties.

- ~~To enable employees to use City-owned property that has been issued to them in a manner that best serves the public, employees are authorized to use or possess any City-owned property issued to them for any incidental personal use, so long as the property is used in a lawful manner and the employee does not obtain or exercise unauthorized control over the City's property with the purpose to deprive the City of the City's property. "the person of the person's property" as contemplated in Utah Code Ann. §76-6-404.~~
- ~~City-owned property is issued to an employee and held in that employee's possession for the primary purpose of fulfilling that employee's job-related duties as a public servant.~~
- ~~This policy concludes that incidental or personal use or possession of public property by the employee is authorized by this policy. Employees are permitted to possess City-owned property provided it is not for the purpose of depriving as defined in Utah Code Ann. §76-6-404.~~
- Incidental personal use of City-owned property includes but is not limited to use that does not interfere with the employee's job performance, does not substantially diminish the value of the City-owned property, is for training or skill development, does not incur substantial cost to the City, or has been implicitly authorized by an adopted budget so long as the property is used in a lawful manner.
- By way of illustration and not limitation, incidental personal use means:

- use or consumption of office, first aid, and lunchroom supplies;
- use of a take-home vehicle to do personal errands, including transporting family members as passengers on the way to work or on the way home; or
- use of City electronic communication to check on the status of a family member, make or confirm appointments, check on the status of a delivery, read news articles, access bank accounts, check/respond to personal e-mails, or check/view social media.
- This policy is enacted to satisfy the written policy requirements to eliminate criminal exposure for an employee's use of City-owned property under Utah Code Ann. §76-8-402.

10. Electronic Communication Devices

- Personal Electronic Communication Devices
 - Personal electronic communication devices, including, but not limited to, radios, satellite phones, cellular phones, computers, and tablets, shall not unreasonably interfere with the performance of the employee's duties or with City business operations.
 - The City Manager or designee may restrict or prohibit the use and/or possession of personal electronic communication devices for safety or other operational reasons.
- City Electronic Communication Devices
 - City electronic communication devices and all content are the property of the City, and there is no expectation of privacy for any employee. These devices are primarily provided to facilitate the effective and efficient completion of job duties.
 - Use is only permitted by the employee and other authorized employees.
 - Employees shall not use the City's electronic communication devices to violate the City's harassment, discrimination, or other policies.
 - Employees shall not use City electronic communication devices to download, view, print, share, or store any sexually explicit content (including but not limited to photos, emails, or texts) except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
 - Employees shall not use City electronic communication devices for online video games, gaming, including gambling, criminal activity, or prohibited social media platforms.
 - Employees shall not download or store unlicensed or unapproved media or software on City electronic communication devices.

- Employees shall not install non-City licensed or unapproved software on networked City electronic communication devices without the approval of the City Manager or designee. Accounts for non-network applications are required to be in the name of the employee or an approved City account authorized by the City Manager.
- Employees shall not store, copy, or transfer unauthorized City records, electronic content, software, or computer code on their City electronic communication devices.
- The City retains the right to monitor, deny access to, or copy City and non-City content at any time, including communications made on a third-party server, regardless of authorized use.

11. City Social Media Policy – While the City recognizes that social media has changed the way people communicate with each other and that the use of social media can enhance communication between City government and residents, the City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) and the content that is attributed to the City and its officials. This policy provides guidelines for the establishment and use by employees of social media sites to convey information to the public.

- The City Manager or designee shall have full authority over establishing the City's official website and social media accounts and will provide guidance/direction for content posted on behalf of the City.
- All City social media sites shall utilize authorized City contact information for account set-up, monitoring, and access.
- The City reserves the right to terminate any City social media site at any time, with or without prior notice.
- The City reserves the right to remove any content posted by the City or any employee or agent of the City on its social media sites when deemed necessary by the City Manager or designee.
- The City reserves the right to deny access to City social media sites to any individual who violates this policy at any time, with or without prior notice.
- The City Manager or designee will maintain a list of City social media platforms and sites approved for employees' use, including login and password information.
- All City social media platforms and sites will be opened and maintained on behalf of the City and are not the personal property of any employee.

- Employees will inform the City Manager or designee of any administrative access changes to existing platforms and sites.
- The City Manager or designee will ensure that logins and passwords are changed when employees with access leave their position or City employment.
- All use of City social media will be made in compliance with GRAMA provisions of state law.
- City social media may be branded with City-owned symbols (including but not limited to logos, shields, and emblems).

Authorized Use - The City Manager or designee is responsible for determining who is authorized to use and maintain social media accounts on behalf of the City.

- Any employee authorized to post items on any of the City's social media shall review, be familiar with, and comply with the social media site's use policies, terms, and conditions.
- Authorized employees must always act as representatives of the City and in accordance with all applicable City policies and procedures.
- City social media sites shall be used only to communicate City-related information and shall not be used for personal purposes.

Authorized Content - Only content appropriate for public release that conforms to all City policies shall be posted. The following is a non-exclusive list of examples of appropriate content:

- Announcements for City-related events and activities
- Tips and information related to crime prevention
- Requests for information
- Community engagement information
- Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information
- Traffic information
- Media releases
- Recruitment of personnel
- Approved collaborations with other entities

Content Guidelines

- The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events.

- All content on the City's social media sites must be provided to the City Manager or designee for review, approval, and subsequent posting to the social media site.
- Wherever possible, content posted on the City's social media sites should link back to the City's official websites, which provide forms, documents, online services, and other necessary information to conduct business with the City.
- Posts should be accurate, and employees should be mindful of spelling, punctuation, and grammar.
- Posts should contain information that is freely available to the public.
- Confidential information as defined by City policy, state law, or federal law, is prohibited from social media posts.
- Content posted to City websites thereafter becomes the property of the City. This includes original wording, all posted images taken with a smartphone, and other such content. Photography or wording with prior and/or documented copyright or ownership will be removed.

Prohibited Content

- Personal information, except for the names of employees whose job duties include being available for contact by the public;
- Comments that are not related to the topic of a particular post being commented on;
- Comments in support of, or opposition to, political campaigns, candidates, or ballot measures;
- Profane language, sexual content, pornography, obscenity, or links to any such content;
- Content that promotes, fosters, or perpetuates discrimination based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other legally protected status;
- Medical or health information that violates HIPAA regulations;
- Conduct in violation of any federal, state, or local law and encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Comments on actual or potential legal claims, lawsuits, or other legal issues;
- Defamatory or personal attacks;

- Comments that may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents, and the safety of police staff and officers;
- Content that violates the legal ownership interest of any other party.

Prohibited Platforms—Employees may not download or use the TikTok application or visit any TikTok website on any City-owned electronic device.

12. Employee Obligations and Restrictions in Personal Use of Social Media— The City respects its employees' private rights to use social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) in their personal lives during non-work hours.

However, personal use of social media must not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace and confidential information and adhere to the rules of ethics, public records laws, and open meeting law requirements, among other compelling governmental interests. The purpose of this policy is to provide guidelines for City employees when they communicate on social media sites as a private party when doing so may be considered a violation of their rights to free speech.

- Guidelines

- ~~Employees must not attribute personal statements or opinions to the City when engaging in private blogging or social media posts.~~
- If/when commenting on City business in their personal capacity, employees must use a disclaimer establishing that their comments represent their own opinions and do not represent those of the City.
- Employees are discouraged from identifying themselves as City employees or using their City titles when responding to or commenting on blogs or other social media sites with personal opinions or views.
- Employees shall not intentionally, carelessly, or unintentionally disclose non-public information unless authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of private, controlled, protected, and other restricted records.



When using your personal social media account to comment on City business, always use a disclaimer to establish your comments represent your own opinions.
E.g., "These are my own opinions and do not necessarily represent those of the City".

- The City expects its employees to be truthful, courteous, and respectful toward supervisors, subordinates, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City employee, those employees must not engage in name-calling, personal attacks, or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This section and its limitations apply when the employee's action adversely affects their work, job duties, or ability to function in the employee's position or creates a hostile work environment.
- Employees must not use their City email account or password in conjunction with a personal social networking site.
- Social media account names for personal or private business ventures must not be tied, linked, associated, or connected with the City (e.g., 'Millcreek City Misfits' would not be an appropriate personal account name).
- Employees shall not use the City brand, logo, marks, emblems, or other City identifiers on their sites unless approved by the City Manager or designee.
- Employees' personal social media sites are not forums for venting grievances, discipline matters, or personal complaints about supervisors, subordinates, coworkers, or the City.
- The City may use social media (such as reviewing an applicant's or employee's post) to evaluate applicants for jobs, promotions, etc. Posting distasteful, immature, or offensive conduct may affect employment decisions.
- Personal or non-official use of social media that is incidental and occasional is permitted during work hours, provided it is very limited in duration and does not have a detrimental effect on employee productivity.
- Causes for Disciplinary Action - Personal use of social media (even off-duty or using the employee's equipment) may affect or impact the workplace and become the basis for employee discipline. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:
 - Cyber-bullying, stalking, or harassment
 - Release of confidential or private data
 - Misuse of City-owned social media
 - Inappropriate use of the City's name, logo, or the employee's position or title
 - Using City-owned equipment or City-time for extensive personal social media use

- Violation of law, whether federal, state, local or a City policy

Because the laws in this area are evolving, employees are encouraged to discuss activities that might result in discipline with the City Manager or designee prior to engaging in such social media activities. Each situation will be evaluated on a case-by-case basis.

- Reporting Violations - The City encourages employees to report potential violations of this policy to their Department Head or Human Resources.

13. Artificial Intelligence (AI) Use Policy – This AI use policy applies to all City employees (as outlined in Section 2-02-1 of this Handbook) who use AI tools in any capacity while conducting City business. The purpose of this policy is to protect proprietary, confidential, and sensitive information while ensuring compliance with applicable law and City policy.

- Prohibited Use of AI - Employees must not use AI to collect, store, or analyze City data without proper authorization and security measures. Additionally, employees must not input, upload, or share any proprietary, confidential, or sensitive information into AI tools, including but not limited to:
 - Protected, private, and controlled information
 - Personally Identifiable Information (PII)
 - Protected Health Information (PHI)
 - Financial, legal, or contractual data
 - Internal government communications
 - Security protocols or system details
 - Any other non-public information related to City operations
- Approved Use of AI
 - Employees may use AI tools for general research, drafting public-facing content, and brainstorming, but only when no proprietary or sensitive data is involved.
 - The City Manager or designee must review and verify the accuracy of any AI-generated content before it is used in official City communications.
 - AI tools must not be used to make final decisions or determinations without the approval of the City Manager or designee.
- Compliance and Security

- When using AI tools, employees must adhere to all applicable laws, regulations, and cybersecurity best practices.
- The City Manager or designee shall review and approve any AI tools intended for City use.
- Employees should report any suspected AI-related data breaches or misuse as outlined in section 4-01-3 of this Handbook.
- This policy will be reviewed periodically and updated as AI technology and regulations evolve.
- Failure to comply with this policy may result in disciplinary action up to and including termination.
- AI tools do not understand the truth or always interpret context correctly. These tools generate output based on patterns in data and can provide false or misleading results. AI tools should not be relied on for legal, medical, forensic, or mental health decisions, and human oversight should be a critical part of working with AI.

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14. Reporting of Child Pornography

- All City computer technicians will comply with the mandatory reporting requirements of Utah Code Ann. §76-5b-206.
 - A computer technician means an individual who in the course and scope of the individual's employment for compensation installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment.
- If a computer technician, during City employment, views an image on an electronic device that appears to be child pornography, the employee shall immediately notify the finding of the image to the City Manager or designee.
- The City Manager shall immediately report the finding to a state or local law enforcement agency or the Cyber Tip Line at the National Center for Missing and Exploited Children and document the same.

15. Privacy Space Compliance Plan – All employees shall comply with the City's Privacy Space Compliance Plan, which can be accessed on the City's website.

16. Outside Activities – City employees shall not use City-owned property or work time to support outside interests and activities except as provided in the Personal Use of City Property outlined in Section 4-01-8.

17. Political Activity – City employees shall not use City-owned property, work time, or position influence over other employees while engaging in any political activity.

18. Secondary Employment

- Full-time employment with the City shall be an employee's primary employment. However, City employees are permitted to engage in secondary employment upon written approval from the employee's Department Head and the City Manager or designee.
- Secondary employment includes working for another employer, any sole proprietorship, partnership, or self-employment.
- The "Full-Time Employee Secondary Employment Disclosure" form is located on the City M Drive.
- Consistent with other sections of the Handbook and applicable law, the City may restrict or limit secondary employment during administrative leave, sick leave, worker's compensation, transitional duty, FMLA leave, leave without pay, or as a disciplinary action.

19. Prohibition on Recording Other Employees

- No employee may record, by any means, a conversation with another employee unless the following requirements are met:
 - the recording device is in plain view; and
 - the employee being recorded consents to being recorded.
- Exceptions: the operation of authorized City general recording practices, such as law enforcement investigations and oversight, the recording of meetings, and the conduct of authorized City investigations.

4-02 HARASSMENT, DISCRIMINATION, AND RETALIATION

- 1. General Policy** – The City is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, and any other classification or status protected by law.

Misconduct identified in this policy is unacceptable and prohibited. The City will make reasonable efforts to prevent harassment and promptly investigate all complaints. A violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, will result in disciplinary action, up to and including termination.

- 2. Prohibited Conduct** – The City prohibits conduct that includes, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Other inappropriate conduct, such as:
 - Derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person's race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;
 - Display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices that would offend a reasonable person;
 - Inappropriate physical contact, such as patting or pinching;
 - Intentionally brushing against another person's body;



- Stating, implying, or joking that an individual's job performance is attributable to that person's race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;
- Giving of unsolicited or inappropriate gifts of a personal and private nature;
- Sexual assault of any kind;
- Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law that:
 - creates an intimidating, hostile, or offensive work environment;
 - unreasonably interferes with a person's work performance; or
 - otherwise adversely and unreasonably affects an employee's employment.
- Retaliation against any employee for reporting, filing a complaint, or assisting the City in investigating a complaint under this policy, even if such underlying complaint is deemed unfounded. Retaliation may be considered a separate violation of this policy and may subject the perpetrator to disciplinary action up to and including termination. Examples of retaliation include:
 - imposing disciplinary action in bad faith;
 - unwarrantedly changing the terms of an employee's employment;
 - spreading rumors about the employee;
 - encouraging hostility toward that employee from a co-worker, escalating the harassment; or
 - disclosing confidential information regarding an investigation being conducted under this policy, including revealing that there is an investigation and/or any details of an investigation with any City employee except those conducting the investigation.

3. Personal Employee Relationships - The City strives to maintain a work environment where employees maintain clear boundaries between their personal and business interactions. The development of friendships, dating, and/or sexual relationships between colleagues is not prohibited; however, the City reserves the right to take appropriate action if such relationships

adversely impact the work environment, productivity, other employees, members of the public, or for any other reason as determined by the City Manager or designee and Human Resources.

- A City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify the City Manager or designee and Human Resources when the relationship begins or ends or if it results in marriage.
- Romantic, dating, and/or sexual relationships between supervisors and subordinates who fall within the supervisor's scope of influence are prohibited.
 - The scope of influence includes the ability to affect salary, promotional status, performance evaluation content, work assignments, and other related matters. Any questions regarding the scope of influence should be directed to the City Manager or designee, and Human Resources.

4. Reporting Violations of this Policy – Employees must report, in good faith, all incidents that they reasonably believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when employees first believe they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must make such a report with one of the following: a supervisor, Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney.

Any supervisor who reasonably becomes aware of potential discrimination, harassment, or retaliation shall immediately advise one of the following: a Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney. Any supervisor who knew or should have known of a potential offense and did not report the matter shall be subject to disciplinary action up to and including termination.

5. Investigation—The City Manager or designee shall ensure that all written or verbal complaints are investigated as expeditiously and professionally as possible. The confidentiality of the complaint will be maintained to the extent it is practical, but it cannot be guaranteed.

- Two (2) of the following will coordinate the investigation: the City Manager or designee, the City Attorney, or Human Resources.
- The assigned investigator(s) will ensure that the allegations and findings are adequately documented.
- The assigned investigator(s) are responsible for moving the investigation forward and making recommendations.

- Employees are obligated to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
- Documentation of disciplinary action placed in any personnel file will not include the name of any victim.
- Records of an investigation determined to be unfounded will not be placed in any individual's personnel file but will be retained as an investigative file. Access will be limited to the City Manager or designee, the City Attorney, and Human Resources.
- Appeals about the conclusions of the investigation will be handled as follows:
 - Disciplinary actions arising from the investigation will be handled according to the Employee Discipline section of this chapter and may be appealed by that section.
- An employee may appeal the conclusion of an investigation. However, the basis of an appeal is limited to the employee's concerns with the investigation's adequacy, such as the investigators' failure to interview a key witness or consider a crucial piece of evidence. Employees cannot appeal solely based on their disagreement with the outcome of the investigation.
- An appeal will begin directly at Step 2 (Section 4-07-2) of the Employee Grievance Procedure (Appeal to City Manager).
- Maintaining Investigative Files:
 - Information related to any harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential complaint file. This information shall not be placed or maintained in an employee's personnel file.
 - Information contained in the harassment investigative files shall be released only to other agencies or individuals with a legal and legitimate reason to the files pursuant to a court order, GRAMA, or upon the advice of the City Attorney and written notice to the victim.
 - Participants in any harassment proceeding and/or investigation shall treat all information related to that proceeding and/or investigation as confidential.

4-03 ALCOHOL/DRUG-FREE WORKPLACE

1. **Federal Drug-Free Workplace Requirement** – The City complies with the Federal Drug-Free Workplace Act of 1988.

2. **Drug-Free Awareness Program**—The City's Drug-Free Awareness program will be posted in a conspicuous area at City Hall and the Adventure Hub. It can also be accessed digitally on the City's M Drive. Additionally, all employees will receive information about the City's Employee Assistance Program (EAP) during new hire orientation and on an as-needed basis from Human Resources.



The City's EAP is available to all employees through Intermountain Healthcare. You can reach a crisis counselor 24/7 by calling 800-832-7733.

3. **Employee Responsibilities**

- No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
- Employees convicted under any criminal drug statute shall notify their supervisor within five (5) calendar days after the conviction.
- Employees shall not consume alcoholic beverages during work hours, breaks, or meal periods or at least eight (8) hours before coming to work.
- Employees shall not be impaired by alcohol, medication, or illegal drugs or have any detectable trace of illicit drugs or a blood-alcohol level of .04 or higher in their system during work hours or while representing the City in an official capacity.

4. **Additional Responsibilities of "Safety-Sensitive" Employees** – For purposes of this policy, the City designates jobs requiring a Commercial Driver's License (CDL) as safety-sensitive positions.

- Employees in safety-sensitive positions will timely report the use of any medication that could reasonably be expected to impair their ability to perform their duties prior to or upon reporting for duty on a "City Disclosure of Prescription Drugs" form completed by the employee and their health care provider. Forms shall be submitted to Human Resources or the designee, who will advise the employee's supervisor of any relevant medical information.
- If medication is changed, the dosage is significantly changed, or the medication is discontinued, the employee must timely submit an updated "City Disclosure of Prescription Drugs" form.
- Employees in safety-sensitive positions who are cited, arrested, or charged with any criminal drug—or alcohol-related offense must notify their supervisor within 24 hours.
- The "City Disclosure of Prescription Drugs" form can be accessed on the City's M Drive.

5. **Drug/Alcohol Testing Policy** – All employees and prospective employees must comply with drug testing requirements as provided herein as a condition of hire or continued employment. Failing or refusing to comply with this policy shall be deemed a violation. The City shall determine the types of drugs, metabolites, and cut-off levels, except as mandated or limited by federal regulations.

6. **Pre-Employment Drug Testing**

- All job applicants shall be informed of the policy during conditional job offers. A copy of this policy is available on the City's website.
- All prospective employees shall be tested for drug usage.
- The City will exclude from employment any job applicant who refuses to abide by this policy.
- The City will not process an employment application from a job applicant who has a confirmed positive drug test result for one (1) year from the date of such result.

7. **Medical Cannabis** - In accordance with Utah Code §26-61a and Utah Code §58-37-3.7, the City shall treat a prospective employee's use of medical cannabis in the same way the City treats the use of any prescribed controlled substance except when the employee's position requires federal funding, federal security clearance, or any other federal background determination necessary for the employee's position.

8. **Reasonable Suspicion (For Cause) Testing**

- Employees may be required to submit to a drug and/or alcohol test when reasonable suspicion arises, and the employee's supervisor and a City designee concur that reasonable suspicion of substance abuse exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors. Reasonable suspicion testing may include re-tests or follow-up tests as necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.
- All employees who hold a CDL as a job requirement shall fall under the Federal Motor Carrier Safety Administration's (FMCSA) reasonable suspicion guidelines Part 382.
- The City designee chosen to identify reasonable suspicion must be approved by the City Manager or designee and recognized on a list maintained on the City's M Drive.

- Once it has been determined that reasonable suspicion exists, the employee shall be brought to Human Resources immediately. Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee is sent to the City's medical provider for a reasonable suspicion test, a supervisor or designee shall drive them to the facility.
- A written record of observations leading to an alcohol or controlled substances reasonable suspicion test shall be made and signed by the City's designee within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
- The written record must be retained.
- Employees shall be placed on paid administrative leave until the test results are available.
- The supervisor shall make arrangements or help the employee get home without the employee driving.

9. Rehabilitation Testing – If the City allows employees to work after they have enrolled in a rehabilitation program for drug or alcohol abuse and have successfully completed the rehabilitation program, such employees may be obligated to a series of unannounced drug and alcohol testing for a predetermined period of time as outlined by the rehabilitation program.

10. Post-Incident Testing – Post-incident testing will be conducted on employees involved in the following incidents:

- treatment for a worker's compensation injury at a medical facility (either out-patient or in-patient);
- any traffic accident; or
- any event or incident that involves property damage or loss.

