

**VINEYARD
ORDINANCE 2025-13**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL AMENDING TITLE 2
ADMINISTRATIVE CODE ADDING CHAPTER 2.10 EMPLOYEE DISCIPLINE
HEARING OFFICER.**

WHEREAS, the Vineyard City Council under the authority of Utah Code 10-3 desires to amend the Municipal Code; and

WHEREAS, the Vineyard City Council desires to have consistent policies for its employees and to promote a workplace that is safe and professional; and

WHEREAS, the Personnel Policy Manual was amended to clarify that appeals of suspension, demotion, transfer to a lower-paying position, or termination will be heard by an independent hearing officer designated by ordinance of the City Council, in accordance with Utah Code §10-3-1106.

WHEREAS, the Vineyard City Council desires to amend Vineyard Municipal Code Title 2 Administration by adding Chapter 2.10 Employee Discipline Hearing Officer;

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1:**AMENDMENT** “2.10.010 Creation, Selection And Appointment” of the Vineyard Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.10.010 Creation, Selection And Appointment, Qualifications, terms and Conflict of Interest

- A. Creation: The City shall provide for an Employee Discipline Hearing Officer (“hearing officer”) to hear and adjudicate appeals of certain final disciplinary actions, as required by Utah Code Annotated §10-3-1106, or its successor provision.
- B. Selection and Appointment:
 - 1. The Mayor, with the advice and consent of the City Council, shall appoint one or more qualified attorneys to serve as hearing officers.
 - 2. Hearing officers shall be selected as professional service providers in accordance with the City’s procurement Policy.
 - 3. Hearing officers shall serve as independent contractors.
 - 4. Recommendations for appointment shall be made by a selection committee consisting of the City Manager (or designee), a representative of the Human Resources Department, and any other person deemed appropriate by the City Manager and Human Resources representative.
- C. Qualifications: Each hearing officer shall:

1. Be licensed to practice law in the State of Utah for at least five (5) years;
 2. Have significant professional experience in, or demonstrated knowledge of, employment law; and
 3. Not be an employee of the City, hold public office, or be a candidate for public office during service.
- D. Term: Hearing officers shall serve two-year terms, with a maximum of five (5) consecutive terms or ten (10) total years of service.
- E. Conflict of Interest: A hearing officer shall not preside over any appeal where a conflict of interest exists under applicable state

SECTION 2: **ADOPTION** “2.10.020 Who May Appeal” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

2.10.020 Who May Appeal(*Added*)

- A. Eligible Appeals: Employees may appeal the following disciplinary actions:
1. Termination;
 2. Suspension without pay of more than two (2) working days, or more than one (1) shift for employees on 24-hour shifts; or
 3. Involuntary transfer to a position with less remuneration imposed for disciplinary reasons.
- B. Ineligible Appeals: Employees may not appeal:
1. Disciplinary actions other than those listed above, including verbal or written warnings, coach-and-counsel actions, or suspensions of two (2) days or less (or one 24-hour shift); or
 2. Non-disciplinary actions including furloughs, layoffs, reorganizations, or transfers to positions with less remuneration for non-disciplinary reasons.
- C. Employees Not Eligible to Appeal:
1. Employees listed in Utah Code Annotated §10-3-1105(2), or its successor; and
 2. Any at-will employee not listed in §10-3-1105(2).
- D. Exhaustion of Remedies: Employees must exhaust all internal grievance procedures before filing an appeal to the hearing officer under this Chapter.

SECTION 3: **ADOPTION** “2.10.030 Filing And Assignment” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

2.10.030 Filing And Assignment(*Added*)

A. Notice of Appeal:

1. Appeals must be filed in writing with the City Recorder within ten (10) calendar days of the employee's receipt of notice of the final disciplinary decision.
2. The notice must include:
 - a. The decision being appealed and the reasons it is alleged to be in error;
 - b. The appellant's name, phone number, and mailing or email address for communication.
3. Failure to timely file a complete notice forfeits the right to appeal.

B. Assignment of Hearing Officer: The Human Resources Manager shall assign a hearing officer from the roster to adjudicate the appeal. Each party may object to the assigned officer once; if so, another officer will be appointed.

