



Willard City Corporation

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PO Box 593  
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www.willardcityut.gov

**Mayor**  
Travis Mote  
**City Council Members**  
J. Hulse  
R. Christensen  
M. Braegger  
R. Mund  
J. Bodily

The Willard City Council of Willard City Corporation will hold a Council meeting on Thursday, February 26, 2026, at Willard City Offices, 80 West 50 South, which will begin promptly at **6:00 p.m.** The agenda will be as follows:

**1. Call to Order**

- a. Invocation
- b. Pledge of Allegiance
- c. Conflict of interest declaration

**2. Consideration of Motion to Enter a Closed Session);** pending or reasonably imminent litigation as permitted under the Utah Code §52-4-205(1)(c).

**3. Public Presentation:** Resident(s) attending this meeting will be allotted three (3) minutes to express concern or ask a question about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue(s) presented during this meeting. If required, items may be referred to department heads for resolution. Items requiring action by the City Council will be placed on the agenda for a future meeting.

**4. Planning Commission Report**

**5. New Business**

- a. **Action Item:** Discuss/Approval of adopting of Resolution 2026-01 Authorizing Repealing the current Personnel Manual and Adopting the attached Willard City Personnel Policies and Procedures Manual: Authorizing the Mayor to sign this Resolution: and providing for an effective date.
- b. **Action Item:** Discuss/Approval to adopt Resolution 2026-01 a Resolution adopting [Willard City Handbook](#).
- c. **Appointment of Mayor Pro Tempore**

**6. Item Tabled from February 12, meeting:**

- a. Discussion/Approval of Ordinance 2026-01. An ordinance of Willard City, Utah, approving a municipal boundary adjustment with Perry City pursuant to Utah Code Ann. §10-2-419, adopting the Boundary Adjustment Plat (Exhibit C), and authorizing the Mayor and City staff to execute all necessary documents to complete the boundary adjustment.

**7. Next Meeting Agenda –March 12, 2026**

**8. Upcoming events:**

**9. Minutes**

- a. Approval of February 12, 2026, minutes

**10. Staff Reports**

- a. Public Works
- b. Police Department
- c. Fire Department
- d. City Manager
- e. City Planner
- f. City Attorney
- g. City Interim Recorder

**11. Council Member Reports**

- a. Jacob Bodily
- b. Rod Mund
- c. Mike Braegger
- d. Rex Christensen
- e. Jordan Hulsey

**12. Mayor's General Correspondence and Information**

**13. Adjourn**

/s/ Diana Mund  
Interim City Recorder

Resolution No. 2026-1

**RESOLUTION OF WILLARD CITY AUTHORIZING REPEALING THE CURRENT  
WILLARD CITY PERSONNEL MANUAL AND ADOPTING THE ATTACHED  
WILLARD CITY PERSONNEL POLICIES AND PROCEDURES MANUAL;  
AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**SECTION I – RECITALS:**

WHEREAS the City Council of Willard City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to adoption of policies and procedures for certain boards and organizations of the City; and,

WHEREAS the City Council wishes to repeal the current Willard City Personnel Manual and adopt the attached Willard City Personnel Policies and Procedures Manual that they consider to be necessary for personnel, which includes employees and volunteers; and

WHEREAS the City Council finds that it is necessary to amend the Personnel Manual to establish reasonable rules of employment conduct, i.e. guidelines for management and employees and volunteers to follow; and

WHEREAS the City Council finds that adopting an updated personnel policies and procedures manual will help ensure compliance with these rules and procedures through a process consistent with the best interests of the City and its employees and volunteers; and

WHEREAS, at this time, the City Council wishes to adopt the proposed Willard City Personnel Policies and Procedures Manual, which is attached as Attachment "A" to achieve these goals; and

WHEREAS the City finds that the public convenience and necessity require the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willard as follows:

1. The current Willard City Personnel Manual is repealed in its entirety and the Willard City Personnel Policies and Procedures, attached as **Attachment "A"** and fully incorporated by this reference, is approved and adopted.
2. The Mayor is authorized to sign this Resolution.
3. The foregoing recitals are fully incorporated herein.

**SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

**SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:**

All orders, and Resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

**SECTION V - SAVINGS CLAUSE:**

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative, or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative, or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of Willard City.