- When post-incident testing is required, the involved employee shall be immediately brought to Human Resources.
- Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee -is sent to the City's medical provider for a reasonable suspicion test, the employee shall be driven to the facility by a supervisor or designee.



You must notify your supervisor as soon as possible if you are involved in any type of accident or incident while on the clock.

- The supervisor shall make arrangements or help the employee get home without the employee driving.
- Employees shall be placed on paid administrative leave until the test results are available. After the test results are available, employees may return to work based on the results.

11. Random Testing—All employees who hold a CDL as a job requirement shall be subject to the FMCSA's random testing guidelines in Part 382.

12. Testing Protocols

- All drug testing will comply with Utah Code Ann. §34- 41-101 et seq or the FMCSA's Part 382.
- Any required drug or alcohol testing shall be deemed time worked for purposes of compensation and benefits.
- The City shall pay all costs of testing and transportation associated with all required tests.
- For both non-Department of Transportation (DOT) and DOT tests, if the Medical Review Officer (MRO) informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- For a DOT test, if the MRO directs that a re-collection must take place under direct observation (i.e., because the creatinine concentration was equal to or greater than 2mg/dL but less than or equal to 5 mg/dL), the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- For a non-DOT test, the City will contact the donor immediately if the MRO directs that a re-collection must occur (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL). Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- Refusal to test will be considered a positive result.

13. Drug Testing Information

- The information received from drug testing shall be the property of the City.
- Human Resources or designee shall promptly notify the employee of the test results.

14. Employees Required to Hold a CDL - Those employees required by their employment at the City to hold a CDL shall be tested as required by federal law.

15. Disciplinary Action – Because of the serious nature of the illegal use or abuse of alcohol, illicit drugs, or medication, appropriate employee disciplinary action will be taken, which may include

termination. At its discretion in disciplinary action, the City may require an employee to participate in the City's provided EAP at the City's expense and/or a rehabilitation program and mandatory drug and/or alcohol testing at the employee's expense as a condition of continuing employment. Attendance in a rehab program or EAP is not considered time worked for compensation purposes.

16. **Voluntary Substance Abuse Counseling & Rehabilitation** - The City encourages employees who think they may have substance abuse problems to enroll in a counseling or rehabilitation program voluntarily.
17. **Employee Questions About This Policy** – Questions about this policy may be directed to Human Resources.

4-04 TOBACCO-FREE WORKPLACE

1. **General Policy** – The City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
2. **Employee Responsibility**—All employees are prohibited from using tobacco products (including chewing tobacco and e-cigarettes) in the workplace, including all City buildings, plazas, parks, vehicles, and equipment.

4-05 VIOLENCE-FREE WORKPLACE

1. **General Policy** - The City is committed to maintaining a safe and efficient working environment in which employees and the public are free from the threat of workplace violence.
2. **Employee Obligations**
 - Employees shall not engage in behavior that carries the potential for violence, including, but not limited to, assault, fighting, or using foul, abusive, or threatening language or gestures.
 - Possessing firearms or other weapons on City property, including City vehicles, or while conducting City business shall comply with federal, state, and the City Code.
 - Employees who witness violations of this policy must immediately report all incidents to their supervisor or Human Resources.

4-06 EMPLOYEE DISCIPLINE

1. **General Policy** – It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of city government. Administrative procedures have been established for the handling of disciplinary measures when required.

2. Causes for Disciplinary Action – Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- Violation of the laws of the United States, the State of Utah, City ordinances, or any other jurisdiction determined to be job-related.
- A conviction (including a plea in abeyance or no contest) for violating any criminal law shall be *prima facie* evidence (accepted as valid) in any City hearing process.
 - If a job applicant with a pending criminal case is hired, continued employment with the City will be reviewed upon disposition of the case.
- Violation of the code of conduct.
- Conduct that endangers the peace and safety of others or threatens the public interest.
- Any behavior by an employee deemed inappropriate or disruptive to the work environment that affects or may affect the ability of other employees to perform effectively.
- Misconduct.
- Malfeasance (the performance of an act that is legally unjustified or conflicts with the law or City policy).
- Misfeasance (the wrongful performance of a normally lawful act).
- Nonfeasance (the omission of some act which ought to have been performed).
- Incompetence.
- Negligence.
- Insubordination.
- Failure to maintain skills.
- Inadequate performance of duties.
- Unauthorized or excessive absence or tardiness.
- Falsification or unauthorized alteration of records.
- Violation of City or department policies.
- Falsification of employment application.
- Harassment, discrimination, and retaliation.
- Misrepresentation (making false statements or knowingly allowing false statements or impressions to be accepted as valid in the employee's job-related duties).

- Theft or removal of any City property or the property of any employee from the work premises without proper authorization.
- Gambling or engaging in a lottery on City property.
- Inability to perform essential job duties, with or without reasonable accommodation.
- Interference with any type of City investigation, including discussing any aspect of the inquiry or the mere existence of an investigation with any other City employee.
- Unwillingness and inability to work harmoniously with supervisor, the public, and/or other employees.
- Spreading rumors about fellow employees, co-workers, or colleagues or encouraging hostilities towards fellow employees, co-workers, or colleagues.
- Any other action or behavior contrary to the best interests of the City.

3. Disciplinary Action – Disciplinary records are those official notices, letters, warnings, and other records provided to an employee informing the employee of disciplinary action up to and including termination. All disciplinary actions, up to and including termination, must be pre-approved by the City Manager or designee before being imposed on the employee to ensure that the discipline is appropriate to the offense and consistent with similar incidents. All disciplinary action conversations should be conducted in the presence of at least two (2) of the following individuals: the City Manager or designee, Department Head, immediate supervisor, and Human Resources to ensure consistency, fairness, and proper documentation. Human Resources shall maintain documentation related to employee discipline in the employee's personnel file. The following are not to be deemed a progressive disciplinary scheme or system:

- Verbal Warning – A verbal warning to an employee by a supervisor for a work performance deficiency.
 - The “Documentation of Verbal Warning” form can be requested from Human Resources.
- Written Reprimand – A formal notice to an employee by a supervisor for disciplinary purposes that outlines work performance deficiencies and may require a corrective action plan.
 - The “Written Reprimand” form can be requested from Human Resources.
- Suspension—The City Manager or designee may suspend an employee from work without pay for up to 30 days (240 hours) and may place the employee on a corrective action plan. For any suspension lasting more than two (2) regular working days, the City shall first conduct a pre-disciplinary hearing, except for an employee described in Utah Code Ann. §10-3-1105(2).

- Demotion—The City Manager or designee may demote an employee to a lower-grade position with or without a pay reduction and may place the employee on a corrective action plan. If the demotion is also an involuntary transfer to a position with less remuneration for disciplinary reasons, the City shall first conduct a pre-disciplinary hearing as outlined herein, except for an employee described in Utah Code Ann. §10-3-1105(2).
- Transfer—The City Manager or designee may approve an employee's transfer to another position in a different department within the City and may place the employee on a corrective action plan. If the transfer is involuntary to a position with less remuneration for disciplinary reasons, the City shall first conduct a pre-disciplinary hearing as outlined herein, except for an employee described in Utah Code Ann. §10-3-1105(2).
- Termination—The City Manager or designee may terminate an employee after consulting with the City Attorney. The City shall first conduct a pre-disciplinary hearing as outlined, except for positions in which pre-disciplinary hearings are not required.

Employees whose conduct constitutes grounds for discipline may be subject to one (1) or more of the foregoing disciplinary actions, up to and including termination, depending on the severity of the improper conduct. The City reserves the right to impose disciplinary action, up to and including termination, on a first offense, depending on the nature and severity of the improper conduct.

4. **Pre-Disciplinary Hearing**—Whenever a regular full-time employee is subject to possible suspension without pay for more than two (2) regular working days, demotion, involuntary transfer from one position to another with less remuneration, or termination (except as a result of a RIF or reorganization), a pre-disciplinary hearing shall be held prior to imposing disciplinary action.

- The employee shall be given written notice of the hearing prior to the hearing. The notice will include an explanation of the charges against the employee and notice that discipline, up to and including termination, will be considered.
- The City Manager or designee shall conduct the pre-disciplinary hearing, allowing the employee to respond to the charges and present information the employee believes is relevant to the decision.
- A decision as to the disciplinary action to be taken, if any, shall be made by the City Manager or designee, and the employee shall be notified in writing within five (5) working days after the hearing. This written notification shall include:
 - The grounds for disciplinary action.

- Any proposed disciplinary action.
- The effective date and duration of the disciplinary action.
- Any required corrective action is necessary for the employee to avoid further disciplinary action.
- Notice and a copy of the post-disciplinary hearing process if the imposed disciplinary action is termination, a suspension of more than two (2) regular working days, or demotion or involuntary transfer from one position to another with less remuneration.

5. Waiver of Pre-Disciplinary Hearing—Employees may waive their right to a pre-disciplinary hearing and to appeal to the Appeal Board. Such a waiver must be in writing, signed by the employee, and include an acknowledgment that the employee has received a copy, read the requirements for a pre-disciplinary hearing, and accepted the proposed discipline.

6. Appeal Board (Utah Code Ann. §10-3-1106)

- A regular full-time employee may appeal their discipline using the post-disciplinary hearing process. Written appeals shall be filed with the City Recorder within ten (10) calendar days of receipt of the notice of the imposition of qualifying discipline (suspension of more than two (2) regular working days, demotion, or involuntary transfer from one position to another with less remuneration, or termination, except if the action is the result of a RIF or reorganization).
- The Appeal Board shall consist of one (1) member, who shall be appointed by the Mayor with the advice and consent of the City Council.

7. Appeal Board Designation—The City designates the Appeal Board as the only internal post-disciplinary appeal procedure for terminations, suspensions without pay for more than two (2) regular working days, demotions, or involuntarily transferred positions with less remuneration.

8. Appeal Hearing Process

- The employee shall be entitled to appear in person before the Appeal Board and to be represented by counsel (at the employee's expense). The employee shall be able to confront the witnesses whose testimony is to be considered and examine the evidence to be considered by the Appeal Board.
- An employee or the City may request the hearing be open to the public.

- The Appeal Board determines the admissibility of evidence and its use. Further, the Appeal Board is not bound by the rules of evidence and may consider any evidence relevant to the matter.
- The City Recorder records and takes minutes of each session, except for the Appeal Board's deliberations.
- The City Attorney or designee represents the City's interests.
- The standard of review is substantial evidence. The City has the burden of establishing the factual basis and reasonableness of the disciplinary decision. The appellant challenging an action has the burden of demonstrating the disciplinary action's impropriety.
- The Appeal Board may establish hearing procedures consistent with Utah Code Ann. §10-3-1106 and modify those procedures at the hearing in a way that is equitable and conducive to the issues.

9. Decision of Appeal Board Hearing

- Each decision of the Appeal Board shall be in writing.
- Each decision of the Appeal Board shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held; however, for good cause, the Appeal Board may extend the 15 days to a maximum of 60 calendar days, if the employee and the City both consent.
- A decision is issued when it is signed and dated by the member of the Appeal Board and certified by the City Recorder. The City Recorder distributes the certified decision to the employee, the City Manager, the City Attorney, and Human Resources.
- If the Appeal Board does not uphold the suspension, demotion, or termination, it shall provide in its order:
 - the employee's salary for the period of time during which the employee was discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or
 - the employee is paid any salary deficiency for the period during which the employee was demoted or involuntarily transferred to a lower remuneration position.
- Any final action or order of the Appeal Board may be submitted for review by either the employee or the City to the Utah Court of Appeals by filing a petition for review no later than 30 days from the date of the issuance of the final action or order of the Appeals Board by filing with that court a petition for review.

10. Requests to Purge Disciplinary Records – An employee may submit a written request to the City Manager or designee to have prior disciplinary records purged.

- The employee must wait at least two (2) years after the incident before a request is considered. Requests will only be considered if there have been no intervening disciplinary actions.
- The City Manager or designee shall consider the request within ten (10) working days of receipt.
- All decisions shall be at the City Manager's or designee's sole discretion.

4-07 EMPLOYEE GRIEVANCE PROCEDURES

1. General Policy – A grievance is a complaint made by an employee regarding a decision or action taken by the City that affects an employee's working conditions, except disciplinary actions. A grievance may be filed regarding such decisions or actions such as a performance evaluation, a job or task reassignment, a change in schedule, or a health/safety concern. All employees have the right to file a grievance.

2. Grievance Process – The following process shall be followed in processing grievances made by City employees. If the City fails to respond within the allotted time period at Step 1, such failure shall constitute a denial, and the employee may move to Step 2 in the process.

- Step 1 – Employees wishing to grieve an incident or action must submit the grievance in writing to their immediate supervisor or Department Head within 10 business days of the decision or action being grieved. The written grievance should include, at a minimum, the date, a description of the decision or action in question, and the remedy sought. The employee's immediate supervisor or Department Head shall respond to the employee's grievance in writing, detailing the decision and including a copy of this policy, within 10 business days of receipt of the grievance.
- Step 2 – If the employee is not satisfied with the response provided from Step 1, the employee may submit a written grievance to the City Manager or designee within 10 business days of receipt of the immediate supervisor's or Department Head's response.
 - The City Manager or designee shall respond to the employee's grievance in writing, detailing the decision, within 10 business days of receipt of the grievance.
 - The decision of the City Manager or designee is final and not appealable.

3. **Representation** – An employee may not be represented at a Step 1 grievance discussion with the immediate supervisor or Department Head. Legal counsel may represent the employee at a Step 2 discussion, subject to any conditions imposed by the City Manager or designee.
4. **Documentation**—Upon receipt or issuance, copies of all grievances and responses shall be forwarded to Human Resources.



SECTION 5: FINANCIAL POLICIES AND PROCEDURES

5-01 PURCHASING POLICY

1. **General Policy** - Employees shall comply with all applicable federal and state laws, regulations, City ordinances, resolutions, and this manual regarding procuring goods, services, and contracts. A complete copy of the City's Purchasing Policy is located on the City's M Drive.
 - Transparent Procurement – All procurement must be arm's length, and related party transactions must be avoided.
 - Arm's length transactions assert that both parties act in their own self-interest and are not subject to pressure or any undue influence from the other party.
 - A related party transaction means deals or arrangements between two parties affiliated by a pre-existing business relationship or common interest.
 - Related-party transactions often lead to conflicts of interest and cannot be assumed to be "arm's length transactions."
 - Failure to comply with the guidelines established for transparent procurement may result

in disciplinary action, up to and including termination.

- Reimbursements - Employees may request reimbursement for City-related expenses made using personal funds. Employees shall provide the following information to the HR/Finance Department in order to be reimbursed for any City related expenses:
 - A completed "Expense Reimbursement Form," including supervisor approval, which is located on the City's M Drive; and,
 - An itemized receipt of the purchase. If an itemized receipt is unavailable, the original receipt completed by the vendor is acceptable as long as a "Missing Receipt" form accompanies it.
 - If a receipt is not available (i.e. lost, never received, etc.), employees shall complete and submit to the HR/Finance Department a "Missing Receipt" form, located on the City's M Drive. The form must include:
 - details of the expense;
 - the reason for the missing receipt;
 - proper coding; and,
 - supervisor approval.

2. City-issued Purchase Card Policy—The City has established a Purchase Card Policy. The purpose of purchasing cards ("P-Cards") is to facilitate the acquisition of goods and services for the City. Employees with a P-Card shall acknowledge that they have read and understood this policy and procedures. P-Card purchases are subject to individual cardholder limits and City code thresholds. This program does not impact the employee's credit rating.

- P-Card Requests – Department Heads can request P-Cards for employees in writing to the HR/Finance Director. Approval may be granted or denied.
- P-Card holder Limits
 - City employees and officials may be P-Card holders in accordance with this policy.
 - Each P-Card holder has been provided a maximum dollar amount for each purchase and a total for all purchases made with the P-Card within a monthly billing cycle. The billing cycle limit shall not exceed the P-Card holder's assigned limit.
 - If the P-Card holder finds that the limit is too low to accommodate the monthly requirements, the employee's Department Head may request in writing to the HR/Finance Director with justification for the change in limits. Approval may be granted

or denied at the HR Finance Director's discretion.

- Use of City P-Cards

- Employees approved as P-Card holders must complete a "P-Card User Agreement" form located on the City's M Drive and forward it to the HR/Finance Department.
- P-Card holders shall provide vendors with the City sales tax exemption number and are responsible for ensuring that sales tax is not charged.
- P-Cards are to be used for City purchases only, and all purchases must be approved within the approved departmental budget.
- The P-Card holder shall sign the back of the P-Card, and no person other than the P-Card holder is authorized to use the card.
- Purchases made using the P-Card must be sent to a City-approved address in the P-Card holder's name.
- The HR/Finance Department must approve gift card purchases to ensure proper inventory tracking of the purchased gift cards.
- P-Cards may be used at any business establishment that accepts purchasing cards for payment.
- The P-Card holder must be prepared to justify that using the P-Card was necessary for official City business purposes.
- The P-Card holder shall take all necessary precautions to keep the card and card number in a secure location.
- Questions regarding P-Card accounts and procedures should be directed to the HR/Finance Department.

- Telephone and Online Orders

- All telephone or online orders must be documented and reconciled like any other purchase.
- The vendor shall not save P-Card numbers for future or recurring purchases.

- Documentation
 - P-Card holders shall obtain an itemized receipt for all purchases and upload documentation to the Visa Spend Clarity platform.
 - The Visa Spend Clarity platform retains electronic documentation submitted by the P-Card holder. The HR/Finance Department will use the electronic documentation to verify and reconcile the purchases.
 - When meals are purchased using a P-Card, the receipt shall include the names of the persons entertained and the purpose of the meal.
 - If, for any reason, the P-Card holder does not have documentation for a transaction, the P-Card holder must make every attempt to obtain a copy from the vendor. If the P-Card holder cannot obtain documentation, a "Missing Receipt" form located on the City's M Drive must be completed and uploaded to the Visa Spend Clarity platform.
 - Copies of all necessary forms are located on the City's M Drive in the Finance folder.
- P-Card Restrictions – The following uses of P-Cards are prohibited:
 - Cash advances;
 - Alcoholic beverages;
 - Personal purchases (If an accidental purchase is made on the card, the purchaser must notify the HR/Finance Department and provide a copy of the receipt. The P-Card holder shall reimburse the City for the purchase by cash, check, or personal credit card, or it may be deducted from the P-Card holder's paycheck. The P-Card holder hereby consents to and authorizes the deduction from their paycheck by signing the P-Card application and using the P-Card);
 - Professional or consulting services, contract labor, or entertainment providers;
 - Payment on any contract or any vendor invoice;
 - Acquisition of capital assets;
 - Fuel purchases, unless otherwise approved by the City Manager or designee;
 - Fines or fees for parking citations or traffic violations;
 - Subdividing a purchase to remain under single purchase limits; or,



In the event a receipt is not given or has been misplaced, fill out a missing receipt form and turn it into the HR/Finance Department.

- Any other applicable departmental restrictions on usage.

A P-Card holder may not violate any established procurement requirements regarding obtaining quotes when using a P-Card. The City may block, if necessary, certain suppliers' Merchant Category Codes. If the city chooses to block a merchant, the P-Card will be declined. P-Card holders shall contact the HR/Finance Department regarding issues with a possible blocked card.

- Reconciliation and Payment
 - At the close of each billing cycle, the HR/Finance Department will reconcile the P-Card statement against the receipts provided by the P-Card holders for accuracy.
 - Each department is responsible for verifying all purchases are posted to the correct departmental budget.
 - If necessary, the HR/Finance Department may ask the P-Card holder about transactions for clarification. Any findings of misuse of a P-Card will be reported to the City Manager or designee.
 - Payments to the P-Card provider shall be completed after reconciliation and within the following Accounts Payable cycle.
 - If sales tax has been paid, the P-Card holder shall contact the vendor to adjust the sales tax paid. If the vendor cannot complete an adjustment, the P-Card holder will provide documentation to the HR/Finance Department explaining why the sales tax was paid.
 - Each P-Card holder is entitled to a copy of the monthly statement identifying purchases made during the previous billing cycle.
 - If purchased goods need to be returned, the value of the return shall be credited to the same P-Card used for the original purchase. Documentation for all returns must be uploaded to the Visa Spend Clarity Platform.
 - P-Card holders are responsible for resolving disputes or billing errors with vendors. If the dispute or billing error is not satisfactorily resolved, they shall notify the HR/Finance Department and document the reason for the unresolved issue.
- Disputes – A disputed item could result from numerous circumstances, including defective purchases and unauthorized use. The following steps should be taken when an item is being disputed:
 - Return the item(s) to the vendor for replacement or credit whenever possible.
 - If a vendor refuses to replace the item(s) or credit the account, the P-Card holder shall complete a "Statement of Disputed Item" form, located on the City's M Drive, and

upload it to the Visa Spend Clarity platform for documentation.

- The HR/Finance Department will review P-Card statements for inappropriate use and/or fraudulent charges.
- Lost or Stolen Cards – Should any P-Card holder lose, suspect of having lost, or have a P-Card stolen, it is the P-Card holder's responsibility to call the P-Card issuer at the number listed on the back of the card 1-888-635-8923 and notify the HR/Finance Department of the loss.
- Terminating/Resigning Employees
 - The HR/Finance Department will make all efforts to obtain the P-Card, any receipts, and other related forms when a P-Card holder employee is terminated or resigns.
 - If the P-Card cannot be collected, the HR/Finance Department must complete a "P-Card Maintenance" form to ensure the card is canceled.
- Policy Violations—Failure to comply with these program guidelines may result in loss or suspension of card privileges, repayment of funds, or disciplinary action, up to and including termination.

5-02 TRAVEL POLICY

1. **General Policy** - The City authorizes travel for the performance of City business. The employee's supervisor must pre-authorize all overnight travel.