C. Scheduling: Within ten (10) calendar days of receiving the notice of appeal, the hearing officer shall set a hearing date no sooner than thirty (30) and no later than sixty (60) days after filing, unless both parties agree otherwise. Written notice of the hearing shall be sent to the appellant, the appellant's counsel (if any), the City Attorney's Office, and the Human Resources Department.

SECTION 4: ADOPTION "2.10.040 Hearing Procedures" of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

2.10.040 Hearing Procedures(*Added*)

A. General Authority: The hearing officer shall conduct the hearing in accordance with this Chapter and applicable law, ensuring due process for all parties.

B. Employee Rights: The appellant may:

1. Appear personally and be represented by counsel
2. Elect to have the hearing open to the public;
3. Confront and cross-examine witnesses; and

4. Review and present evidence.

C. Hearing Officer Authority: The hearing officer may:

1. Issue scheduling orders and procedural rulings;

2. Rule on admissibility of evidence and exclude improper evidence;

3. Exclude witnesses until testimony; and

4. Maintain order, including removing disruptive individuals.

D. Evidence Exchange:

1. No later than twenty (20) days before the hearing, the City shall provide:

a. The complete record relied on for the disciplinary action;

b. All documents regarding similarly situated employees with comparable discipline; and

c. A complete witness list.

2. No later than ten (10) days before the hearing, the appellant shall provide all evidence (other than the City's record) and a complete witness list.

3. The hearing officer shall exclude untimely evidence or undisclosed witnesses, except rebuttal witnesses.

E. Standards of Procedure: Hearings shall be conducted with formality and decorum. The Utah Rules of Evidence and Civil Procedure may guide but need not strictly control proceedings.

SECTION 5: ADOPTION "2.10.050 Standard Of Review And Decisions"
of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

2.10.050 Standard Of Review And Decisions(*Added*)

A. Burden of Proof: The City must demonstrate that its disciplinary action is supported by substantial evidence.

B. Standard of Review: “Substantial evidence” means that quantum and quality of relevant evidence which would convince a reasonable person to support a conclusion.

C. Decision:

1. The hearing officer may only affirm or overturn the disciplinary decision.

2. If overturned, the City shall compensate the employee as required by Utah Code Annotated §10-3-1106(5)(b), or its successor.

3. The decision shall be in writing, adopt findings of fact, state conclusions of law, and be certified to the City Recorder within fifteen (15) days of the hearing. For good cause and with consent of both parties, the deadline may be extended to a maximum of sixty (60) days.

D. Record: A complete record, including audio or video recording of the proceedings, shall be kept.

E. Finality and Judicial Review: The hearing officer’s decision is the City’s final administrative decision and may be appealed to the Utah Court of Appeals within thirty (30) calendar days, pursuant to Utah Code Annotated §10-3-1106(6)(c).

SECTION 6: ADOPTION “2.10.060 No Additional Rights Created” of the Vineyard Municipal Code is hereby *added* as follows:

ADOPTION

2.10.060 No Additional Rights Created(*Added*)

A. Nothing in this Chapter shall be construed to create any employment rights or benefits beyond those provided by state or federal law.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from September 24, 2025, and after the required approval and publication according to

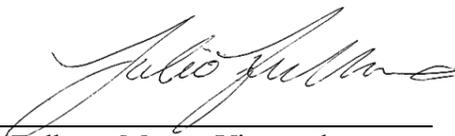
law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL OCTOBER 08, 2025.

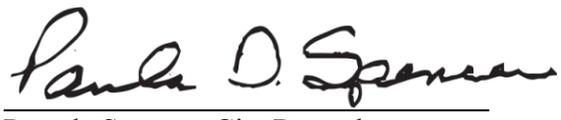
	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Sara Cameron	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Jacob Holdaway	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Mardi Sifuentes	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Brett Clawson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Julie Fullmer, Mayor, Vineyard



Pamela Spencer, City Recorder,
Vineyard



CERTIFICATE OF POSTING

I, THE DULY APPOINTED CITY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2025-13 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 21st DAY OF OCTOBER 2025. WHICH PUBLIC PLACES ARE:

POSTED:

1. VINEYARD CITY OFFICES; 125 SOUTH MAIN
2. VINEYARD CITY WEBSITE; www.vineyard.utah.gov
3. UTAH PUBLIC NOTICE WEBSITE

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 20th DAY OF NOVEMBER 2025.



Paula D. Spencer

Name/Signature

City Recorder

Title