**SECTION VI. DATE OF EFFECT**

This Resolution shall be effective immediately upon its passage on the \_\_\_ day of \_\_\_\_\_ 2026.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WILLARD CITY, STATE OF UTAH, on this \_\_\_ day of \_\_\_\_\_ 2026.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Jacob Bodily	_____	_____	_____	_____
Rod Mund	_____	_____	_____	_____
Mike Braegger	_____	_____	_____	_____
Rex Christensen	_____	_____	_____	_____
Jordon Husley	_____	_____	_____	_____

WILLARD CITY

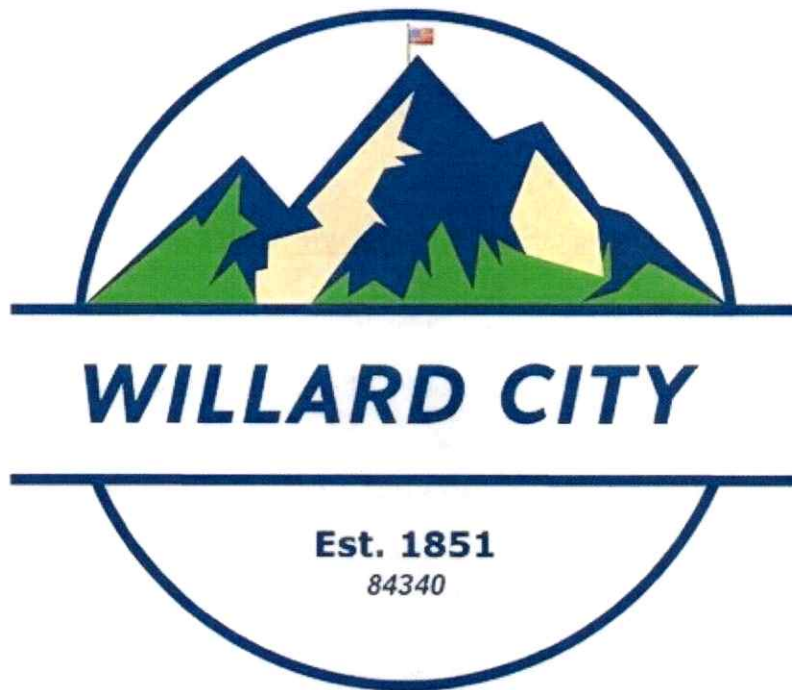
\_\_\_\_\_  
Mayor Travis Mote

ATTEST:

\_\_\_\_\_  
Diana Mund, City Recorder

ATTACHMENT "A"

WILLARD CITY PERSONNEL POLICIES AND PROCEDURES MANUAL



Willard City  
Box Elder County, Utah

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Personnel Policies and Procedures Manual