- Use of City Vehicles
 - Only City employees (or volunteers authorized by the City Manager or designee) may drive City vehicles.
 - A reservation is required to secure a City vehicle before using. Reservations shall be made on a first-come, first-serve basis. Instructions on how to reserve a City vehicle can be found on the City's M Drive.
 - Overnight use of a City vehicle for travel purposes shall be subject to prior approval by the employee's supervisor.
 - Employees shall immediately report any unsatisfactory vehicle conditions, including repairs that may be needed, to their supervisor.
 - If travel is outside the range of the City's approved repair shop, the employee may pay for necessary repairs with a P-Card (if designated as a P-Card holder) or with personal funds and will be reimbursed after providing appropriate receipts showing that the

employee has expended personal funds for such purposes.

- Employees are personally liable for all fines or fees for parking citations or traffic violations incurred while operating a City vehicle without reimbursement.
- Personal use of City vehicles is prohibited unless the use meets the requirements outlined under the Personal Use of City Property in Section 4-01-8.
- Use of Personal Vehicles
 - Employees are discouraged from using their vehicles to conduct City business (City-owned vehicles should be used for City business whenever practical).
 - Employees who use their personal vehicle for City business must have pre-authorization by their Department Head and will be reimbursed for mileage in accordance with the following:
 - The employee must keep a mileage log detailing the reason for the trip and the number of miles driven to and from the destination.
 - Mileage reimbursement requests must be signed by the employee's Department Head and submitted to the HR/Finance Department for processing. The "Mileage Reimbursement Form" is on the City's M Drive.
 - Mileage will be reimbursed at the rate currently authorized by the Internal Revenue Service (IRS).
 - All fuel, maintenance, and depreciation expenses are considered to be included in the standard mileage rate.
 - Parking charges, tolls, and other related expenses will be reimbursed upon presentation of receipts if incurred for City business travel.
 - If an employee chooses to drive rather than fly for out-of-state travel, the City will reimburse the employee based on the least expensive flight rather than actual mileage.
- Employee Responsibilities
 - Employees are accountable for responsibly operating City vehicles, personal vehicles, or rentals when traveling for City Business. They must complete and abide by the policies outlined on the "Driver Responsibility Acknowledgment" form, which can be found on the City's M Drive.



Expense forms can be found on the M Drive under Human Resources ▶ Personnel Administration ▶ Employee Resources ▶ Travel

- Upon hire, employees who will be driving City vehicles will be required to participate in virtual defensive driving training. The video and accompanying quiz link can be found on the City's M Drive.

2. Travel-Related Expenses—Travel-related costs include travel to and from the business destination, transportation costs at the business destination, and lodging, meals, or other incidental expenses. All expenses must be in accordance with departmental budgets.

- Transportation

- Airfare or other travel arrangements for overnight trips should be made and paid for in advance via City P-Card or Accounts Payable.
 - P-Card holders must use the City-issued P-Card for fares and travel expenses.
- If advance payment is not possible, the City will reimburse the employee for the travel expenses after receiving appropriate receipts showing that the employee has expended personal funds.

- Ground Transportation

- Miscellaneous transportation costs related to City-business such as taxis, buses, rideshares, subways, metros, and ferries, are reimbursable upon presentation of receipts.
- Employees may obtain a rental car with pre-authorized approval from their Department Head. Groups of employees at the same location shall share rental vehicles where practical.
 - Employees who rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.

- Lodging

- Employees traveling overnight for City business must have pre-authorization from their Department Head before making overnight accommodations.
 - The City will cover the actual lodging costs involved in the approved travel.
 - P-Card holders must use the City-issued P-Card for lodging expenses.

- If the employee chooses to extend their stay for personal reasons, the employee is responsible for the additional nights of lodging.
- Per Diem
 - Employees traveling for overnight City business shall be paid per diem in accordance with the U.S. General Services Administration (GSA) per diem rates. The GSA rates can be found at gsa.gov. Per diem expenses must be requested on a "Travel Expenses Form," found on the City's M Drive, and submitted to the HR/Finance Department within 10 business days of the travel date to ensure timely processing.
 - P-Card holders who receive per diem shall not use the P-Card to pay for the costs represented by the per diem.
 - If a meal is included in the registration cost, provided by the hotel, or hosted by a professional organization in conjunction with the travel, no per diem will be given for that particular meal.
 - Personal expenses, including entertainment or alcohol, are not reimbursable.
 - No reimbursement will be paid for expenses relating to spouses or other non-employee travelers unless approved by the City Manager or designee.
 - If an employee receives a per diem allowance and cannot travel or attend the function or is provided additional meals not known in advance of the travel, the employee must return the funds attributable to such events to the City.
- Fees
 - All conference registration fees should be paid in advance via P-Card or Accounts Payable.
 - If advance payment is not possible, employees will be reimbursed for personal expenses, registration fees, etc., upon presentation of receipts.



Per Diem payments are prepared in advance, so please notify the HR/Finance Department with trip details as soon as possible to secure proper and timely processing.

5-03 CASH HANDLING POLICY

1. **General Policy** - The Utah State Code requires proper accounting and documentation of all cash receipts. Cash handling requires adequate internal controls when receiving, safeguarding, depositing, and accounting for public funds. The term "public funds" applies to currency, coins,

checks, money orders, credit/debit cards, electronic funds, and other negotiable instruments (such as letters of credit) payable in money to the City.

This policy applies to all City employees who handle cash receipts or accept payment on behalf of the City. The following controls are designed to safeguard employees against the mishandling of funds by defining their responsibilities and providing clear accountability in the cash handling process to ensure the funds are deposited promptly and to maintain public trust. The scope of these procedures outlines the responsibilities of departments and cash handlers City-wide. As outlined by the State of Utah's Money Management Act, this policy establishes procedures that all public funds received by the City be deposited daily, whenever practicable, but not later than once every three (3) banking days after receipt of funds. All public funds must be submitted daily to the HR/Finance Department.

- Employee Responsibilities—This policy provides clear, written procedures for handling and controlling the collection of public funds. Employees with assigned cash handling responsibilities must sign a "City Cash Handling Policy Acknowledgment" form to be placed in their personnel file.
- General Cash Controls – The stewardship of financial assets for the City is shared by authorized employees across departments. Various departments within the City receive public funds for fees or services and are responsible for recording and transmitting monies to the HR/Finance Department for bank deposits. All cash handlers are expected to adhere to the following controls:
 - Public funds received shall be guarded and kept in a secure, locked location. Funds must not be left unattended under any circumstances.
 - Detailed, itemized receipts must be prepared for every payment type and created immediately upon receiving the money. Receipts must be provided to the customer, where applicable.
 - To reconcile the daily transaction totals, receipts/transaction records must be appropriately labeled as "cash," "check," "credit/debit card," or "recreation passes."
 - Receipting software shall generate receipt numbers that can be easily identified for future reference.
 - Receipt records shall be maintained on the City's M Drive and accounting system.



Always keep public funds you receive in a secure location until it can be brought to the HR/Finance Department for processing.

- All payments received shall be recorded through the City's accounting system.
- Mail shall be processed daily to expedite the processing of payments received.
- All special events shall coordinate a cash collection process with the HR/Finance Department before the event occurs.
- All requests to establish or terminate cash funds must be made to the HR Finance Director.
- Internal Control Procedures - Duties relating to handling cash transactions, including collections, deposits, purchases, disbursements, bank reconciliations, approvals, and recording of transactions, must be adequately segregated so that no single person will handle a cash transaction from beginning to end. Separation of Duties is an essential component of the internal control environment and serves as a deterrent to fraud or concealment of errors. Internal controls are designed to protect one person from being solely responsible for handling a transaction involving public funds. Where separation of duties is impracticable, the City shall arrange alternate compensating controls through the HR/Finance Department. Such controls may include additional managerial review, unannounced audits, periodic reassignment of duties, or verification by other staff.

The process is separated into three (3) functions:

1. Collecting Public Funds – Various City Departments

- Handle payments and create receipts for transactions.
- Prepare a detailed record to accompany the monies to the HR/Finance Department at the time of submission to verify that deposits are accurate.
- If a department has cash, every effort should be made to ensure the deposit is made on the same day. If this is not possible (e.g., events outside of regular business hours, weekend events, etc.), the monies shall be kept in a secure, locked location, subject to HR/Finance Department approval, until a deposit can be made.

2. Depositing and Recording – HR/Finance Department

- Verify balances match the receipt records, and that payment is legitimate and accurate.
- Prepare a bank deposit in the accounting system within three (3) banking days of receiving payment, regardless of the amount or form of payment.
- Review applicable revenue codes in the accounting system to ensure that the monies collected are correctly recorded.

- Prepare deposit slip and electronically deposit or transport collected monies to the City's financial institution.
- Collect and file bank deposit slips with corresponding deposit records.
- The deposit date recorded by the City's financial institution shall be the same day whenever practicable but no more than three (3) banking days after the corresponding department's daily deposit record date.

3. Control Activity – HR/Finance Department

- Monthly bank reconciliation of department collections and deposits to the general ledger.
- Unannounced or unscheduled Surprise Miscellaneous audits of cash tills, managerial review, unannounced audits, periodic reassignment of duties, or verification by other staff.

• Types of Payments Received

- Cash Payments
 - All cash shall be double-counted to test for accuracy.
 - Large bills (\$100 or above) or any questionable bills shall be closely inspected for counterfeiting with a counterfeit detection marker.
 - The City reserves the right to accept exact cash for services when change is unavailable.

Adventure Hub Cash Management

- Only recreation managers and the HR/Finance Department shall have access to the combination of the locked safe.
- The recreation manager on duty shall be responsible for preparing the daily till bag.
- The recreation manager on duty and the assigned employee shall each count the till's opening and closing contents and prepare the daily cash counting worksheet.
- Change due shall only be made from the same till where the transaction occurs.
- Customer tips are not to be accepted.

- Check Payments

- Checks must be payable to Millcreek and appropriately signed. If they do not meet these requirements, they will be returned to the payor and not processed.
- The numerical amount of the check must always be verified against the written amount.
- Before acceptance, checks shall be reviewed to ensure they are not stale-dated.
- The City shall not accept post-dated checks, and if received, they will be returned.
- Two-party checks are not permitted.
- Cashing customer or employee checks is prohibited.
- Checks in excess of the transaction amount shall not be accepted.
- No change will be given for payments made by check.
- Return check
- Credit/Debit Card Payments
 - The Payment Card Industry Data Security Standards (PCI DSS) rules and procedures (see Appendix B) shall be followed to properly handle credit/debit card transactions, cardholder information, and system requirements for processing credit/debit cards. Credit card and cardholder information may not be recorded or stored for any purpose.
 - The City accepts MasterCard, Visa, American Express, Discover, and contactless payment methods.
 - Credit/debit card payments made by telephone must be processed while the customer is on the phone.
 - Credit/debit cards may only be charged for the exact amounts billed for City services.
 - Credit/debit card numbers shall never be written down or copied.
- Refunds shall only be issued for permissible or authorized reasons. The requesting department must make eligible refund requests in writing and send to the HR/Finance Department for processing within five (5) business days of notification.
 - Generally, refunds will be issued using the same method with which payment was accepted.

- All refunds and voided cash transactions should be supported by documentation stating the reason for the refund or void. Voided receipts, and other corresponding documentation must be noted as such by labeling "VOID" on all copies.
- The following transactions, activities, events, and/or processes using a cash register, change funds, petty cash, etc., are prohibited:
 - Cashing of personal, payroll, or expense checks
 - Payment to employees for awards, etc.
 - Personal borrowing or making change for larger denominations of personal currency
 - Personally making, refunding, or exchanging your purchase
 - Balancing shortages/overages with personal funds
 - Any similar expense or activity

Review and Enforcement—The HR/Finance Department and external auditors have the authority to review and measure the effectiveness of cash controls. Surprise audits may be initiated in a cash handling area with minimal or no notice. Departments are responsible for responding to findings and implementing changes as appropriate. Any employee found to have violated these procedures will be subject to disciplinary action, up to and including



SECTION 6: RISK MANAGEMENT

6-01 RISK MANAGEMENT PHILOSOPHY

1. **General Policy**—The City's philosophy is to reduce the potential for loss from exposures through risk management practices in all City, department, and individual employee activities. Subject to

budgetary constraints, the City shall consider the safety of its employees and the public when providing City services.

2. **Risk Management and Safety** – Each employee is responsible for complying with risk management programs required by the City's insurance carriers, the Risk Committee, and the City Manager or designee. The City will:
 - Develop and maintain policies and practices designed to meet the particular risk management needs of the City; and,
 - Implement all applicable City insurance carrier's risk reduction policies or programs.
 - On an ongoing basis, the City's insurance carrier may conduct driving record checks for all employees who operate a vehicle for City business.
3. **Individual Responsibility for Risk Management and Safety** – Employees shall take responsibility for their own safety and the safety of other employees, citizens, and property.
 - Employees shall abide by reasonable safety precautions and exercise due care while on the job.
 - To create a safe working environment, the department should utilize adequate training, appropriate supervision, reasonable scheduling, proper equipment, and other management tools and follow them by every employee.
 - Employees are responsible for immediately reporting to their supervisor any potential hazards likely to cause an accident.
 - Employees shall identify and report safety concerns to their supervisor, the Department Head, the Emergency/Risk Manager, Human Resources, and/or the City Manager or designee.
4. **Risk Committee** – The City Manager may create a Risk Committee ("Committee"). The Committee formulates and implements formal risk management and safety policies and philosophy.
 - The City Manager shall act as Chair of the Risk Committee and appoint other members.
 - The Committee shall perform the following general duties:
 - Develop objectives for risk management in the City and implement those objectives; and,
 - Receive reports, findings, and recommendations of the Incident Review Committee.
 - The Committee typically meets quarterly. The City Manager or designee is responsible for preparing the agendas and keeping minutes of all Committee meetings.

6-02 INCIDENT REVIEW COMMITTEE

1. **General Policy** – To ensure that all incidents are investigated and evaluated fairly, impartially, and consistently and to encourage further and implement safe work practices, each incident shall be reviewed by the Incident Review Committee (“Committee”).

2. Incident Review Committee Process

- The Committee shall include the Emergency/Risk Manager, an HR representative, and other members appointed by the City Manager or designee.

• ~~The Committee shall meet as needed.~~

- The Committee shall receive all information relevant to the incident. The Committee shall analyze each incident and determine, at minimum, the following:

- whether the incident was reasonably preventable;
- whether an employee and/or a department was at fault;
- whether the department provided adequate training; and,
- what action should be taken to prevent similar incidents in the future.

- Records – Minutes of all Committee meetings shall be kept. Such minutes shall include, at minimum, the following:

- the date and time of the meeting;
- the names of the members of the Committee at each meeting;
- the name of any person appearing before the Committee;
- a summary of the facts of each incident, as found by the Committee; and
- the findings of the Committee, the extent to which a department or an employee was at fault, and how similar incidents can be avoided in the future.

3. Discipline/Counseling

- Whenever the Committee finds that an employee is at fault, the Committee may recommend to the employee’s supervisor discipline/counseling. In determining the appropriate discipline/counseling, the Committee shall consider, at minimum, the following:

- cost to the City as a result of the incident;
- employee attitude regarding the incident;
- history and corrective action taken on prior incidents;

- whether the incident was preventable and the extent of fault on the part of the employee; and,
- what action will be the most beneficial to the City and/or most educational to the employee involved.
- The disciplinary records shall be kept in the employee's personnel file pursuant to City policy.

6-03 WORKERS' COMPENSATION AND OTHER BENEFITS

1. Workers' Compensation Program Overview

- Program Oversight and Administration – City employees injured while performing their job duties are covered by the City's workers' compensation program (the "Program"), which provides medical reimbursement and indemnity benefits, as state law requires. The City Manager or designee oversees the Program. Claims administration is provided by a contract workers' compensation program administrator (the "Program Administrator"). The City Manager or designee coordinates transitional duty.
- Designated Medical Care Provider – By contract, the City designates a medical care provider ("Medical Provider") to treat employees with work-related injuries. Except for life- or limb-threatening injuries, the City does not pay other medical providers or facilities for treating workers' compensation injuries, even if the injury is work-related unless the Medical Provider refers the employee and the Program Administrator approves the referral before the treatment.
 - Intermountain WorkMed is the City's Medical Provider. Additional information is available on the City's M Drive under the Human Resources tab, in the employee breakroom inside City Hall, and other work locations.
- Employee Discipline – Failure by an employee to follow program reporting protocol, treatment policies, transitional duty requirements, or any other law, policy, or procedure related to the program in a timely and complete manner may result in employee disciplinary action up to and including termination.

2. Treating and Reporting an Injury

- Medical Treatment – When injured, an employee shall immediately obtain medical treatment from the Medical Provider. If the condition requires urgent or emergent treatment, the employee should go to the nearest urgent care facility or emergency room. If the condition warrants, 911 should be called. Once initial emergency medical care is given, the employee shall follow the Program Administrator's treatment plan.

- Reporting an Injury – Immediately, or as soon thereafter as practicable, following any minor injury or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor. As soon as possible, the employee or the employee's supervisor must complete and submit a First Report of Injury form, located on the City's M Drive, to Human Resources.
 - If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall ensure that the required reporting is completed.
- 3. **Return to Work** - The City has an aggressive return to work policy. The following are the responsibilities of the injured employee:
 - provide all return-to-work notices and coordinate return-to-work dates with the employee's supervisor and Human Resources,
 - provide a complete and accurate description of the employee's job description to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to full-duty or light-duty work; and,
 - attend all follow-up appointments and adhere to the treatment plan outlined by the Medical Provider.
- 4. **Full Duty Work Allowed by Medical Provider** – If the Medical Care Provider directs an employee to return to full-duty work, the employee shall obtain a written return to work release before returning to work.
- 5. **Light-Duty Work Allowed by Medical Provider** – The City may accommodate suitable light-duty work. An injured employee shall be required to return to light-duty work immediately upon release by the Medical Provider if light-duty work is practicable.
 - An injured employee offered light-duty work must accept the light-duty work assignment or risk losing their workers' compensation disability compensation.
 - Employees and supervisors shall follow any restrictions outlined on the work release order.
- 6. **Secondary Employment**—An employee on workers' compensation leave or light duty assignment may not engage in secondary employment except as first authorized by the City Manager or designee.

6-04 USE OF PERSONAL VEHICLES FOR CITY BUSINESS

- Employees are discouraged from using their personal vehicles to conduct City business (City-owned vehicles should be used for City business whenever practical). Employees using personal

vehicles to conduct City business must receive prior authorization from their Department Head if requesting mileage reimbursement.

- When using a personal vehicle for City business, all relevant City policies and ordinances apply, such as training, idling, accident reporting, and compliance with legal requirements.
- Mileage reimbursement is available at the current IRS rate for authorized personal vehicle use upon submission of the appropriate form.
- Employees using personal vehicles for City business are subject to post-accident testing.



6-05 GENERAL LIABILITY PROVISIONS

1. **Use of Personal Vehicles for City Business**
 - The owner shall insure personal vehicles.
 - As part of the hiring process, all employees will certify their acknowledgment on the "Driver Responsibility Acknowledgment" form for any personal vehicle they may be authorized to drive on City business. A copy of this form can be found on the City's M Drive.
 - Employees are encouraged to review the merits of additional "business use" or higher liability coverage with their insurer.
 - Any injury to City employees will be handled as a worker's compensation claim.
 - Employees are responsible for all deductibles and ~~first-party and third-party claims~~ all claims.
2. **Rental Vehicles**—Employees who rent vehicles for City use are required to purchase the full liability insurance offered by the car rental company.
3. **Limitation of Liability**—The City reserves the right to limit insurance coverage and/or worker's compensation as provided by law, such as actions "outside the scope of an employee's employment."



APPENDIX

A. ACRONYMS

- ADA – Americans with Disabilities Act
- AI – Artificial Intelligence
- CAO – Chief Administrative Officer
- CDE – Cardholder Data Environment

- CDL – Commercial Driver's License
- COBRA – Consolidated Omnibus Budget Reconciliation Act
- COLA – Cost of Living Adjustment
- DOT – Department of Transportation
- EAP – Employee Assistance Program
- FICA – Federal Insurance Contributions Act
- FLSA – Fair Labor Standards Act
- FMCSA – Federal Motor Carrier Safety Administration
- FMLA – Family Medical Leave Act
- FSA – Flexible Spending Account
- GRAMA – Government Records Access and Management Act
- HIPAA – Health Insurance Portability and Accountability Act
- HSA – Health Savings Account
- IRC – Internal Revenue Code
- IRS – Internal Revenue Service
- MFA – Multi-factor Authentication
- MRO – Medical Review Officer
- PAN – Primary Account Number
- PCI DSS – Payment Card Industry Data Security Standards
- PHI – Protected Health Information
- PII – Personally Identifiable Information
- PTO – Personal Time Off
- RIF – Reduction in Force
- URS – Utah Retirement Systems
- USERRA – Uniformed Services Employment and Reemployment Rights Act
- WC – Workers Compensation

B. PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS (PCI DSS) COMPLIANCE REQUIREMENTS

The Payment Card Industry Data Security Standard (PCI DSS) is a global standard designed to protect cardholder data and ensure the secure handling of payment card information. Effective April 1, 2025, all employees involved in payment processing, data management, or systems administration must comply with the following updated PCI DSS v4.0 requirements.

1. Protect Cardholder Data
 - Encrypt stored cardholder data using strong encryption methods.
 - Mask Primary Account Numbers (PANs) when displayed; only personnel with a legitimate business need may see full PANs.
2. Maintain a Secure Network and Systems
 - Install and maintain a firewall configuration to protect cardholder data.
 - Avoid the use of vendor-supplied defaults for system passwords and other security parameters.
3. Implement Strong Access Control Measures
 - Restrict access to cardholder data by business need-to-know.
 - Use multi-factor authentication (MFA) for all access into the cardholder data environment (CDE), including administrative access to systems.
4. Monitor and Test Networks
 - Track and monitor all access to network resources and cardholder data.
 - Regularly test security systems and processes through vulnerability scans and penetration testing.
5. Maintain an Information Security Policy
 - Develop, publish, maintain, and disseminate a security policy that addresses information security for all employees.
 - Conduct annual security awareness training for all personnel.
6. Support Continuous Compliance
 - Perform regular risk assessments to identify and manage security threats.
 - Ensure that service providers meet compliance requirements with written agreements and documented responsibility assignments.

Non-compliance with PCI DSS policies may result in disciplinary action, up to and including termination, and may subject the City to legal and financial penalties. A complete copy of the PCI DSS requirements and testing procedures is located on the City's M Drive.

MILLCREEK, UTAH
RESOLUTION NO. 25-32

**A RESOLUTION OF THE MILLCREEK COUNCIL ADOPTING THE MILLCREEK
NON-BENEFITED EMPLOYEE HANDBOOK – FIRST EDITION**

WHEREAS, the Millcreek Council (“*Council*”) met in regular session on September 22, 2025, to consider, among other things, approving a resolution to adopt the “Millcreek Non-Benefited Employee Handbook – First Edition”; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Millcreek to adopt a resolution to adopt the “Millcreek Non-Benefited Employee Handbook – First Edition”, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the “Millcreek Non-Benefited Employee Handbook – First Edition” is hereby approved, and the City Manager is hereby directed to implement the “Millcreek Non-Benefited Employee Handbook – First Edition” and the Council hereby grants and further gives authority to the HR Director and the City Attorney to correct errors, omissions, or typos and to make any non-substantive alterations, changes or additions to the “Millcreek Non-Benefited Employee Handbook – First Edition” (designated by interlineating the words to be deleted and underlining the words to be added).

This Resolution, assigned No. 25-32, shall take effect immediately on passage.

PASSED AND APPROVED this 22nd day of September 2025.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No



Non-Benefited Employee Handbook

First Edition
Effective 09/22/2025



Millcreek Council
Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4



Millcreek City Hall
1330 E Chambers Ave
Millcreek, Utah 84106
801-214-2700
millcreekut.gov

Dear Fellow Millcreeker,

Welcome to one of Utah's newest cities and a career in public service for an amazing community! Millcreek's motto is "Connected by Nature," and our natural beauty flows from the Wasatch Mountains west to the Jordan River. But you'll also find a close-knit community and city employees working hard to facilitate connections and make this a great place to live, work, and play.

Having just incorporated a few short years ago, we've been fortunate to hand-pick a "Dream Team" from scratch-including YOU! Millcreek needs your energy, talents, and positive attitude to help build a truly magical municipal organization. I'm glad you are here to enhance our entrepreneurial vibe.

Here we encourage each other to "Play to Win," and we expect big things. Our culture is fast-moving, nimble, and responsive. But we also expect hard work, dedication, and excellent customer service. We put a lot of trust in our team, and if you are fair with Millcreek, Millcreek will always be fair with you.

The policies in this handbook are here to help you do your job effectively and efficiently. Please take time to read and understand them and refer back to this book often. Any questions along the way? I'm here for you, and so is your Department Head, and also Human Resources. We can't wait to help you thrive and soar at Millcreek!

All the best,

Mike Winder
City Manager

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DISCLAIMER

This Non-Benefited Employee Handbook (Handbook) is provided for general guidance only. The policies and procedures expressed in this Handbook, as well as those in any other personnel material, or other types of material that may be issued from time to time, do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change its policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in the Handbook do not create an express or implied contract with any person.



SECTION 1: INTRODUCTION

MILLCREEK GOVERNMENT

Millcreek ("City") is a city of the Third Class. It is governed by a five-member Council comprised of five (5) elected Council Members, one (1) of which is the Mayor. As authorized by City ordinance, a City Manager is hired by the City Council to manage all day-to-day operations of the City. The City Manager is the City's Chief Administrative Officer (CAO) and reports directly to the Mayor and City Council. All City employees report directly or indirectly to the City Manager.

POLICY IMPLEMENTATION

The information contained in this Handbook is intended to help employees better understand their responsibilities and obligations as employees of the City. Employees are required to read, understand, and comply with all provisions of the Handbook.

1. The City reserves the right to revise, supplement, or rescind any policy or portion of a policy from time to time as deemed necessary by the City Manager. A complete copy of the Handbook is available to all employees. Every employee is responsible for becoming informed of policy changes as they occur.
2. In addition to the policies and procedures in this manual, employees are responsible for understanding and abiding by the policies and procedures of their respective Departments.
3. The City Manager or designee shall be the final interpreter of the provisions of the Handbook as applied to all City employees.

MILLCREEK VISION STATEMENT

The City is a diverse community where residents and businesses are empowered to respectfully engage and interact with each other in governance and volunteerism to maintain a fiscally responsible, environmentally sustainable city that provides a “welcome home” feeling to everyone – past, present, and future.

MILLCREEK MISSION STATEMENT

Millcreek provides superior, responsive municipal governance and services in a fiscally conservative and responsible manner, sustaining and improving the City's residents' and stakeholders' quality of life.

EMPLOYEE SERVICE VALUES

- Listen to Understand
- Be Respectful to All
- Be Innovative and Invested
- Do What You Say You'll Do
- Play to Win and Have Fun!



At Millcreek, we believe in treating others as we would like to be treated, facilitating a culture of continuing improvement, and providing optimum customer service.



SECTION 2: EMPLOYMENT PRACTICES

2-01 RECRUITMENT

- 1. General Policies**—The City intends to fill all positions with the most suitable applicant and to consider qualified in-house applicants when appropriate.
- 2. Nepotism** – The City complies with Utah Code §52-3-1 et seq., “Prohibiting Employment of Relatives,” which provides that a public officer may not employ, appoint, vote for, or recommend the appointment of an appointee when the appointee will be either directly or indirectly supervised in the same supervisory hierarchy by a relative or household member.
 - Household member means a person who resides in the same residence as the public officer, or a person compensated by public funds. Relative means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
 - The City defines relative to include foster children, step-relationships of the preceding degrees of family relationships, or any of their spouses.
 - The City defines direct and indirect supervision as a working relationship in which an employee manages another employee’s job duties or decisions. This includes assigning work, approving schedules or time off, giving performance feedback, and being involved in decisions like hiring, promotions, or discipline, where an employee is in the direct line of authority of another employee or the formal chain of command of such employee. Volunteers providing services to the City are excluded from this provision.
- 3. Employment of Minors** – It is the policy of the City that no one under the age of 18 shall be hired as a regular full-time or regular part-time employee. Persons aged 16 through 17 may be hired as a

non-benefited employee, provided such employment complies with applicable laws. No one under the age of 16 shall be hired for any position.

4. Equal Employment Opportunity – The City is an Equal Opportunity Employer and selects, hires, promotes, and compensates employees without regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.

- The City evaluates applicants for employment or candidates for promotion based on their knowledge, skills, experience, education, and potential for job performance that is consistent with the position's needs.
- The City complies with the prohibitions on using certain submissions, training, and discriminatory practices as set forth in Utah Code Ann. §67-27-101 et seq.

5. Disability Accommodations - The City is committed to providing all current and prospective employees equal employment opportunities. As part of that commitment, the City seeks to implement all applicable provisions of the Americans with Disabilities Act (ADA), as amended, which includes recognizing that some individuals with disabilities may require a reasonable accommodation to perform their job duties.

- Employees who are disabled or become disabled and require reasonable accommodation may request accommodation from their Department Head or Human Resources.
- The City will make reasonable accommodations for qualified individuals with a disability unless doing so would impose an undue hardship on the City.
- The City may request documentation of a disability if an accommodation is requested.
- The ADA defines a disability as a physical or mental impairment that substantially limits one (1) or more major life activities or any record of such impairment or is regarded by the employer as having such impairment.
- This policy governs all aspects of employment, including recruitment, selection, job assignment, compensation, discipline, termination, and access to training.

6. Other Accommodations

- The City will not compel an employee to engage in religiously objectionable expression that the employee reasonably believes would burden or offend the employee's sincerely held religious beliefs unless accommodating the employee would cause an undue burden to the City by

substantially interfering with the City's core mission or the City's ability to conduct business in an effective or financially reasonable manner; or ability to provide training and safety instruction for the job as set forth in Utah Code Ann. §34A-5-101 et seq.

- The City complies with Utah Code Ann. §67-27-106 and may not deny an employee's reasonable request to be relieved from performing a certain task if:
 - performing the task would conflict with the employee's sincerely held religious beliefs or conscience;
 - the employee has complied with the requirements of Utah Code Ann. §67-27-106 (3); and
 - relieving the employee from the task would not impose an undue hardship on the City.

The City is not required to grant an employee's request if:

- the request is to be relieved from performing a task that is part of training or safety instructions directly related to the employee's employment;
- granting the request would result in a deficit in the amount of work for which the employee is compensated;
- granting the request would create a conflict with an existing legal obligation, and the City cannot avoid the conflict if the City grants the employee's request; or
- the employee's asserted religious beliefs or conscience is being asserted for an improper purpose.

The City may grant relief from performing the objectionable task identified in this section by complying with the requirements as set forth in Utah Code Ann. §67-27-1059 (3).

7. Job Postings - Human Resources shall review or prepare a job description defining a vacant position's essential functions and advertise the position to be filled.

Job postings identified for open recruitment will be advertised for at least three (3) calendar days. For the purposes of this policy, open recruitment means employment opportunities that are available to both internal and external applicants.

The City reserves the right to limit recruitment to internal applicants for some vacancies. Internal job postings shall be advertised for at least three (3)



Keep an eye out for email notifications containing job opportunities within the City.

calendar days and include City email notifications to current employees and post job notices at appropriate City locations.

8. Application Requirements – In general, the following application process is followed for all job postings.

- All applicants for employment with the City must comply with the specific application process for each position. The applicant must submit all application materials to Human Resources by the closing date and time of the posted position.
- The City accepts applications from all interested parties and evaluates applicants based on job-related criteria.
- Falsifying any information required in the application process is grounds for immediate disqualification.
- Applications will be retained according to the City's retention schedule.

9. Selection Procedures

- Skill-based Testing – Job applicants may be required to take tests the City deems necessary for a specific position.
- Veterans Preference – In accordance with Utah Code Ann. §71A-1-101 et seq., veterans eligible for a preference and their spouses shall be given preference in the hiring process as provided therein.
- Pre-employment Screenings—Once an applicant is selected and has signed a written conditional offer, the applicant must submit to drug testing, a criminal background check, a sex and kidnapper offender background check at both the national and state level, if the position requires, and a driver's license check, if needed. The City Manager or designee shall approve the conditional offer. If an applicant does not pass the drug screening, background, or sex offender checks, the employment offer will be rescinded.

10. Youth Protection – If a programmed event that is sponsored by the City is determined to be a youth service organization, the City shall not employ a "youth worker" or allow an individual to volunteer as a "youth worker" unless the City has completed a registered sex offender check for the individual.

- A "youth worker" is defined as an individual who is 18 years old or older, is employed or volunteers with a youth services organization, and whose responsibilities as an employee or volunteer with the youth services organization give the individual regular and repeated care, supervision, guidance, or control of a child or children.

If an individual is registered on the state's Sex and Kidnap Offender Registry or the National Sex Offender Public Website, the City may not employ the individual as a youth worker or allow the individual to volunteer as a youth worker, as defined and as set forth in Utah Code Ann. § 80-8-101 et seq.

11. Criminal Background Checks – Because the City must protect the safety, health, and security of its citizens, employees, and property, past behavior may disqualify a job applicant ("applicant") from certain positions within the City. While this policy provides some guidelines for making employment decisions, the City Attorney or designee will ultimately determine the relevancy of past criminal conduct to a position; any evidence of rehabilitation will be considered on a case-by-case basis.

- When offered employment with the City, applicants aged 18 years or older must obtain and submit their criminal background check report from the Utah Bureau of Criminal Identification to Human Resources.
- Criminal background checks will not be used to discriminate based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law.
- The City shall consider the following factors, related to past criminal conduct, when making a hiring decision:
 - the nature and gravity of the offense or conduct;
 - the time passed since the offense, conduct, and completion of the sentence; and
 - the nature of the job sought.
- If the contents found on a criminal background check are deemed unsatisfactory for employment, the City shall notify the applicant of its decision to withdraw the job offer. If the applicant believes a mistake has been reported on the criminal background check, it is that person's responsibility to contact the reporting agency to resolve any issues. The City is not responsible for errors or omissions that may be reported on criminal background checks.
- Applicants who refuse to obtain a criminal background check are not eligible for employment with the City.
- The City will reimburse any fees charged to applicants for criminal background checks.

2-02 EMPLOYMENT CLASSIFICATIONS

1. Employment Status –

- **Non-benefited employee** means a seasonal or temporary employee or intern hired in a position for a limited period. A copy of the Non-benefited Employee Handbook can be found on the City's M Drive. Non-benefited employees:
 - are not eligible for City-provided employee benefits;
 - may be discharged, suspended for over two (2) days without pay, or involuntarily transferred to a position with less remuneration with or without cause and without the protection of Utah Code Ann. §10-3-1106;
 - are subject to Social Security payroll taxes; and,
 - may not exceed ACA limitations of the number of hours worked in a specific time frame.
 - Non-benefited employees do not have a probationary period, performance evaluations, and are ineligible for merit increases.

2. Employment Classification for Purposes of FLSA –

- In accordance with the Fair Labor Standards Act (FLSA), employees are classified as either exempt or non-exempt regarding eligibility for overtime pay.
- Exempt employees are those in executive, administrative, or professional positions as prescribed by the FLSA and, therefore, do not receive overtime pay for more than 40 hours worked in a workweek.
- All other FLSA-covered employees are classified as non-exempt and are paid overtime for time worked in excess of 40 hours in a workweek.
- Non-benefited employees are not eligible to earn compensatory time. Time worked in excess of 40 hours in a workweek will be paid at time and a half.



SECTION 3: COMPENSATION, LEAVES, AND BENEFITS

3-01 COMPENSATION

- 1. Work Hours** – Department Heads or immediate supervisors will establish work schedules for non-benefited employees. Employee work hours may be changed as determined to be in the City's best interest.
 - For all employees, the City's work week begins at 12:00 p.m. on Friday and ends at 11:59 a.m. the following Friday.
 - Employees are responsible for accurately recording and reporting time worked.
- 2. Meal Periods** — Meal periods are generally unpaid. Department Heads and/or immediate supervisors determine meal periods for their department.
 - Employees requesting to work through meal periods must have prior authorization from their Department Head. Employees under the age of 18 are required to take one (1) paid 10-minute break for every three (3) consecutive hours worked and one (1) unpaid meal period of at least 30 minutes for every five (5) hours worked.
- 3. Payroll** - All employees are paid bi-weekly. Each payment includes earnings for all work performed through the end of the previous payroll period.
 - Employees may voluntarily authorize payroll deductions to cover the costs of participating in City-approved programs. They should review any discrepancies in payroll deductions with the HR/Finance Department.



Payments are issued by direct deposit bi-weekly on Thursdays except for when a holiday falls on a Thursday, pay will be issued on the preceding Wednesday.

- Upon receiving a valid garnishment, the City deducts wages from an employee's pay. The City continues to withhold the garnishment wages until a court order indicates satisfaction of the indebtedness or until the City is ordered to surrender the monies to the court or its agent.
- Employees and the City are jointly responsible for ensuring correct payments for wages and deductions. Payroll errors may be corrected retroactively, but only for up to 26 pay periods.

4. **Non-Benefited Employee Rates of Pay**—Hourly wages are based on factors such as market compensation studies and the availability of funds appropriated by the City Council through the budget process.
5. **Incentive Policy** - The City values its employees' hard work and dedication and is committed to recognizing outstanding performance. All incentives must be awarded in accordance with this policy to ensure transparency, fairness, consistency, and adherence to budgetary guidelines.
 - Seasonal Service Incentive Pay
 - Certain non-benefited employees may be eligible to receive service incentive pay at the end of each season to recognize their commitment to the City and to improve retention, subject to the availability of funds appropriated by the City Council through the budget process. Employees must complete the entire season to be eligible for service incentive pay.
6. **Overtime Provisions**—Funding from federal and state grants, external donations or sponsorships, or third-party fee schedule payments paid through City payroll stipulated for time and a half compensation will be paid as such.
 - In situations where the Mayor has declared a "Local State of Emergency," FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked outside of their regularly assigned work schedule.
7. **Travel Time** – Whether work-related travel time is compensable, "time worked" depends on the kind of travel involved. Situations not covered below should be resolved in consultation with the City Manager, designee, or Human Resources.
 - Commuting travel time from home before the regular workday and returning home after the regular workday is not time worked. This includes any assignment to a different work location within 50 miles of City Hall for an entire workday.
 - Time spent in travel as part of the employee's assigned duties during their workday after arriving at the employee's work location shall be considered time worked.

3-02 LEAVES

1. **Personal Time Off (PTO)**—Non-benefited employees are not eligible for PTO.

2. **City Recognized Holidays** – The City recognizes the following holidays:

New Year's Day	January 1 st
Dr. Martin Luther King, Jr. Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Pioneer Day	July 24 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th
Floating Holiday	Determined by City Manager

- If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed the following Monday or as designated by the City Manager.
- Non-benefited employees are not eligible for holiday leave.

3. **Military Leave** – A military leave is paid time off granted to eligible employees for military duty.

- An employee on official military orders is entitled to paid military leave, which shall not exceed 80 hours a calendar year, to complete military duty. Unused paid military leave may not be carried over from one year to the next.
- Employees shall notify their immediate supervisor, Human Resources, and the City Manager or designee of their military orders in writing as soon as possible. The written notification will include the estimated leave date, the intended return date, and any required payroll deduction decisions.

4. **Active Duty**

- An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.

- An employee ordered to active duty may use accrued paid and/or leave without pay for the remainder of the active-duty period.
- Employees on active duty who elect to continue payroll deductions shall notify the City Manager or designee in writing and coordinate with Human Resources.
- Employees on active duty will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Any City employee in the Uniformed Services who is called up to active military duty by the Federal Government for longer than 30 consecutive days shall be allowed full pay equal to the difference between military pay and City pay when military pay is less than City pay. This pay adjustment shall not continue beyond 12 consecutive months and is subject to available funding.

5. Jury or Witness Duty—The City recognizes the duty of every employee to serve as a jury or witness in court on behalf of another party.

- Employees must show the jury or witness duty summons to their supervisor as soon as possible after receiving it so the supervisor can make arrangements to accommodate any absences.
- The City pays an employee's regular salary when the employee is absent during a scheduled shift, except for court appearances on their own behalf as a defendant or plaintiff. The employee must remit any such jury or witness fee(s) and jury or witness duty summons received to Human Resources.
- An employee may retain mileage reimbursement paid by the court.

6. FMLA Leave Provisions – The Family and Medical Leave Act (FMLA) grants eligible employees the statutory right to take up to 12 weeks of unpaid job-protected leave for specified family and medical reasons. The City will designate FMLA leave for an employee whenever it knows that the employee may qualify.

- An employee is eligible under the FMLA if the employee has been employed with the City for a minimum of 12 months and has worked a minimum of 1,250 hours in the 12 months immediately preceding the request.
- Eligible employees may request up to 12 weeks of unpaid leave for situations related to certain family and medical reasons, such as:
 - To care for the employee's child after birth or through adoption or foster care.

- To care for the employee's child, spouse, or parent (but not in-law) with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more essential functions of the employee's job.
- For any qualifying exigency caused by a family member who belongs to the regular Armed Forces being called for deployment to a foreign country, or a member of the reserves or National Guard being called to active-duty deployment to a foreign country, or to care for a spouse, child, parent, or next of kin who is a service member and is injured or becomes seriously ill while on active duty or within five (5) years of leaving the Armed Forces.

- Eligible employees should request FMLA leave from Human Resources and notify supervisors in writing at least 30 days before the foreseeable event(s) and as soon as practical for the unforeseeable event(s).
- In an emergency, employees must contact their supervisor within 48 hours or as soon as practical.
- An eligible employee may take leave consecutively or intermittently for qualifying conditions. If intermittent or reduced leave is needed, employees are strongly encouraged to schedule it, so it does not unduly disrupt City operations.
- All employees requesting leave under this policy must complete the applicable Certification of Health Care Provider form and return it to Human Resources within 15 working days.
- Human Resources will process the certification and provide the employee with the Notice of Eligibility, Rights & Responsibilities form, and Designation Notice. Employees on designated FMLA leave will have all absences related to that qualifying event count toward the total eligible 12 weeks of FMLA leave.
- Supervisors will be responsible for submitting the employee's timecard, including FMLA use, to Human Resources while an employee is on FMLA leave if the employee cannot do so.



The City uses the rolling year calculation (look-back) method to determine employee FMLA leave entitlement.

- If the employee is returning from leave due to his or her own serious health condition, the City may request a fitness-for-duty report from the health provider before the employee can return.
- Upon return from FMLA leave, an employee will return to their original or an equivalent position.
- Employees shall not work secondary employment during regularly scheduled working hours while on FMLA leave. Other secondary employment must be consistent with the qualifying medical condition or any restrictions medically imposed related to the FMLA leave.

7. Job Abandonment

- Employees who are absent from work for three (3) consecutive scheduled shifts and are capable of providing proper notification to their supervisor but do not shall be deemed a no-call/no-show and have abandoned their jobs.
- The City considers job abandonment as a voluntary termination.



Always be sure to notify your supervisor as soon as possible if you are going to be absent or late for your shift.

8. Pregnancy

- The City supports pregnant employees and complies with all legal requirements regarding pregnancy. If an employee becomes pregnant and has physical limitations that prohibit her from performing the functions of her regularly assigned position, she shall notify her supervisor and Human Resources as soon as practicable.
- Human Resources will notify the pregnant employee of potential eligibility for FMLA and complete the process outlined in Section 3-02-8.
- Human Resources will review the Certification of Health Provider or doctor's notes for the pregnant employee to determine FMLA eligibility. This may cause Human Resources to facilitate an interactive meeting with the employee and supervisor to determine if a reasonable accommodation is needed and available.
- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified due to pregnancy.