Compiled: Wednesday, February 26, 2026

# Table of Contents

## WILLARD CITY PERSONNEL POLICIES AND PROCEDURES MANUAL

### LETTER OF INTRODUCTION

### SECTION 1 - PERSONNEL SYSTEM PROVISIONS

ARTICLE 1 - Purpose

ARTICLE 2 - Applicability of Policies and Procedures

ARTICLE 3 - System Standards

ARTICLE 4 - Savings Clause

ARTICLE 5 - Supremacy Clause

ARTICLE 6 - Grandfathering of Benefits

### SECTION 2 - EQUAL EMPLOYMENT OPPORTUNITY

ARTICLE 1 - Legal Compliance

ARTICLE 2 - Anti-Discrimination

ARTICLE 3 - Compensation

ARTICLE 4 - Anti-Nepotism

### SECTION 3 - ADMINISTRATION

ARTICLE 1 - Responsibility for Administration of Policies

ARTICLE 2 - Personnel Records

### SECTION 4 - JOB DESCRIPTION/CLASSIFICATION/RECLASSIFICATION

ARTICLE 1 - Job Description

ARTICLE 2 - Classification

ARTICLE 3 - Reclassification

ARTICLE 4 - Reorganization

ARTICLE 5 - Inability to Perform Duties of Job Description

**SECTION 5 - HIRING FOR NEW AND VACANT POSITIONS**

ARTICLE 1 - Recruiting

ARTICLE 2 - Disqualification

ARTICLE 3 - Testing

ARTICLE 4 - Physical Examination

ARTICLE 5 - Drug Testing

ARTICLE 6 - Driver's Record

Check ARTICLE 7 - Hearing Test

ARTICLE 8 - Employment Eligibility Verification

ARTICLE 9 - Hiring Procedures

ARTICLE 10 - Employee Orientation

**SECTION 6 - EMPLOYMENT STATUS**

ARTICLE 1 - Applicability

ARTICLE 2 - Exempted Positions

ARTICLE 3 - Temporary Employees

ARTICLE 4 - Regular Full-Time Employees

ARTICLE 5 - Regular Part-Time Employees

ARTICLE 6 - Contract Employees

ARTICLE 7 - Light Duty Status

ARTICLE 8 - Introductory Employees

ARTICLE 9 - Volunteers

ARTICLE 10 - Workers' Compensation

ARTICLE 11 - Exempt or Salaried Employee Expectations

**SECTION 7 - PERSONNEL ACTIONS**

ARTICLE 1 - Promotion

ARTICLE 2 - Salary Reduction

ARTICLE 3 - Reduction-In-Force

ARTICLE 4 - Reassignment

ARTICLE 5 - Separation

ARTICLE 6 - Transfer

ARTICLE 7 - Resignation

ARTICLE 8 - Reinstatement

ARTICLE 9 - Performance Management

**SECTION 8 - COMPENSATION**

ARTICLE 1 - Policy

ARTICLE 2 - General Wage/Market/Salary Adjustments

ARTICLE 3 - Hourly Rates

ARTICLE 4 - Initial Hiring

ARTICLE 5 - New Hire Orientation Period

ARTICLE 6 - Promotion Orientation Period

ARTICLE 7 - Pay Progression

ARTICLE 8 - Performance/Incentive Awards

ARTICLE 9 - Red Circle Rate

ARTICLE 10 - Demotion

ARTICLE 11 - Termination Pay

ARTICLE 12 - Pay Advancement

ARTICLE 13 - Overtime

ARTICLE 14 - On-Call/Call Out

ARTICLE 15 - Travel Time

ARTICLE 16 - Payroll Schedule

ARTICLE 17 - Severance Pay

**SECTION 9 - FRINGE BENEFITS**

ARTICLE 1 - Group Health Insurance

ARTICLE 2 - Life Insurance

ARTICLE 3 - Annual Leave (Vacation Leave)

ARTICLE 4 - Sick Leave

ARTICLE 5 - Funeral Leave

ARTICLE 6 - Holiday Leave

ARTICLE 7 - Holiday Compensatory Time

ARTICLE 8 - Witness and Jury Duty Leave

ARTICLE 9 - Maternity Leave

ARTICLE 10 - Military Leave

ARTICLE 11 - Leave Without Pay

ARTICLE 12 - Family and Medical Leave Without Pay (FMLA)

ARTICLE 13 - Continuing Education and Certification Testing

ARTICLE 14 - Retirement

ARTICLE 15 - Unemployment Insurance

**SECTION 10 - REIMBURSEMENT FOR EXPENSES**

ARTICLE 1 - Travel

ARTICLE 2 - Transportation and Mileage Reimbursement Rate

ARTICLE 3 - Advance Payments

**SECTION 11 - WORK HOURS**

ARTICLE 1 - Normal Work Periods

ARTICLE 2 - Attendance

ARTICLE 3 - Approved Leave and Overtime Eligibility

ARTICLE 4 - Lunch Break

ARTICLE 5 - Rest Periods

ARTICLE 6 - Flex Time

ARTICLE 7 - Absences

ARTICLE 8 - Special Authorization

ARTICLE 9 - Telework

**SECTION 12 - EMPLOYEE CONDUCT**

ARTICLE 1 - Outside Employment or "Moonlighting"

ARTICLE 2 - Political Activity

ARTICLE 3 - Drug Free Workplace

ARTICLE 4 - Public Relations and Social Media

ARTICLE 5 - Personal Hygiene, Grooming, and Appearance

ARTICLE 6 - Electronic Communications and Media Use

ARTICLE 7 - City Vehicles

ARTICLE 8 - Supplies, Tools, and Equipment

ARTICLE 9 - Telephone Use (Personal)