9. Lactation Breaks – The City supports breastfeeding and complies with the requirements of Utah Code Ann. §34-49-201 et seq., including:

- Providing reasonable breaks to accommodate breastfeeding and milk expression for at least one (1) year after the birth of the employee's child.
- Consulting the employee about the frequency and duration of the breaks shall, to the extent possible, run concurrently with any other break period otherwise provided to employees.
- Provide an appropriate, non-restroom location near the employee's work area and access to a clean and well-maintained refrigerator or a non-electric insulated container for breast milk storage.
- The City will not refuse to hire, promote, discharge, demote, or terminate a person or retaliate against, harass, or discriminate in matters of compensation, terms, privileges, and conditions of employment against a person otherwise qualified because the person breastfeeds or expresses milk in the workplace.
- Complaints alleging discrimination under this policy will be handled in a manner consistent with Section 4-02 of this Handbook.

10. Infants in the Workplace - The City supports a family-friendly work environment and recognizes that the early months of an infant's life are important for bonding. Subject to Department Head approval, employees may temporarily bring their baby to work until the child becomes mobile or reaches six (6) months, whichever comes first. Requests must be submitted in writing to the employee's Department Head and Human Resources. Employees approved to bring their infant to work must maintain full responsibility for the infant at all times.

Approval is subject to the following considerations:

- the type of work performed and whether it allows for the presence of an infant;
- how often the infant will be brought to work;
- safety risks or hazards present in the workplace;
- potential for disruption or distraction from the employee's duties and performance;
- impact on co-workers and the overall work environment; and
- liability or insurance concerns related to the presence of a child in the workplace.

3-03 EMPLOYEE BENEFITS

1. **FICA (Federal Insurance Contributions Act)**—The City participates in the Federal Medicare System and the Federal Social Security Program as described below.
 - All employees are required to participate in Medicare by contributing 1.45% of gross earnings each pay period, which the City matches.
 - The City participates in Social Security for its non-benefited employees. Non-benefited employees are subject to Social Security taxes.
2. **Workplace Pets**—The City promotes a positive employment experience by allowing appropriate pets in the office while securing the health and safety of all employees. An appropriate pet is a dog or cat with acceptable health and behavior that does not adversely affect City operations.
 - Employees who wish to bring a pet to City Hall during work hours must first obtain authorization from their respective Department Heads.
 - Employees may not bring more than one (1) pet to work at a time.
 - Visiting pets must be:
 - up to date on vaccinations required by state law;
 - free of communicable infections or parasites (i.e., fleas, parvovirus, etc.);
 - house trained with good general hygiene and socially well-adjusted; and
 - covered under the employee's homeowners/renter's insurance policy, which must cover dog bites.
 - Pets must be supervised at all times while visiting City Hall. Employees are entirely responsible and accountable for their pet's behavior and any injury or damage it may cause.
 - The City Manager or designee may temporarily or permanently prohibit a pet from City Hall for aggressive or disruptive behavior.
 - Employees shall provide their pets with items to ensure their safety and wellness (e.g., food, waste bags, crates, gates to keep the pet securely in the employee's work area, etc.).
 - Employees are responsible for cleaning up after their pets both indoors and outdoors. If their pet has an accident, employees must clean up after it immediately.
 - The City shall not be liable for loss of, or injury to, any pet brought to City Hall.

Service Animals - The City supports employees with physical or mental disabilities by permitting the use of service animals as a reasonable accommodation. The request process for reasonable

accommodation is outlined under Disability Accommodations in Section 2-01-5.

3. Employee Discounts

- City Recreation Activities – Employees can recreate for free at Millcreek Common by showing the Adventure Hub staff their City ID badge upon arrival.
- Room Rentals – Employees receive a discount for room rentals as set forth in the consolidated fee schedule.
 - Fringe benefits will be taxable in accordance with the Internal Revenue Code (IRC).
- Other Discounts for Recreation Activities
 - Employees receive 20% off the cost of any lessons, camps, or classes coordinated by the Community Life Department.
- Admission to City-Sponsored Events
 - Employees and their friends and family members accompanying them can attend City-sponsored events for free by showing their City ID badge upon arrival.
 - Admission and equipment rental only is free; no discounts will be given for extras.



SECTION 4: CODE OF CONDUCT AND ETHICAL BEHAVIOR

4-01 CODE OF CONDUCT

- 1. Professionalism** – The City is a public entity whose purpose, among others, is to provide municipal services to its residents. City employees must adhere to high standards of public service that emphasize professionalism and courtesy. City employees shall conduct themselves in a way that will bring trust and respect to themselves and the City. Employees are expected to treat the public, visitors, and fellow employees with respect at all times.
- 2. Conflict of Interest** – The purposes of this section are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.
 - General - All municipal officers and employees shall comply with the Municipal Officer's and Employee's Ethics Act (Utah Code Ann. §10-3-1301 et seq.)
 - Use of Office for Personal Benefit - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1304.
 - Compensation for Assistance in Transaction Involving Municipality - All municipal officers and employees shall comply with Utah Code Ann. §10-3-1305.
 - Interest in Business Entity Regulated by Municipality - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial interest in a business entity that is subject to the regulation of the City in which the officer or municipal employee is elected, appointed, or employed, shall comply with Utah Code Ann. §10-3-1306.
 - Interest in Business Entity Doing Business with the City - All municipal officers and employees who are officers, directors, agents, or employees or the owners of a substantial

interest in a business entity that does or anticipates doing business with the City shall comply with Utah Code Ann. §10-3-1307.

- Investments Creating Conflict of Interest - All municipal officers and employees who have a personal interest or investment that creates a conflict between the officer's or municipal employee's personal interests and the officer's or municipal employee's public duties shall comply with Utah Code Ann. §10-3-1309.
- Officer/Employee Conflict-of-Interest Disclosure Statement - All municipal officers and employees shall file an "Officer/Employee Conflict-of-Interest Disclosure Statement," with Human Resources at the time of hire and thereafter as required.

3. **Annual Ethics Pledge** - All municipal officers and employees of Millcreek, before commencing the duties of their respective offices and annually thereafter, shall read, sign, and file the "Annual Ethics Pledge" in a form provided by the City.

4. **Reporting Fraud, Waste, and Abuse**--The City recognizes the need to establish a reporting and investigation process for suspected fraud, waste, or abuse by City employees, vendors, or the public.

- Employees are responsible to report fraud, waste, abuse, and other irregularities.
- Suspected fraud, waste, or abuse should be reported immediately. To aid in the investigation, provide as much information as possible, including the names of individuals involved, details about the issue, and the date, time, and place of the occurrence.
- The Utah Protection of Public Employees Act protects employees who report suspected fraud. (Utah Code Ann. §67-21-1 et seq.)
- Types of behavior that should be reported:
 - Gross mismanagement
 - Abuse of authority
 - Unethical conduct
 - Undisclosed conflicts of interest
 - Physical or emotional abuse
 - Child molestation or sexual abuse
 - Using City assets for personal benefit
 - Timecard violations

- Wasteful or fraudulent purchases
- Theft
- Forgery
- Other irregularities
- Employees may file a report directly through one of the following means:
 - Email fraudhotline@millcreekut.gov
 - Immediate Supervisor
 - Any Department Head
 - Human Resources Manager or HR/Finance Director
 - Assistant City Manager
 - City Manager
 - City Attorney
 - Mayor or member of the City Council
 - State Auditors Fraud Hotline (801) 538-9777
- Employees shall not knowingly file a false, frivolous, or malicious report.
- Employees shall not alert suspected individuals whether they are the subject of or part of a fraud, waste, or abuse report. If a supervisor is suspected of being involved in the reported activity, the employee should choose a reporting avenue that does not include that supervisor.
- Employees shall not attempt to personally conduct investigations, interviews, or interrogations related to any suspected inappropriate activity. The employee making the report should not contact the suspected individual to determine the facts or demand restitution.
- The proper management level or an independent third party will thoroughly investigate reported fraud, waste, or abuse.
- Fraudulent, wasteful, or abusive behavior may result in disciplinary action up to and including termination of employment.

5. **Confidentiality** – City employees shall not disclose, or willfully allow to be disclosed, any information gained by reason of their position for any reason other than its official or authorized purpose. Employees will comply with the confidentiality requirements of state law and the City

Code, including restrictions against disclosing or using private, protected, or controlled information acquired by reason of a person's official position for the employee's or another's private benefit.

6. Gifts and Gratuities – City employees are prohibited from knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift, gratuity, loan, favor, or bribe for items of monetary value or of substantial economic benefit that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties. This section does not apply to:

- an occasional non-pecuniary (not cash) gift having a value of less than \$50;
- an award publicly presented;
- any bona fide loan made in the ordinary course of business; or
- any political campaign contributions if the contribution is used in a political campaign.

7. Attendance – All employees shall meet attendance and punctuality requirements in accordance with department and supervisory guidelines.

8. Appearance – In order to maintain a professional atmosphere and appearance, all employees shall maintain the following minimum standards:

- Employees must maintain a high standard of personal hygiene. They must appear neat and clean and have no offensive odors. Employees' hair must be clean and groomed.
- Employees' dress and appearance must be appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
- Employees may be required by their Department Head to wear uniforms or apparel imprinted with a City logo or approved marks/emblems.
- Employees must wear clean, neat clothing that is not torn or frayed. They must also avoid unduly revealing, immodest, or otherwise inappropriate attire for a professional office or other work environment.
- Tattoos, brandings, or piercings that are deemed unsafe, or contain content offensive to modesty, decency, propriety, or professionalism must be covered or removed while at work.
- The City's dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender

identity or expression, genetic information, veteran status, or any other class protected by law.

9. Personal Use of City Property— The City recognizes there will be times when employees use City-owned property for incidental or *de minimis* personal use in addition to the primary use of fulfilling the employee's duties.

- Employees are authorized to use or possess any City-owned property issued to them for any incidental personal use, so long as the property is used in a lawful manner and the employee does not obtain or exercise unauthorized control over the City's property with the purpose to deprive the City of the City's property." as contemplated in Utah Code Ann. §76-6-404.
- City-owned property is issued to an employee and held in that employee's possession for the primary purpose of fulfilling that employee's job-related duties as a public servant.
- Incidental personal use of City-owned property includes but is not limited to use that does not interfere with the employee's job performance, does not substantially diminish the value of the City-owned property, is for training or skill development, does not incur substantial cost to the City, or has been implicitly authorized by an adopted budget so long as the property is used in a lawful manner.
- By way of illustration and not limitation, incidental personal use means:
 - use or consumption of office, first aid, and lunchroom supplies;
 - use of a take-home vehicle to do personal errands, including transporting family members as passengers on the way to work or on the way home; or
 - use of City electronic communication to check on the status of a family member, make or confirm appointments, check on the status of a delivery, read news articles, access bank accounts, check/respond to personal e-mails, or check/view social media.
- This policy is enacted to satisfy the written policy requirements to eliminate criminal exposure for an employee's use of City-owned property under Utah Code Ann. §76-8-402.

10. Electronic Communication Devices

- Personal Electronic Communication Devices
 - Personal electronic communication devices, including, but not limited to, radios, satellite phones, cellular phones, computers, and tablets, shall not unreasonably interfere with the performance of the employee's duties or with City business operations.

- The City Manager or designee may restrict or prohibit the use and/or possession of personal electronic communication devices for safety or other operational reasons.
- City Electronic Communication Devices
 - City electronic communication devices and all content are the property of the City, and there is no expectation of privacy for any employee. These devices are primarily provided to facilitate the effective and efficient completion of job duties.
 - Use is only permitted by the employee and other authorized employees.
 - Employees shall not use the City's electronic communication devices to violate the City's harassment, discrimination, or other policies.
 - Employees shall not use City electronic communication devices to download, view, print, share, or store any sexually explicit content (including but not limited to photos, emails, or texts) except as necessarily required by the employee's official job duties. Inadvertent exposure shall be immediately reported to the employee's supervisor.
 - Employees shall not use City electronic communication devices for online video games, including gambling, gaming, including gambling, criminal activity, or prohibited social media platforms.
 - Employees shall not download or store unlicensed or unapproved media or software on City electronic communication devices.
 - Employees shall not store, copy, or transfer unauthorized City records, electronic content, software, or computer code on their City electronic communication devices.
 - The City retains the right to monitor, deny access to, or copy City and non-City content at any time, including communications made on a third-party server, regardless of authorized use.

11. **City Social Media Policy** – While the City recognizes that social media has changed the way people communicate with each other and that the use of social media can enhance communication between City government and residents, the City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) and the content that is attributed to the City and its officials. This policy provides guidelines for the establishment and use by employees of social media sites to convey information to the public.

- The City Manager or designee shall have full authority over establishing the City's official website and social media accounts and will provide guidance/direction for content posted on behalf of the City.
- All City social media sites shall utilize authorized City contact information for account set-up, monitoring, and access.
- The City reserves the right to terminate any City social media site at any time, with or without prior notice.
- The City reserves the right to remove any content posted by the City or any employee or agent of the City on its social media sites when deemed necessary by the City Manager or designee.
- The City reserves the right to deny access to City social media sites to any individual who violates this policy at any time, with or without prior notice.
- The City Manager or designee will maintain a list of City social media platforms and sites approved for employees' use, including login and password information.
- All City social media platforms and sites will be opened and maintained on behalf of the City and are not the personal property of any employee.
- Employees will inform the City Manager or designee of any administrative access changes to existing platforms and sites.
- The City Manager or designee will ensure that logins and passwords are changed when employees with access leave their position or City employment.
- All use of City social media will be made in compliance with the Government Records Access and Management Act (GRAMA) provisions of state law.
- City social media may be branded with City-owned symbols (including but not limited to logos, shields, and emblems).
- Authorized Use - The City Manager or designee is responsible for determining who is authorized to use and maintain social media accounts on behalf of the City.
 - Any employee authorized to post items on any of the City's social media shall review, be familiar with, and comply with the social media site's use policies, terms, and conditions.
 - Authorized employees must always act as representatives of the City and in accordance with all applicable City policies and procedures.

- City social media sites shall be used only to communicate City-related information and shall not be used for personal purposes.
- Authorized Content - Only content appropriate for public release that conforms to all City policies shall be posted. The following is a non-exclusive list of examples of appropriate content:
 - Announcements for City-related events and activities
 - Tips and information related to crime prevention
 - Requests for information
 - Community engagement information
 - Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information
 - Traffic information
 - Media releases
 - Recruitment of personnel
 - Approved collaborations with other entities
- Content Guidelines
 - The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events.
 - All content on the City's social media sites must be provided to the City Manager or designee for review, approval, and subsequent posting to the social media site.
 - Wherever possible, content posted on the City's social media sites should link back to the City's official websites, which provide forms, documents, online services, and other necessary information to conduct business with the City.
 - Posts should be accurate, and employees should be mindful of spelling, punctuation, and grammar.
 - Posts should contain information that is freely available to the public.
 - Confidential information as defined by City policy, state law, or federal law, is prohibited from social media posts.
 - Content posted to City websites thereafter becomes the property of the City. This includes original wording, images and graphics, and other such content. Photography or wording with prior and/or documented copyright or ownership will be removed.

- Prohibited Content
 - Personal information, except for the names of employees whose job duties include being available for contact by the public;
 - Comments that are not related to the topic of a particular post being commented on;
 - Comments in support of, or opposition to, political campaigns, candidates, or ballot measures;
 - Profane language, sexual content, pornography, obscenity, or links to any such content;
 - Content that promotes, fosters, or perpetuates discrimination based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other legally protected status;
 - Medical or health information that violates Health Insurance Portability and Accountability Act (HIPAA) regulations;
 - Conduct in violation of any federal, state, or local law and encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems;
 - Comments on actual or potential legal claims, lawsuits, or other legal issues;
 - Defamatory or personal attacks;
 - Comments that may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents, and the safety of police staff and officers;
 - Content that violates the legal ownership interest of any other party.
- Prohibited Platforms—Employees may not download or use the TikTok application or visit any TikTok website on any City-owned electronic device.

12. Employee Obligations and Restrictions in Personal Use of Social Media— The City respects its employees' private rights to use social media sites (e.g., Facebook, Instagram, X, YouTube, blogs, wikis, etc.) in their personal lives during non-work hours.



When using your personal social media account to comment on City business, always use a disclaimer to establish your comments represent your own opinions.

E.g., "These are my own opinions and do not necessarily represent those of the City".

However, personal use of social media must not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace and confidential information and adhere to the rules of ethics, public records laws, and open meeting law requirements, among other compelling governmental interests. The purpose of this policy is to provide guidelines for City employees when they communicate on social media sites as a private party, when doing so may be considered a violation of their rights to free speech.

- Guidelines

- If/when commenting on City business in their personal capacity, employees must use a disclaimer establishing that their comments represent their own opinions and do not represent those of the City.
- Employees are discouraged from identifying themselves as City employees or using their City titles when responding to or commenting on blogs or other social media sites with personal opinions or views.
- Employees shall not disclose non-public information unless authorized by law. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of private, controlled, protected, and other restricted records.
- The City expects its employees to be truthful, courteous, and respectful toward supervisors, subordinates, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City employee, those employees must not engage in name-calling, personal attacks, or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This section and its limitations apply when the employee's action adversely affects their work, job duties, or ability to function in the employee's position or creates a hostile work environment.
- Employees must not use their City email account or password in conjunction with a personal social networking site.

- Social media account names for personal or private business ventures must not be tied, linked, associated, or connected with the City (e.g., 'Millcreek City Misfits' would not be an appropriate personal account name).
- Employees shall not use the City brand, logo, marks, emblems, or other City identifiers on their sites unless approved by the City Manager or designee.
- Employees' personal social media sites are not forums for venting grievances, discipline matters, or personal complaints about supervisors, subordinates, coworkers, or the City.
- The City may use social media (such as reviewing an applicant's or employee's post) to evaluate applicants for jobs, promotions, etc. Posting distasteful, immature, or offensive conduct may affect employment decisions.
- Personal or non-official use of social media that is incidental and occasional is permitted during work hours, provided it is very limited in duration and does not have a detrimental effect on employee productivity.
- Causes for Disciplinary Action - Personal use of social media (even off-duty or using the employee's equipment) may affect or impact the workplace and become the basis for employee discipline. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- Cyber-bullying, stalking, or harassment
- Release of confidential or private data
- Misuse of City-owned social media
- Inappropriate use of the City's name, logo, or the employee's position or title
- Using City-owned equipment or City-time for extensive personal social media use
- Violation of law, whether federal, state, local or a City policy

Because the laws in this area are evolving, each situation will be evaluated on a case-by-case basis. Employees are encouraged to discuss activities that might result in discipline with the City Manager or designee prior to engaging in such social media activities.

- Reporting Violations - The City encourages employees to report potential violations of this policy to their Department Head or Human Resources.

13. Artificial Intelligence (AI) Use Policy – This AI use policy applies to all City employees (as outlined in Section 2-02-1 of this Handbook) who use AI tools in any capacity while conducting

City business. The purpose of this policy is to protect proprietary, confidential, and sensitive information while ensuring compliance with applicable law and City policy.

- Prohibited Use of AI - Employees must not use AI to collect, store, or analyze City data without proper authorization and security measures. Additionally, employees must not input, upload, or share any proprietary, confidential, or sensitive information into AI tools, including but not limited to:
 - Protected, private, and controlled information
 - Personally Identifiable Information (PII)
 - Protected Health Information (PHI)
 - Financial, legal, or contractual data
 - Internal government communications
 - Security protocols or system details
 - Any other non-public information related to City operations
- Approved Use of AI
 - Employees may use AI tools for general research, drafting public-facing content, and brainstorming, but only when no proprietary or sensitive data is involved.
 - The City Manager or designee must review and verify the accuracy of any AI-generated content before it is used in official City communications.
 - AI tools must not be used to make final decisions or determinations without the approval of the City Manager or designee.
- Compliance and Security
 - When using AI tools, employees must adhere to all applicable laws, regulations, and cybersecurity best practices.
 - The City Manager or designee shall review and approve any AI tools intended for City use.
 - Employees should report any suspected AI-related data breaches or misuse as outlined in section 4-01-3 of this Handbook.
 - This policy will be reviewed periodically and updated as AI technology and regulations evolve.

- Failure to comply with this policy may result in disciplinary action up to and including termination.
- AI tools do not understand the truth or always interpret context correctly. These tools generate output based on patterns in data and can provide false or misleading results. AI tools should not be relied on for legal, medical, forensic, or mental health decisions, and human oversight should be a critical part of working with AI.

14. Reporting of Child Pornography

- All City computer technicians will comply with the mandatory reporting requirements of Utah Code Ann. §76-5b-206.
 - A computer technician means an individual who in the course and scope of the individual's employment for compensation installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment.
- If a computer technician, during City employment, views an image on an electronic device that appears to be child pornography, the employee shall immediately notify the finding of the image to the City Manager or designee.
- The City Manager shall immediately report the finding to a state or local law enforcement agency or the Cyber Tip Line at the National Center for Missing and Exploited Children and document the same.

15. Privacy Space Compliance Plan – All employees shall comply with the City's Privacy Space Compliance Plan, which can be accessed on the City's website.

16. Outside Activities – City employees shall not use City-owned property or work time to support outside interests and activities except as provided in the Personal Use of City Property outlined in Section 4-01-8.

17. Political Activity – City employees shall not use City-owned property, work time, or position influence over other employees while engaging in any political activity.

18. Prohibition on Recording Other Employees

- No employee may record, by any means, a conversation with another employee unless the following requirements are met:
 - the recording device is in plain view; and
 - the employee being recorded consents to being recorded.

- Exceptions: the operation of authorized City general recording practices, such as law enforcement investigations and oversight, the recording of meetings, and the conduct of authorized City investigations.

4-02 HARASSMENT, DISCRIMINATION, AND RETALIATION

1. **General Policy** – The City is committed to providing a work environment that is free of harassment or any other type of discrimination with regard to race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, and any other classification or status protected by law.

Misconduct identified in this policy is unacceptable and prohibited. The City will make reasonable efforts to prevent harassment and promptly investigate all complaints. A violation of this policy, whether legally constituting sexual harassment, discrimination, or retaliation, will result in disciplinary action, up to and including termination.

2. **Prohibited Conduct** – The City prohibits conduct that includes, but is not limited to:
 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term of the condition of an individual's employment;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - Other inappropriate conduct, such as:
 - Derogatory comments, insults, suggestive remarks, or jokes involving sexual activity, or a person's race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;



Harassment comes in many forms. Examples include, but are not limited to, name-calling, staring, touching, intimidation, playing pranks, and sending inappropriate email or text messages.

- Display of photographs, drawings, cartoons, written material, objects, or use of electronic communication devices that would offend a reasonable person;
- Inappropriate physical contact, such as patting or pinching;
- Intentionally brushing against another person's body;
- Stating, implying, or joking that an individual's job performance is attributable to that person's race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related conditions, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law;
- Giving of unsolicited or inappropriate gifts of a personal and private nature;
- Sexual assault of any kind;
- Pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive conduct towards another person based on race, national origin, color, religion, sex, sexual orientation, pregnancy, childbirth, or pregnancy-related condition, age, disability, gender identity or expression, genetic information, veteran status, or any other classification or status protected by law that:
 - creates an intimidating, hostile, or offensive work environment;
 - unreasonably interferes with a person's work performance; or
 - otherwise adversely and unreasonably affects an employee's employment.
- Retaliation against any employee for reporting, filing a complaint, or assisting the City in investigating a complaint under this policy, even if such underlying complaint is deemed unfounded. Retaliation may be considered a separate violation of this policy and may subject the perpetrator to disciplinary action up to and including termination. Examples of retaliation include:
 - imposing disciplinary action in bad faith;
 - unwarrantedly changing the terms of an employee's employment;
 - spreading rumors about the employee;
 - encouraging hostility toward that employee from a co-worker, escalating the harassment; or

- disclosing confidential information regarding an investigation being conducted under this policy, including revealing that there is an investigation and/or any details of an investigation with any City employee except those conducting the investigation.

3. Personal Employee Relationships - The City strives to maintain a work environment where employees maintain clear boundaries between their personal and business interactions. The development of friendships, dating, and/or sexual relationships between colleagues is not prohibited; however, the City reserves the right to take appropriate action if such relationships adversely impact the work environment, productivity, other employees, members of the public, or for any other reason as determined by the City Manager or designee and Human Resources.

- A City employee in a non-spousal romantic, dating, and/or sexual relationship with another City employee must promptly notify the City Manager or designee and Human Resources when the relationship begins or ends or if it results in marriage.
- Romantic, dating, and/or sexual relationships between supervisors and subordinates who fall within the supervisor's scope of influence are prohibited.
 - The scope of influence includes the ability to affect salary, promotional status, performance evaluation content, work assignments, and other related matters. Any questions regarding the scope of influence should be directed to the City Manager or designee, and Human Resources.

4. Reporting Violations of this Policy – Employees must report, in good faith, all incidents that they reasonably believe to be violations of the City's Harassment, Discrimination, & Retaliation Policy. These reports shall be made when employees first believe they or someone else has been harassed, subjected to inappropriate conduct, discriminated against, or retaliated against. Employees must make such a report with one of the following: a supervisor, Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney.

Any supervisor who reasonably becomes aware of potential discrimination, harassment, or retaliation shall immediately advise one of the following: a Department Head, City Manager or designee, Human Resources, Mayor or member of the City Council, or the City Attorney. Any supervisor who knew or should have known of a potential offense and did not report the matter shall be subject to disciplinary action up to and including termination.

5. Investigation—The City Manager or designee shall ensure that all written or verbal complaints are investigated as expeditiously and professionally as possible. The confidentiality of the complaint will be maintained to the extent it is practical, but it cannot be guaranteed.

- Two (2) of the following will coordinate the investigation: the City Manager or designee, the City Attorney, or Human Resources.
- The assigned investigator(s) will ensure that the allegations and findings are adequately documented.
- The assigned investigator(s) are responsible for moving the investigation forward and making recommendations.
- Employees are obligated to fully cooperate in any investigation of an alleged violation of this policy, including the obligation to provide truthful and complete evidence and testimony in any investigation or proceeding.
- Documentation of disciplinary action placed in any personnel file will not include the name of any victim.
- Records of an investigation determined to be unfounded will not be placed in any individual's personnel file but will be retained as an investigative file. Access will be limited to the City Manager or designee, the City Attorney, and Human Resources.
- Maintaining Investigative Files:
 - Information related to any harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential complaint file. This information shall not be placed or maintained in an employee's personnel file.
 - Information contained in the harassment investigative files shall be released only to other agencies or individuals with a legal and legitimate reason to the files pursuant to a court order, GRAMA, or upon the advice of the City Attorney and written notice to the victim.
 - Participants in any harassment proceeding and/or investigation shall treat all information related to that proceeding and/or investigation as confidential.

4-03 ALCOHOL/DRUG-FREE WORKPLACE

1. **Federal Drug-Free Workplace Requirement** – The City complies with the Federal Drug-Free Workplace Act of 1988.

2. **Drug-Free Awareness Program**—The City's Drug-Free Awareness program will be posted in a conspicuous area at City Hall and the Adventure Hub. Additionally, all employees will receive information about the City's Employee Assistance Program (EAP) during new hire orientation and on an as-needed basis from Human Resources.

Commented [SB1]: Is this a program? Or a policy?



The City's EAP is available to all employees through Intermountain Healthcare. You can reach a crisis counselor 24/7 by calling 800-832-7733.

3. **Employee Responsibilities**

- No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
- Employees shall not consume alcoholic beverages during work hours, breaks, or meal periods or at least eight (8) hours before coming to work.
- Employees shall not be impaired by alcohol, medication, or illegal drugs or have any detectable trace of illicit drugs or a blood-alcohol level of .04 or higher in their system during work hours or while representing the City in an official capacity.
- Employees convicted under any criminal drug statute shall notify their supervisor within five (5) calendar days after the conviction.

4. **Drug Testing Policy**—All employees and prospective employees must comply with drug testing requirements as provided herein as a condition of hire or continued employment. Failing or refusing to comply with this policy shall be deemed a violation. The City shall determine the types of drugs, metabolites, and cut-off levels, except as mandated or limited by federal regulations.

5. **Pre-Employment Drug Testing**

- All job applicants shall be informed of the policy during conditional job offers. A copy of this policy is available on the City's website.
- All prospective employees shall be tested for drug usage.
- The City will exclude from employment any job applicant who refuses to abide by this policy.
- The City will not process an employment application from a job applicant who has a confirmed positive drug test result for one (1) year from the date of such result.

6. **Medical Cannabis** - In accordance with Utah Code §26-61a and Utah Code §58-37-3.7, the City shall treat a prospective employee's use of medical cannabis in the same way the City treats the

use of any prescribed controlled substance, except when the employee's position requires federal funding, federal security clearance, or any other federal background determination necessary for the employee's position.

7. Reasonable Suspicion (For Cause) Testing

- Employees may be required to submit to a drug and/or alcohol test when reasonable suspicion arises, and the employee's supervisor and a City designee concur that reasonable suspicion of substance use exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors. Reasonable suspicion testing may include re-tests or follow-up tests as necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.
- The City designee chosen to identify reasonable suspicion must be approved by the City Manager or designee and recognized on a list maintained on the City's M Drive.
- Once it has been determined that reasonable suspicion exists, the employee shall be brought to Human Resources immediately. Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee is sent to the City's medical provider for a reasonable suspicion test, a supervisor or designee shall drive them to the facility.
- A written record of observations leading to an alcohol or controlled substances reasonable suspicion test shall be made and signed by the City's designee within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
- The written record must be retained.
- Employees shall be placed on paid administrative leave until the test results are available.
- The supervisor shall make arrangements or help the employee get home without the employee driving.

8. Rehabilitation Testing – If the City allows employees to work after they have enrolled in a rehabilitation program for drug or alcohol abuse and have successfully completed the rehabilitation program, such employees may be obligated to a series of unannounced drug and alcohol testing for a predetermined period of time as outlined by the rehabilitation program.

9. Post-Incident Testing – Post-incident testing will be conducted on employees involved in the following incidents:

- treatment for a worker's compensation injury at a medical facility (either out-patient or in-patient);
- any traffic accident; or
- any event or incident that involves property damage or loss.

- When post-incident testing is required, the involved employee shall be immediately brought to Human Resources.
- Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee is sent to the City's medical provider for a reasonable suspicion test, the employee shall be driven to the facility by a supervisor or designee.
- The supervisor shall make arrangements or help the employee get home without the employee driving.
- Employees shall be placed on paid administrative leave until the test results are available. After the test results are available, employees may return to work based on the results.



You must notify your supervisor as soon as possible if you are involved in any type of accident or incident while on the clock.

10. Testing Protocols

- All drug testing will comply with Utah Code Ann. §34- 41-101 et seq or the Federal Motor Carrier Safety Administration's Part 382.
- Any required drug or alcohol testing shall be deemed time worked for purposes of compensation and benefits.
- The City shall pay all costs of testing and transportation associated with all required tests.
- For both non-Department of Transportation (DOT) and DOT tests, if the Medical Review Officer (MRO) informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- For a non-DOT test, the City will contact the donor immediately if the MRO directs that a re-collection must occur (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL). Failure of the donor to submit for this re-collection will be classified as a refusal to test.

- Refusal to test will be considered a positive result.

11. Drug Testing Information

- The information received from drug testing shall be the property of the City.
- Human Resources or designee shall promptly notify the employee of the test results.

12. Employee Questions About This Policy – Questions about this policy may be directed to Human Resources.

4-04 TOBACCO-FREE WORKPLACE

- 1. General Policy** – The City is subject to and enforces the Utah Indoor Clean Air Act and is committed to providing a safe and healthy work environment.
- 2. Employee Responsibility**—All employees are prohibited from using tobacco products (including chewing tobacco and e-cigarettes) in the workplace, including all City buildings, plazas, parks, vehicles, and equipment.

4-05 VIOLENCE-FREE WORKPLACE

- 1. General Policy** - The City is committed to maintaining a safe and efficient working environment in which employees and the public are free from the threat of workplace violence.
- 2. Employee Obligations**
 - Employees shall not engage in behavior that carries the potential for violence, including, but not limited to, assault, fighting, or using foul, abusive, or threatening language or gestures.
 - Possessing firearms or other weapons on City property, including City vehicles, or while conducting City business shall comply with federal, state, and the City Code.
 - Employees who witness violations of this policy must immediately report all incidents to their supervisor or Human Resources.

4-06 EMPLOYEE DISCIPLINE

- 1. General Policy** –The City reserves the right to impose disciplinary action, up to and including termination, on a first offense, depending on the nature and severity of the improper conduct.



SECTION 5: FINANCIAL POLICIES AND PROCEDURES

5-03 CASH HANDLING POLICY

- 1. General Policy** - The Utah State Code requires proper accounting and documentation of all cash receipts. Cash handling requires adequate internal controls when receiving, safeguarding, depositing, and accounting for public funds. The term "public funds" applies to currency, coins, checks, money orders, credit/debit cards, electronic funds, and other negotiable instruments (such as letters of credit) payable in money to the City.

This policy applies to all City employees who handle cash receipts or accept payments on behalf of the City. The following controls are designed to safeguard employees against the mishandling of funds by defining their responsibilities and providing clear accountability in the cash handling process to ensure the funds are deposited promptly and to maintain public trust. The scope of these procedures outlines the responsibilities of departments and cash handlers City-wide. As outlined by the State of Utah's Money Management Act, this policy establishes procedures that all public funds received by the City be deposited daily, whenever practicable, but not later than once every three (3) banking days after receipt of funds. All public funds must be submitted daily to the HR/Finance Department.

- **Employee Responsibilities**—This policy provides clear, written procedures for handling and controlling the collection of public funds. Employees with assigned cash handling responsibilities must sign a "City Cash Handling Policy Acknowledgment" form to be placed in their personnel file.
- **General Cash Controls** – The stewardship of financial assets for the City is shared by authorized employees across departments. Various departments within the City receive public funds for fees or services and are responsible for recording and transmitting monies to the HR/Finance Department for bank deposits. All cash handlers are expected to adhere to the following controls:
 - Public funds received shall be guarded and kept in a secure, locked location. Funds must

not be left unattended under any circumstances.

- Detailed, itemized receipts must be prepared for every payment type and created immediately upon receiving the money. Receipts must be provided to the customer, where applicable.
- To reconcile the daily transaction totals, receipts/transaction records must be appropriately labeled as "cash," "check," "credit/debit card," or "recreation passes."
- Receipting software shall generate receipt numbers that can be easily identified for future reference.
- Receipt records shall be maintained on the City's M Drive and accounting system.
- All payments received shall be recorded through the City's accounting system.
- Mail shall be processed daily to expedite the processing of payments received.
- All special events shall coordinate a cash collection process with the HR/Finance Department before the event occurs.
- All requests to establish or terminate cash funds must be made to the HR Finance Director.

- Internal Control Procedures - Duties relating to handling cash transactions, including collections, deposits, purchases, disbursements, bank reconciliations, approvals, and recording of transactions, must be adequately segregated so that no single person will handle a cash transaction from beginning to end. Separation of Duties is an essential component of the internal control environment and serves as a deterrent to fraud or concealment of errors. Internal controls are designed to protect one person from being solely responsible for handling a transaction involving public funds. Where separation of duties is impracticable, the City shall arrange alternate compensating controls through the HR/Finance Department. Such controls may include additional managerial review, unannounced audits, periodic reassignment of duties, or verification by other staff.

The process is separated into three (3) functions:

1. Collecting Public Funds – Various City Departments
 - Handle payments and create receipts for transactions.



Always keep public funds you receive in a secure location until it can be brought to the HR/Finance Department for processing.

- Prepare a detailed record to accompany the monies to the HR/Finance Department at the time of submission to verify that deposits are accurate.
- If a department has cash, every effort should be made to ensure the deposit is made on the same day. If this is not possible (e.g., events outside of regular business hours, weekend events, etc.), the monies shall be kept in a secure, locked location, subject to HR/Finance Department approval, until a deposit can be made.
- 2. Depositing and Recording – HR/Finance Department
 - Verify balances match the receipt records, and that payment is legitimate and accurate.
 - Prepare a bank deposit in the accounting system within three (3) banking days of receiving payment, regardless of the amount or form of payment.
 - Review applicable revenue codes in the accounting system to ensure that the monies collected are correctly recorded.
 - Prepare deposit slip and electronically deposit or transport collected monies to the City's financial institution.
 - Collect and file bank deposit slips with corresponding deposit records.
 - The deposit date recorded by the City's financial institution shall be the same day whenever practicable but no more than three (3) banking days after the corresponding department's daily deposit record date.
- 3. Control Activity – HR/Finance Department
 - Monthly bank reconciliation of department collections and deposits to the general ledger.
 - Unannounced audits of cash tills, managerial review, periodic reassignment of duties, or verification by other staff.
- Types of Payments Received
 - Cash Payments
 - All cash shall be double-counted to test for accuracy.
 - Large bills (\$100 or above) or any questionable bills shall be closely inspected for counterfeiting with a counterfeit detection marker.
 - The City reserves the right to accept exact cash for services when change is unavailable.

Adventure Hub Cash Management

- Only recreation managers and the HR/Finance Department shall have access to the combination of the locked safe.
- The recreation manager on duty shall be responsible for preparing the daily till bag.
- The recreation manager on duty and the assigned employee shall each count the till's opening and closing contents and prepare the daily cash counting worksheet.
- Change due shall only be made from the same till where the transaction occurs.
- Customer tips are not to be accepted.
- Check Payments
 - Checks must be payable to Millcreek and appropriately signed. If they do not meet these requirements, they will be returned to the payor and not processed.
 - The numerical amount of the check must always be verified against the written amount.
 - Before acceptance, checks shall be reviewed to ensure they are not stale-dated.
 - The City shall not accept post-dated checks, and if received, they will be returned.
 - Two-party checks are not permitted.
 - Cashing customer or employee checks is prohibited.
 - Checks in excess of the transaction amount shall not be accepted.
 - No change will be given for payments made by check.
 - Return check
- Credit/Debit Card Payments
 - The Payment Card Industry Data Security Standards (PCI DSS) rules and procedures (see Appendix B) shall be followed to properly handle credit/debit card transactions, cardholder information, and system requirements for processing credit/debit cards. Credit card and cardholder information may not be recorded or stored for any purpose.

- The City accepts MasterCard, Visa, American Express, Discover, and contactless payment methods.
- Credit/debit card payments made by telephone must be processed while the customer is on the phone.
- Credit/debit cards may only be charged for the exact amounts billed for City services.
- Credit/debit card numbers shall never be written down or copied.
- Refunds shall only be issued for permissible or authorized reasons. The requesting department must make eligible refund requests in writing and send to the HR/Finance Department for processing within five (5) business days of notification.
 - Generally, refunds will be issued using the same method with which payment was accepted.
- All refunds and voided cash transactions should be supported by documentation stating the reason for the refund or void. Voided receipts, and other corresponding documentation must be noted as such by labeling “VOID” on all copies.
- The following transactions, activities, events, and/or processes using a cash register, change funds, petty cash, etc., are prohibited:
 - Cashing of personal, payroll, or expense checks
 - Payment to employees for awards, etc.
 - Personal borrowing or making change for larger denominations of personal currency
 - Personally making, refunding, or exchanging your purchase
 - Balancing shortages/overages with personal funds
 - Any similar expense or activity

Review and Enforcement—The HR/Finance Department and external auditors have the authority to review and measure the effectiveness of cash controls. Surprise audits may be initiated in cash handling areas with minimal or no notice. Departments are responsible for responding to findings and implementing changes as appropriate. Any employee found to have violated these procedures will be subject to disciplinary action, up to and including



SECTION 6: RISK MANAGEMENT

6-01 RISK MANAGEMENT PHILOSOPHY

1. **General Policy**—The City's philosophy is to reduce the potential for loss from exposures through risk management practices in all City, department, and individual employee activities. Subject to budgetary constraints, the City shall consider the safety of its employees and the public when providing City services.
2. **Risk Management and Safety** – Each employee is responsible for complying with risk management programs required by the City's insurance carriers, the Risk Committee, and the City Manager or designee. The City will:
 - Develop and maintain policies and practices designed to meet the particular risk management needs of the City; and,
 - Implement all applicable City insurance carrier's risk reduction policies or programs.
 - The City's insurance carrier may conduct driving record checks for employees who hold valid driver's licenses on an ongoing basis.
3. **Individual Responsibility for Risk Management and Safety**—Employees shall take responsibility for their own safety and the safety of other employees, citizens, and property.
 - Employees shall abide by reasonable safety precautions and exercise due care while on the job.
 - To create a safe working environment, the department should utilize adequate training, appropriate supervision, reasonable scheduling, proper equipment, and other management tools and follow them by every employee.
 - Employees are responsible for immediately reporting to their supervisor any potential hazards likely to cause an accident.

- Employees shall identify and report safety concerns to their supervisor, the Department Head, the Emergency/Risk Manager, Human Resources, and/or the City Manager or designee.

6-02 INCIDENT REVIEW COMMITTEE

1. **General Policy** – To ensure that all incidents are investigated and evaluated fairly, impartially, and consistently and to encourage further and implement safe work practices, each incident shall be reviewed by the Incident Review Committee (“Committee”).
2. **Incident Review Committee Process**
 - The Committee shall include the Emergency/Risk Manager, an HR representative, and other members appointed by the City Manager or designee.
 - The Committee shall receive all information relevant to the incident. The Committee shall analyze each incident and determine, at minimum, the following:
 - whether the incident was reasonably preventable;
 - whether an employee and/or a department was at fault;
 - whether the department provided adequate training; and,
 - what action should be taken to prevent similar incidents in the future.
 - Records – Minutes of all Committee meetings shall be kept. Such minutes shall include, at minimum, the following:
 - the date and time of the meeting;
 - the names of the members of the Committee at each meeting;
 - the name of any person appearing before the Committee;
 - a summary of the facts of each incident, as found by the Committee; and
 - the findings of the Committee, the extent to which a department or an employee was at fault, and how similar incidents can be avoided in the future.

6-03 WORKERS' COMPENSATION AND OTHER BENEFITS

1. **Workers' Compensation Program Overview**
 - Program Oversight and Administration – City employees injured while performing their job duties are covered by the City's workers' compensation program (the “Program”), which provides medical reimbursement and indemnity benefits, as state law requires. The City Manager or designee oversees the Program. Claims administration is provided by a contract

workers' compensation program administrator (the "Program Administrator"). The City Manager or designee coordinates transitional duty.

- Designated Medical Care Provider – By contract, the City designates a medical care provider ("Medical Provider") to treat employees with work-related injuries. Except for life- or limb-threatening injuries, the City does not pay other medical providers or facilities for treating workers' compensation injuries, even if the injury is work-related unless the Medical Provider refers the employee and the Program Administrator approves the referral before the treatment.
 - Intermountain WorkMed is the City's Medical Provider. Additional information is available in the employee breakroom inside City Hall and other work locations.

2. Treating and Reporting an Injury

- Medical Treatment – When injured, an employee shall immediately obtain medical treatment from the Medical Provider. If the condition requires urgent or emergent treatment, the employee should go to the nearest urgent care facility or emergency room. If the condition warrants, 911 should be called. Once initial emergency medical care is given, the employee shall follow the Program Administrator's treatment plan.
- Reporting an Injury – Immediately, or as soon thereafter as practicable, following any minor injury or immediately following emergency medical treatment, the employee shall report the injury to the employee's supervisor. As soon as possible, the employee or the employee's supervisor must complete and submit a First Report of Injury form to Human Resources.
 - If an injury is so severe as to render the employee physically incapable of following the reporting process as required, the employee's supervisor shall ensure that the required reporting is completed.

3. Return to Work - The City has an aggressive return to work policy. The following are the responsibilities of the injured employee:

- provide all return-to-work notices and coordinate return-to-work dates with the employee's supervisor and Human Resources,
- provide a complete and accurate description of the employee's job description to the Medical Provider or specialist to enable such provider or specialist to determine whether the employee will return to full-duty or light-duty work; and,
- attend all follow-up appointments and adhere to the treatment plan outlined by the Medical Provider.

4. **Full Duty Work Allowed by Medical Provider** – If the Medical Care Provider directs an employee to return to full-duty work, the employee shall obtain a written return to work release before returning to work.
5. **Light-Duty Work Allowed by Medical Provider** – The City may accommodate suitable light-duty work. An injured employee shall be required to return to light-duty work immediately upon release by the Medical Provider if light-duty work is practicable.
 - An injured employee offered light-duty work must accept the light-duty work assignment or risk losing their workers' compensation disability compensation.
 - Employees and supervisors shall follow any restrictions outlined on the work release order.
6. **Secondary Employment**—An employee on workers' compensation leave or light duty assignment may not engage in secondary employment except as first authorized by the City Manager or designee.

6-05 GENERAL LIABILITY PROVISIONS

1. **Limitation of Liability** – The City reserves the right to limit insurance coverage and/or worker's compensation as provided by law, such as actions "outside the scope of an employee's employment."



APPENDIX

A. ACRONYMS

- ADA – Americans with Disabilities Act
- AI – Artificial Intelligence
- CAO – Chief Administrative Officer
- CDE – Cardholder Data Environment
- DOT – Department of Transportation
- EAP – Employee Assistance Program
- FICA – Federal Insurance Contributions Act
- FLSA – Fair Labor Standards Act
- FMLA – Family Medical Leave Act
- GRAMA – Government Records Access and Management Act
- HIPAA – Health Insurance Portability and Accountability Act
- IRC – Internal Revenue Code
- MFA – Multi-factor Authentication
- MRO – Medical Review Officer
- PAN – Primary Account Number
- PCI DSS – Payment Card Industry Data Security Standards
- PHI – Protected Health Information
- PII – Personally Identifiable Information
- PTO – Personal Time Off
- USERRA – Uniformed Services Employment and Reemployment Rights Act

B. PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS (PCI DSS) COMPLIANCE REQUIREMENTS

The Payment Card Industry Data Security Standard (PCI DSS) is a global standard designed to protect cardholder data and ensure the secure handling of payment card information. Effective April 1, 2025, all employees involved in payment processing, data management, or systems administration must comply with the following updated PCI DSS v4.0 requirements.

1. Protect Cardholder Data
 - Encrypt stored cardholder data using strong encryption methods.
 - Mask Primary Account Numbers (PANs) when displayed; only personnel with a legitimate business need may see full PANs.
2. Maintain a Secure Network and Systems
 - Install and maintain a firewall configuration to protect cardholder data.
 - Avoid the use of vendor-supplied defaults for system passwords and other security parameters.
3. Implement Strong Access Control Measures
 - Restrict access to cardholder data by business need-to-know.
 - Use multi-factor authentication (MFA) for all access into the cardholder data environment (CDE), including administrative access to systems.
4. Monitor and Test Networks
 - Track and monitor all access to network resources and cardholder data.
 - Regularly test security systems and processes through vulnerability scans and penetration testing.
5. Maintain an Information Security Policy
 - Develop, publish, maintain, and disseminate a security policy that addresses information security for all employees.
 - Conduct annual security awareness training for all personnel.
6. Support Continuous Compliance
 - Perform regular risk assessments to identify and manage security threats.
 - Ensure that service providers meet compliance requirements with written agreements and documented responsibility assignments.

Non-compliance with PCI DSS policies may result in disciplinary action, up to and including termination, and may subject the City to legal and financial penalties. A complete copy of the PCI DSS requirements and testing procedures is located on the City's M Drive.

MILLCREEK, UTAH
ORDINANCE NO. 25-42

**AN ORDINANCE AMENDING TITLE 5 OF THE MILLCREEK CODE OF
ORDINANCES BY REQUIRING LAW ENFORCEMENT INVESTIGATION FOR
MASSAGE ESTABLISHMENTS**

WHEREAS, the Millcreek City Council (“Council”) met in regular meeting on September 22, 2025, to consider, among other things, amending Title 5 of the Millcreek Code of Ordinances, by requiring law enforcement investigation for massage establishments; and

WHEREAS, law enforcement has advised the Council that a few new massage establishments have been involved in illegal activities; and

WHEREAS, law enforcement advised the Council to require law enforcement review of all new massage establishments for, among other things, outstanding warrants and criminal background investigations; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to require law enforcement investigation in new massage establishment licenses.

NOW, THEREFORE, BE IT ORDAINED by the Council that the following be amended in Section 5.16.050 of the Millcreek Code of Ordinances (designated by interlineating the words to be deleted and underlining the words to be added).

5.16.050 Investigation Of Applicant And Premises

1. All applications for massage establishment licenses shall be referred to:
 1. The planning and development services division for zoning approval, ~~and for a search of outstanding arrest warrants;~~
 2. Law enforcement services for the search of outstanding arrest warrants and criminal background investigations;
 3. The local fire agency for inspection to determine compliance with the provisions of the fire code; and
 4. The Salt Lake County Health Department for investigation to determine the sanitary condition of the premises and compliance with applicable health regulations.
2. Upon completion of the review by each of the foregoing agencies, the license application for a massage establishment shall be submitted to the license official for further review and approval by the Director or denial by the mayor in accordance with the provisions of MKC 5.02.010 through MKC 5.02.140.
3. An applicant for a license massage establishment may appeal the decision of the mayor to deny a license in accordance with the procedure established under MKC 5.02.140 through MKC 5.02.180.

This Ordinance assigned Ordinance No. 25-42, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder.

PASSED AND APPROVED this 22nd day of September 2025.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 25-42: AN ORDINANCE AMENDING TITLE 5 OF THE MILLCREEK CODE OF ORDINANCES BY REQUIRING LAW ENFORCEMENT INVESTIGATION FOR MASSAGE ESTABLISHMENTS

was adopted the 22nd day of September, 2025 and that a copy of the foregoing Ordinance 25-42 was posted in accordance with Utah Code 10-3-711 this _____ day of September, 2025.

Elyse Sullivan, City Recorder



Millcreek City –
August 2025



UNIFIED
POLICE
GREATER SALT LAKE



Millcreek City-UPD

Current Staffing

August 2025

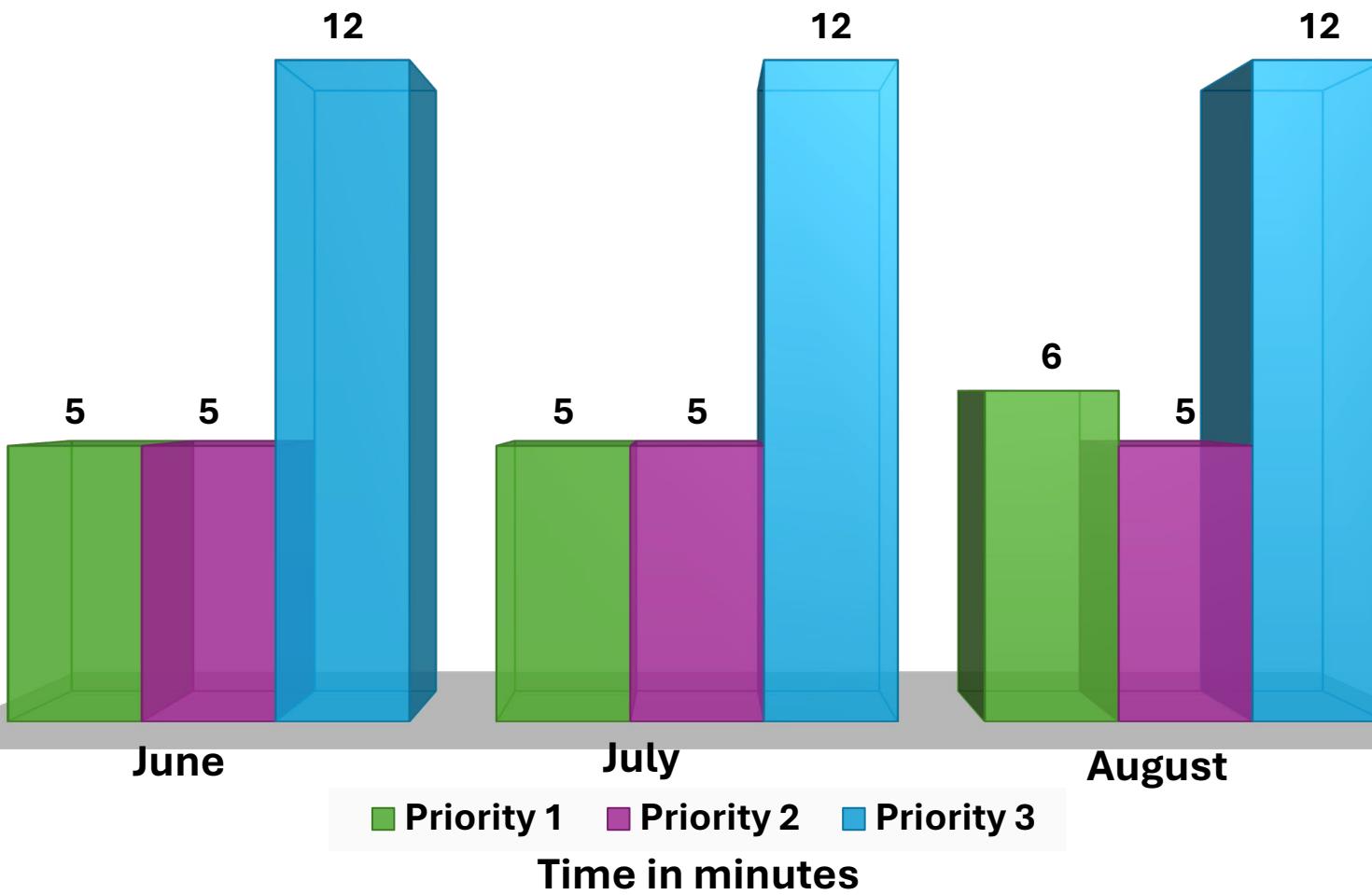
- True Vacancies 2
- Allocated to Millcreek (FTO/Academy/Future Start Date) 3
- Vacant Patrol Positions 3
- Vacant Specialty Positions 2
(Traffic/Investigations)

Updated 09/08/2025



Police Response Times

Millcreek



Salt Lake City Response Times

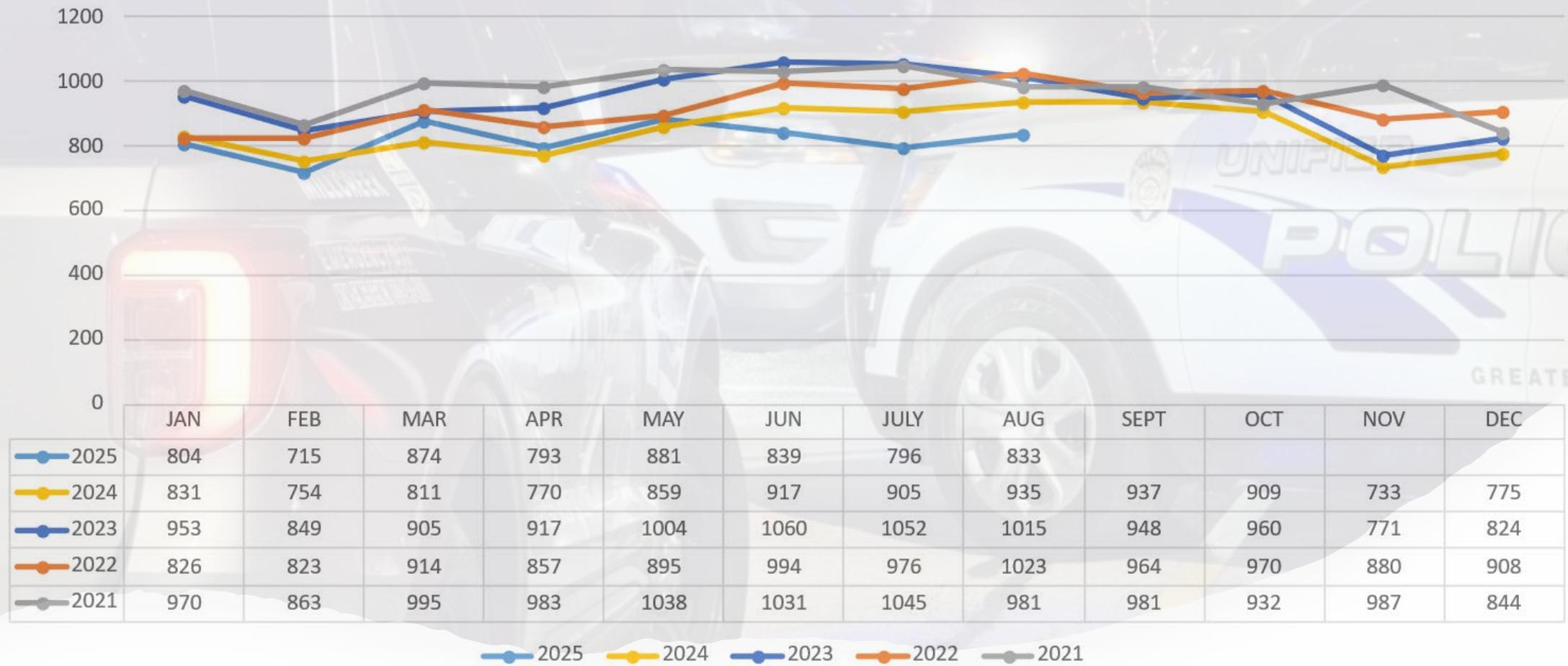
- Priority 1: 7:11
- Priority 2: 10:17
- Priority 3: 24:20

*August 2025

- **Priority 1 (Emergency)**
Immediate threats to life, safety, or serious property damage.
- **Priority 2: (Urgent)**
Situations requiring a quick response but not posing an immediate danger to life.
- **Priority 3: (Routine)**
Non-urgent calls that do not involve immediate risks.

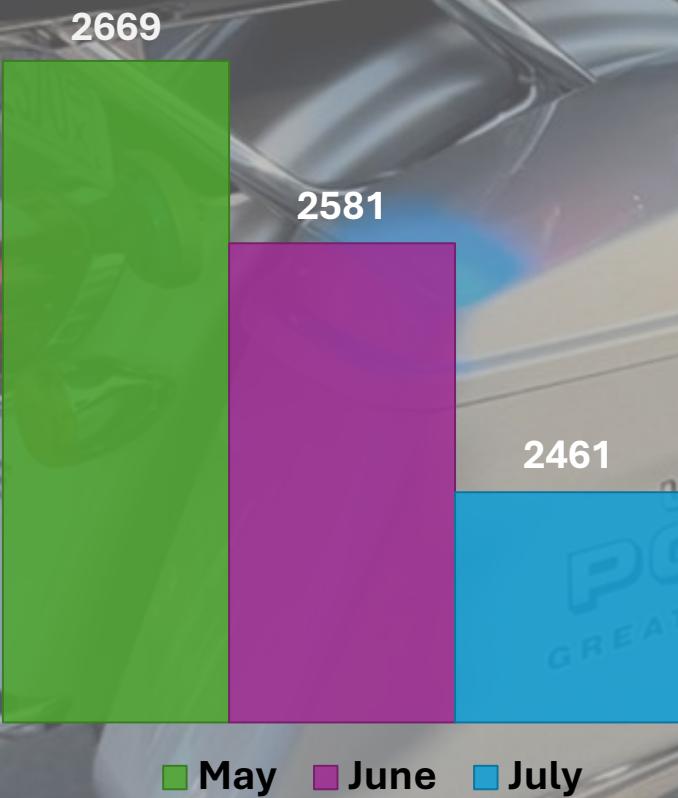
Millcreek City

Millcreek Precinct Case Trend
2021-2025

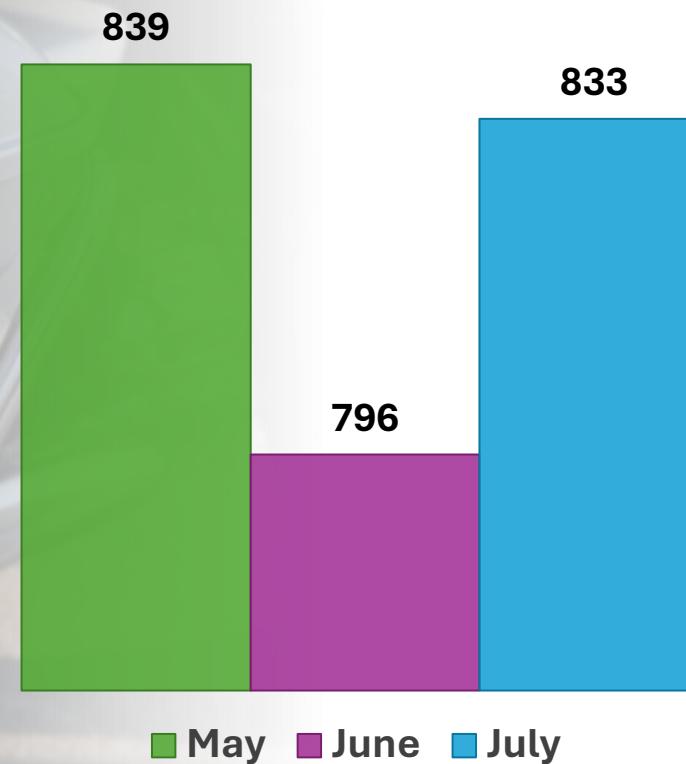


Millcreek City

Calls for Service



New Police Reports



TRANSIENT CALLS

Transient

26



Millcreek Unified Police

August 2025

MENTAL HEALTH CALLS

Mental Health Calls

59



Millcreek Unified Police

August 2025

Directed Enforcement Unit (DEU)

Operational Summary

35 Arrests
7 Search Warrants
1 Stolen Vehicles

SIEZED

2 Firearms
77 LBS. Methamphetamine
14+ LBS. Cocaine
5,550 Fentanyl Pills
3 grams Fentanyl Powder
\$2800 U.S. Currency



Millcreek Unified Police

August 2025

Operation “Safe Streets”

The Unified Police Department proudly partnered with SLCPD in Operation “Safe Streets,” a five-day mission targeting one of Salt Lake City’s highest-crime areas near 800 N. North Temple. UPD detectives and officers initiated 53 cases and made 37 arrests, including 15 for narcotics distribution. More than 3,000 fentanyl pills, fentanyl powder, two ounces of methamphetamine, two ounces of crack cocaine, and six ounces of marijuana were seized. This joint effort dealt a major blow to drug trafficking operations and delivered a clear message: law enforcement is committed to protecting our communities and restoring safety in all neighborhoods.



Millcreek Unified Police

August 2025

Property Crime and COP Detectives

Unified Police and Millcreek City Code Enforcement have experienced ongoing issues with a property on Olive Dr in Millcreek for an extended period of time. On August 21, 2025, a search warrant was executed at the residence following multiple reports of criminal activity. Detectives located methamphetamine, paraphernalia indicative of distribution, and stolen property. The Salt Lake County Health Department subsequently closed the residence due to contamination. City Code Enforcement documented the sheds and surrounding structures, highlighting the continued challenges this property presents to public safety and community standards.

Update: Property owner is in the process of selling the property



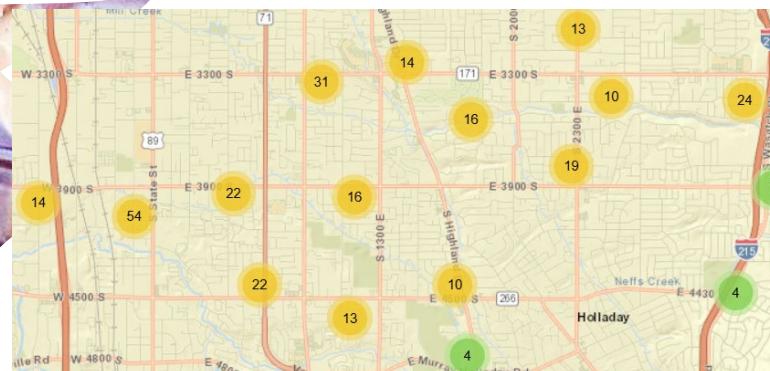


Millcreek City-UPD Traffic Stats

August 2025

	Aug 25	Jul 25
• Traffic Stops	217	296
• Citations Issued	151	152
• Warnings Issued	77	111
• DUI Arrests	7	9
• Accidents Reported	82	71
• Pedestrian/Bicycle	5	3

Traffic Stop Locations (Aug 2025)



Citation Heat Map



Unified Police Special Operations

August 2025

SPECIAL WEAPONS AND TACTICS (SWAT)

New Call Outs 0

CRASH ACCIDENT RECONSTRUCTION UNIT (CAR Team)

Call Outs 4

Drone Unit (Millcreek)

Operations 1

Hours -

K9 UNIT

NEW	19
Trespassing	1
Person Crime	2
Suspicious	2
Property Crime	3
Weapon Offense	3
Traffic Offense	5
Drug Offense	1
Public Relations	2

Unified Police Investigations

Millcreek Precinct

August 2025

VIOLENT CRIMES UNIT (VCU)

TOTAL ACTIVE CASES	164
NEW	6
Homicide / Suspicious Death	-
Death Investigation	1
Felony Assaults	2
Misd. Assault / Threats	2
Kidnap / Attempt	-
Robbery	-
Other / Stalking	1

SPECIAL VICTIMS UNIT (SVU)

TOTAL ACTIVE CASES	56
NEW	15
Child Sex Abuse	3
Adult Sex Assault	2
Child Physical Abuse	4
Elderly / Vulnerable Abuse	-
Other Case	-
Missing	1
Runaway	5

Unified Police Investigations

August 2025

Millcreek Precinct

NEW CASES

Assault	32	Homicide	0
Burglary	7	Larceny	65
Drug Offenses	25	Robbery	1
Family Offense	69	Sex Offense	10
Fraud	30	Stolen Vehicles	

During the month of August, Millcreek Precinct detectives were **assigned 44** cases, and **11** of those cases were submitted for charges to Holladay Justice Court or 3rd District



STAY INFORMED AND RIDE
RESPONSIBLY

Electric Bicycle



Defining Features:

- Power output less than 750 watts
- Operable pedals
- Can function as a bicycle with motor off
- Classified into 3 types with max speed of 20 or 28 mph

Electric Scooter



Defining Features:

- Power output less than 2,000 watts
- Standing deck or seat
- Has throttle and brakes
- Can be powered by human alone
- Max speed: 20 mph (permitted up to 15mph)

Electric Motorcycle



Defining Features:

- Power output over 750 watt or 5HP
- Has throttle and foot peg
- Not classified as a bicycle
- Resembles a dirt bike and traditional motorcycle

Usage Rules:

- **Allowed:** sidewalks, roads, bike lanes, paved and designated trails
- **Not Allowed:** freeways, roads restricting bicycles
- Kids under 8 may not operate
- Under 16 may not operate a class 3 e-bike
- Under 21 must wear a helmet on Class 3 e-bikes

Usage Rules:

- **Allowed:** sidewalks, roads, bike lanes, paved and designated trails
- **Not Allowed:** freeways, roads restricting bicycles
- Kids under 8 may not operate on public property with motor engaged
- Max speed of 15 mph
- **MUST** follow bicycle traffic laws

Usage Rules:

- **Not Allowed:** sidewalks, bike lanes, paved trails, roads, city parks or trails.
- **Street Legal Requirement:**
 - Must be registered and insured
 - Requires Class D license with motorcycle endorsement
 - Under 21 must wear helmet
- **Off-Road Only**
 - Must be registered as an OHV
 - Cannot exceed 28 mph w/out motorcycle license
 - Under 18 must wear helmet

- Keeping Our Community
Safe on E-Bikes

- Keeping Our Community Safe on E-Bikes



E-Bike Classification

Class 1: These are pedal-assist only, with a maximum assisted speed of 20 mph. They don't have a throttle.

Class 2- These have a throttle, allowing the rider to propel the bike up to 20 mph even without pedaling.

Class 3- These are pedal-assist only, with a maximum assisted speed of 28 mph. They don't have a throttle.



STAY INFORMED AND RIDE
RESPONSIBLY

• Keeping Our Community Safe – Golf Carts

Golf Carts / Low-Speed Vehicles(LSV)



Golf Cart - Defining Features:

- Travel less than 20mph
- Lack the following safety equipment:
 - Headlights and taillights, Turn signals, Seat belts, Mirrors, Windshield, Brake lights
- Equipped with non-DOT tires
- Cannot be registered
- Brakes that are not suitable for traffic conditions

LSV - Defining Features:

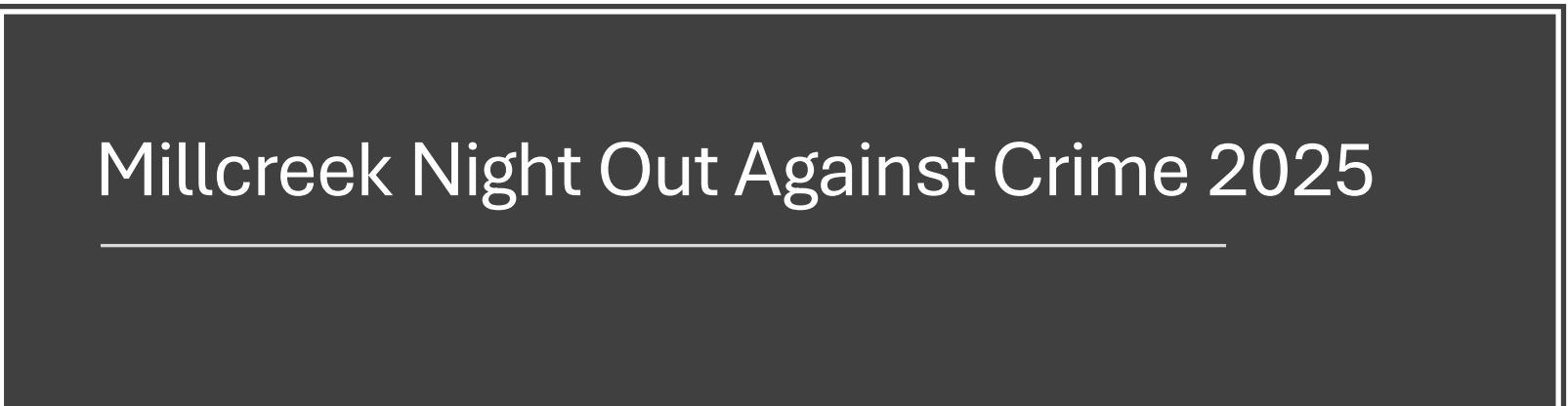
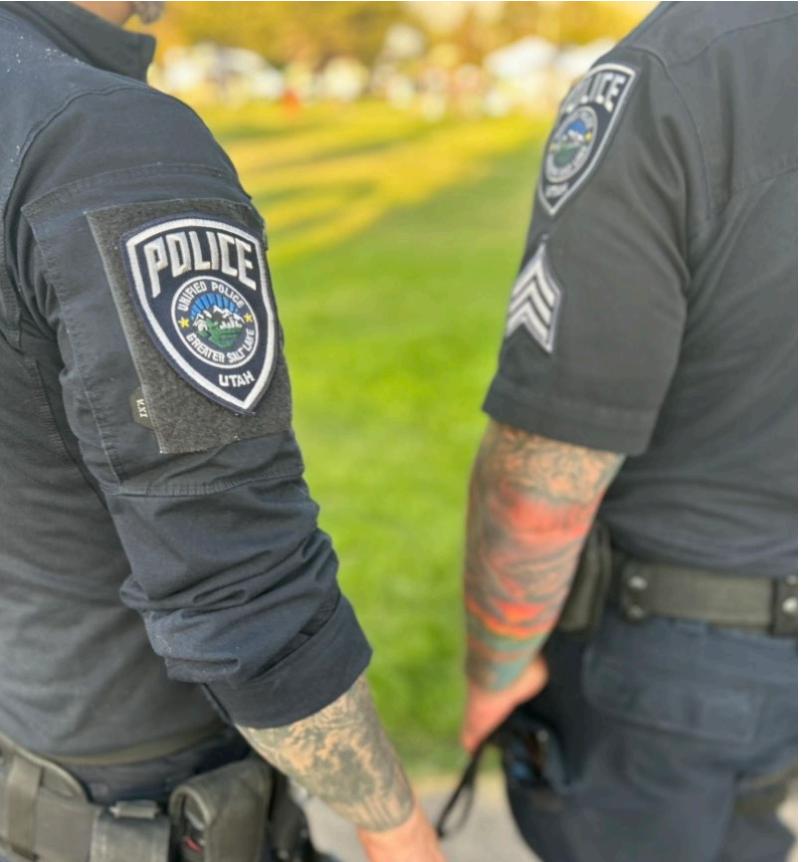
- Top speed of 20–25 mph
- DOT-approved tires
- Headlights, taillights, brake lights, turn signals
- Mirrors and seat belts
- Registration and insurance required
- **LSV Examples:** Club Car Onward, E-Z-GO® Express, Yamaha Drive² LSV, Polaris GEM

Usage Rules:

- **Allowed:** Use on private property, public/private golf courses. Municipalities that have created an ordinance allowing golf carts on roadways (Utah Code §41-6a-1510). **LSV:** On roadways with a speed limit of 35 mph or less while being registered and insured.
- **Not Allowed:**
- **Golf Carts:** Any roadway including freeways, sidewalks, parks, trails (paved or dirt)
- **LSV:** On any road with a speed limit over 35 mph
 - LSV's must follow all other traffic laws

The following Unified Police municipalities and townships **do not permit** the operation of golf carts on public streets:

Brighton, Copperton, Holladay, Immigration Canyon, Kearns, Magna, Midvale, Millcreek





Millcreek Night Out Against Crime 2025



**Minutes of the
Millcreek City Council
September 8, 2025
6:30 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on September 8, 2025, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Director
John Brems, City Attorney
Sean Murray, Planner
John Miller, Public Works Director
Erica Okada, Public Information Manager
Brandon Johnson, PW Ops Manager
Kristy Parajuli, Promise Education
Coordinator
Kayla Mayers, Promise Program Director

Attendees: Nan Bassett, Shaw McGarry, Zack Webster, Rick Hansen, Micah Peters, Laura Renshaw, Brett Johanson

WORK MEETING – 6:30 p.m.

TIME COMMENCED: 6:32 p.m.

Mayor Pro Tempore Uipi called the work meeting to order and excused Mayor Silvestrini.

1. Planning Matter First Reading: ZM-25-005, Request to Rezone The Woods at Rosecrest P.U.D. Subdivision Lots 1-9 Located at Approximately 2477 E 3225 S From the R-1-8 Zone to the R-1-6 Zone; Brad Sanderson, Current Planning Manager

Francis Lilly, on behalf of Brad Sanderson, said several years ago, just before Millcreek assumed planning and zoning responsibilities from Salt Lake County, a small 10-lot subdivision, originally approved under the now-defunct Planned Unit Development (PUD) ordinance, was established near 2047 E 3225 S. The development included a 2,500-square-foot open space parcel as required by the old PUD rules. However, over time, that open space was not formally implemented. Instead, the two rear lot owners incorporated it into their private yards, fenced it off, and added parking. It appears the space remained under the developer's ownership for a

period before being informally transferred to the HOA, which eventually approached the city to resolve the issue. Complicating matters, Millcreek's new zoning code no longer includes the PUD framework, making traditional amendments impossible. Fortunately, each lot complies with current R-1-6 zoning standards, allowing for a practical solution: the HOA could petition for a rezone and subsequently vacate and amend the plat. This approach was supported by both the Canyon Rim and East Mill Creek community councils, though the latter had one dissenting vote due to concerns over the irregular process. The Planning Commission also recommended approval, with the exception of Lot 10 (accessed from Lamborne Avenue), which was excluded due to its potential for future subdivision. Lot 10 was originally included in the PUD to meet minimum acreage requirements, but now it no longer serves a functional role. Importantly, the rezone does not authorize any new development but merely formalizes existing lot boundaries and ownership. City staff support the proposal, recognizing it as a reasonable cleanup of outdated planning mechanisms and a step toward resolving long-standing property issues.

Nan Bassett, applicant and HOA President, was present but did not offer further comment.

2. Public Works Project Recap; John Miller, Public Works Director, Erica Okada, Public Information Manager, and Brandon Johnson, Public Works Ops Manager

John Miller provided an update on recent and upcoming infrastructure projects, focusing primarily on pavement preservation, safety improvements, stormwater management, and utility work. Over the past two years, the city has significantly expanded its pavement maintenance efforts, treating over 820,000 square feet of road in fiscal year 2023-24 and 2,268,000 square feet in fiscal year 2024-25 through methods like slurry and micro sealing. Thanks to the additional \$1 million in funding last year, the city was able to treat two to three times more road surface than usual, prioritizing residential streets and arterial roads such as Highland Drive and 3900 South. Projects like those on 2300 East and in the Del Verde Avenue neighborhood demonstrated the effectiveness of microsurfacing in revitalizing oxidized asphalt and extending pavement life. Some overlays, such as on Margaret Avenue, faced unexpected challenges due to unstable subgrade conditions, but city staff were able to adjust in the field to ensure successful completion.

Looking ahead, a second year of additional funding will support more overlays necessary for roads with significant rutting or on steep grades where slurry seals fail. Updated pavement condition maps reveal widespread deterioration, with few roads in good condition, underscoring the ongoing need for investment. Beyond pavement, the city completed safety-focused sidewalk improvements near Columbia Avenue and schools along Upland Drive, improving pedestrian access and student safety. Key storm drain upgrades are underway in high-risk flood zones like Orchard Drive and the Cove, where aging infrastructure was found to be broken or inaccessible.

Additional notable projects include improvements to the Neffs Canyon parking lot, done in collaboration with the Forest Service. This includes fire mitigation infrastructure like a helicopter water dip site and the initial phase of a debris basin. Phase two of the 2000 East streetscape project is also in progress, aimed at closing hazardous open ditches and enhancing bike and pedestrian safety. Despite some delays due to weather and unexpected underground obstacles, the city continues to adapt and push forward with infrastructure improvements to serve long-term community needs.

Miller provided an update on several key infrastructure initiatives, highlighting the city's strong partnership with Wasatch Front Regional Council, which has accelerated project funding due to the city's ability to efficiently utilize grant dollars. One such project, initially slated for three years out, was moved up and is on track for completion, with pipe work planned for winter and paving in the following year. Other major efforts include improvements to Wasatch Boulevard, where the city is extending an active transportation corridor with buffered bike lanes and a multi-use path, in coordination with Holladay City. Similarly, the Parkview Drive storm drain system, which began with an emergency outflow on Hale Drive, is being extended to address chronic flooding, with construction anticipated between 2026 and 2028.

Additional active transportation efforts include Phase 1 of the 39th South multi-use path, funded entirely by UDOT's trails network program, with future phases still unfunded. A particularly challenging sidewalk project is being designed for Honeycutt Road's steep S-curve, with cost estimates ranging from \$1.1 to \$2.5 million due to the complex terrain. Other projects include improvements along Birch Drive, Upland Terrace, and Upland Drive near the 3900 S Street HAWK signal, as well as 1300 East, where a deteriorated ditch is being replaced for safety.

The city has also secured grants for Highland Drive improvements but is holding off on construction to coordinate with potential Salt Lake City utility upgrades. Safety enhancements are underway near Moss Elementary, including narrowing roadways and improving pedestrian crossings to curb unsafe driving behavior. In the Green Valley area, where a high water table has delayed work, the city is entering its third year of sidewalk and pavement improvements. A West Temple project, tied to upcoming developments, has also received grant support.

Looking ahead, the city is exploring long-term funding mechanisms such as a transportation utility fee, similar to models used in other Utah cities, to help address widespread pavement deficiencies. A short video on stormwater utility rates will be released soon to inform the public. Lastly, the city is finalizing a Public Works feasibility study, conducted in partnership with the county over the past eight years, and will present the findings at the next council meeting to guide future decision-making.

3. Staff Reports

There were none.

4. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member DeSirant to adjourn the work meeting at 7:03 p.m. Council Member Jackson seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:04 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Pro Tempore Uipi called the meeting to order, excused Mayor Silvestrini, and led the pledge of allegiance.

1.2 Millcreek Youth Council Introductions and Oaths of Office

Kristy Parajuli introduced the Youth Council. She shared that this is a new and exciting initiative aimed at empowering young people in the Millcreek community. The council consists of 25 students from various local schools, all committed to the group's mission: to serve the community, build connections among youth, and engage in policy issues that matter to them and their peers. The Youth Council emphasizes amplifying youth voices, giving back through service, and contributing to positive change in the city. Each student took a moment to introduce themselves, sharing their name, school, and grade level.

Mayor Pro Temp Uipi administered the oath of office to the Youth Council.

1.3 Public Comment

Laura Renshaw, Millcreek Library, highlighted bird watching kits and radon detectors as items that could be loaned from the library, and recent activities/events.

Brett Johanson, El Serrito Drive, raised concerns regarding a proposed UDOT project scheduled for discussion at a public meeting on September 16. The project involves a full reconstruction of the roadway from 2700 East to the west side of the freeway, which includes reducing the current lane configuration from three lanes in each direction to two lanes, with the addition of a center turn lane. Johanson questioned whether the city has provided input on this plan, expressing concern that the reduction in lanes could significantly worsen traffic congestion in an already heavily used area, particularly near freeway access points and in their adjacent neighborhood. He noted that the existing three-lane layout helps manage the volume of vehicles entering and exiting the freeway and that reducing capacity could exacerbate backups, especially during peak traffic hours. He did, however, commend a recent improvement that added a second right-turn lane onto the freeway, which has helped ease congestion in front of the nearby school. Johanson urged the Council to clarify the city's involvement and influence on the UDOT plan. The council directed Johanson to discuss it with city staff.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 25-35, Rezoning Certain Property Located at Approximately 41 & 81 West Central Avenue from the Manufacturing Zone to the Mixed Development Zone

Sean Murray said the council discussed this item at their last meeting. The first planning matter was to rezone about 3.61 acres of land along Central Avenue, just north of the existing Opus Green development, and the second item was approving the accompanying development agreement for the project.

Council Member DeSirant moved to approve Ordinance 25-35, Rezoning Certain Property Located at Approximately 41 & 81 West Central Avenue from the Manufacturing Zone to the Mixed Development Zone subject to a development agreement. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 25-36, Approving a Development Agreement for Mixed Use Development with Respect to Approximately 3.61 Acres of Real Property Located at Approximately 41 & 81 West Central Avenue

Sean Murray said the agreement contemplated the trail connection, the layout of the site, and the roadway improvements.

Council Member Jackson moved to adopt Ordinance 25-36, Approving a Development Agreement for Mixed Use Development with Respect to Approximately 3.61 Acres of Real Property Located at Approximately 41 & 81 West Central Avenue. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

2.3 Discussion and Consideration of Ordinance 25-37, Amending a Development Agreement for the Opus Green Mixed Use Development with Respect to Approximately 7.05 acres of Real Property Located at Approximately 4186 South Main Street

Francis Lilly said a parcel of land adjacent to the river front park was originally designated for a small commercial pad in the development agreement. Based on feedback from both the developer and the Council, staff is now proposing two alternative concepts: a food truck plaza or a park expansion, both to be constructed by the developer and turned over to the city after a warranty period. Option 1 features space for three food trucks with direct access to Main Street, along with surrounding trees, lighting, and a shaded seating area. Option 2 includes fewer food trucks, more open green space, and no additional Main Street access. After reviewing both, staff recommended option 1 for its greater functionality and the added amenity of a designated gathering space. The council was advised to approve the amended development agreement with their chosen option clearly stated as Exhibit B.

Council Member Catten appreciated the dynamic space that option 1 provided. The council concurred.

Micah Peters, Clearwater Homes, said based on previous council feedback emphasizing the desire for more open space, the development team revised their proposal with a simplified design that better preserves parkland. The updated concept retains a large pad area intended for food trucks, with plans to expand the existing 20-foot-wide pad by an additional 12 to 15 feet. While the presented rendering may not fully reflect the scale, the expanded space could likely accommodate more than two food trucks. Additionally, the team highlighted the availability of 14 existing parking stalls just west of the site, previously approved during entitlement, which could support larger events. For such occasions, a few of those stalls could be temporarily repurposed to host additional food trucks, as they are located just 20 to 30 feet from the pad, providing flexible event space without sacrificing permanent open space.

Council Member Catten moved to approve Ordinance 25-37, Amending a Development Agreement for the Opus Green Mixed Use Development with Respect to Approximately 7.05 acres of Real Property Located at Approximately 4186 South Main Street. Council

Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 25-38, Amending Title 18 of the Millcreek Municipal Code for the Purpose of Making Technical Corrections to Title 18

Francis Lilly said in response to a comment from the mayor during the first reading at the last council meeting, the language regarding maximum fence height in front yards within the City Center Overlay Zone was clarified to explicitly allow a maximum height of three feet. Additionally, a technical revision was made by removing the term "alteration" from provisions related to non-complying structures, as the term was considered vague and potentially problematic. This change does not affect existing rights to expand or reconstruct non-conforming buildings but helps close a potential loophole. Another key adjustment involved relocating vehicular access standards for multifamily dwellings from Title 18 (specific to RM zones) to Title 14, so they apply more broadly to all areas where such housing types exist. The content of the standards remains unchanged; only the placement within the municipal code has shifted. These updates are split into two actions—one for technical corrections in Title 18 and another for moving the access standards to Title 14. Lilly emphasized the importance of proactively updating the code to avoid the issues experienced with outdated county regulations and noted that further refinement will likely continue as the city's code evolves.

Council Member DeSirant moved to approve Ordinance 25-38, Amending Title 18 of the Millcreek Municipal Code for the Purpose of Making Technical Corrections to Title 18. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

2.5 Discussion and Consideration of Ordinance 25-39, Amending Section 14.12.110 of the Millcreek Code of Ordinances Regarding Vehicle Access Requirements for Four-Household Dwellings and Multiple-Household Dwellings

Council Member Jackson moved to adopt Ordinance 25-39, Amending Section 14.12.110 of the Millcreek Code of Ordinances Regarding Vehicle Access Requirements for Four-Household Dwellings and Multiple-Household Dwellings. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

3. Reports

3.1 Mayor's Report

There was no report.

3.2 City Council Member Reports

Council Member Jackson reported the Community Renewable Energy Board was evaluating solicited project bids. She and the mayor attended the 60th anniversary celebration for Churchill Junior High.

3.3 Staff Reports

Francis Lilly During shared a personal reflection on witnessing the smoke plume from a fire emergency in Millcreek while driving. Amid the confusion and urgency, staff member Rita Lund emerged as a steady and reassuring presence, arriving quickly and stepping up to coordinate efforts despite being off duty and unprepared for such a situation. With key personnel unavailable and operations unfolding in real-time, her leadership and composure brought much-needed order to the response. Her efforts were widely recognized and deeply appreciated, leading to her being humorously and affectionately dubbed the "Master of Mayhem" in acknowledgment of her outstanding service during a chaotic and difficult weekend. Lilly presented Lund with a plaque of recognition. The council commended Lund.

Lilly mentioned a Millcreek Rotary Club fundraiser event.

4. Consent Agenda

4.1 Approval of August 25, 2025 Work Meeting and Regular Meeting Minutes

Elyse Sullivan noted she added the names of the officers who received the Division Commander award to the minutes.

Council Member Jackson moved to approve the amended version of the August 25, 2025 work meeting and regular meeting minutes. Council Member DeSirant seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

5. New Items for Subsequent Consideration

There was none.

6. Calendar of Upcoming Meetings

- Historic Preservation Commission Mtg., 9/11/25 6:00 p.m.
- Planning Commission Mtg., 9/17/25, 5:00 p.m.
- City Council Mtg. 9/22/25 7:00 p.m.

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 7:48 p.m. Council Member Catten seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

Attest: _____ Elyse Sullivan, City Recorder