ARTICLE 10 - Use of City Property or Facilities

ARTICLE 11- Work on a Private Basis

**SECTION 13 - DISCIPLINARY PROCEDURE**

ARTICLE 1 - General Policy

ARTICLE 2 - Types of Disciplinary Action

ARTICLE 3 - Causes for Disciplinary Action

ARTICLE 4 - Conducting an Investigation

ARTICLE 5 - Predetermination Hearing

ARTICLE 6 - Appeal Procedures

ARTICLE 7 - Hearing Officer

ARTICLE 8 - Conflict Resolution

**SECTION 14 - EMPLOYEE GRIEVANCE AND APPEAL PROCEDURE**

ARTICLE 1 - General Statement

ARTICLE 2 - Grievance Procedure Steps

ARTICLE 3 - Non-Grievance Issues

**SECTION 15 - GARNISHMENTS**

ARTICLE 1 - Adherence to Wage Garnishment Guidelines

**SECTION 16 - OCCUPATIONAL SAFETY AND HEALTH**

ARTICLE 1 - Workplace Safety Standards

ARTICLE 2 - Health and Safety Rules and Regulations

ARTICLE 3 - Non-Smoking Policy

ARTICLE 4 - Lockout/Tagout

**SECTION 17 - MISCELLANEOUS**

ARTICLE 1 - Gifting

ARTICLE 2 - Service Awards

**SECTION 18 - HARASSMENT AND DISCRIMINATION**

ARTICLE 1 - Harassment and Discrimination Policy

ARTICLE 2 - Prohibited Conduct - Sexual Harassment

ARTICLE 3 - Prohibited Conduct - Other Unlawful Discrimination of  
Harassment

ARTICLE 4 - Types of Complaints

ARTICLE 5 - Investigation of Alleged Discrimination or Harassment

ARTICLE 6 - Disciplinary Action

ARTICLE 7- Maintaining Complaint Files

ARTICLE 8 - Victim Protection

ARTICLE 9 - Workplace Violence

## WILLARD CITY PERSONNEL POLICIES AND PROCEDURES MANUAL

This document supersedes all personnel policies and procedures previously established or approved by Willard City Council.

It is the policy of Willard City to establish reasonable rules of employment conduct and to ensure compliance with these rules and through a program consistent with the best interests of Willard City and its employees.

**THIS PERSONNEL POLICIES AND PROCEDURES MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPRESS OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY WILLARD CITY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OR CITY MANAGER OF WILLARD CITY.**

Nothing contained in this manual shall be interpreted to create a property interest in continued employment or to require cause for discipline or termination, unless expressly provided by written employment contract approved by the City Council or required by state or federal law.

Willard City reserves the right to change its policies and/or procedures in the future. Therefore, any suggestions or comments concerning the content of this manual must be submitted in writing to the Willard City Manager for review.

Final interpretation authority of all policies and procedures contained in the Willard City Personnel Policies and Procedures Manual rests with the City Manager. Questions related to the interpretation of any policy and/or procedure shall be directed to the City Manager.

## LETTER OF INTRODUCTION

Welcome,

This manual is the Willard City Personnel Policies and Procedures Manual hereinafter "Personnel Manual". This Personnel Manual is simply a written guide for management and staff. It not only outlines Willard City's policy on the various phases of the employer-employee relationship, but it also indicates how policy is to be administered. Consequently, each employee is able to use this Personnel Manual as a guide when policy needs to be applied to a given situation. As an employee or volunteer of the City, you are expected to read, understand, and follow those applicable policies and procedures contained in this Personnel Manual. It is also the expectation that elected officials, administrative managers, and department heads will apply these guidelines consistently and fairly without partiality.

Experience has shown that written policies promote consistency, continuity, and understanding within an organization. Written policies also aid in consistently achieving fair and equitable interpretation of policy. Employees and volunteers always feel deeper understanding of their role in the organization when they realize that policies are uniformly administered. Please be advised that it is the obligation of each employee and volunteer of Willard City to conduct themselves in conformity with the provisions of these policies. All employment and volunteer activities including, but not limited to, advertising, recruitment, hiring, promotion, demotion, transfer, disciplinary action, layoff, termination, compensation, and training, shall be conducted without unlawful regard to race, color, religion, gender, national origin, age, disability or any other classification protected by applicable federal or Utah law.

Finally, no employee, officer, agent, volunteer, or other representative of the City unless specifically authorized by the Mayor and City Council has any authority to enter any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Manual.

## **SECTION 1 - PERSONNEL SYSTEM PROVISIONS**

### **ARTICLE 1 - Purpose**

### **ARTICLE 2 - Applicability of Policies and Procedures**

### **ARTICLE 3 - System Standards**

### **ARTICLE 4 - Savings Clause**

### **ARTICLE 5 - Supremacy Clause**

### **ARTICLE 6 - Grandfathering Of Benefits**

### **ARTICLE 1 - Purpose**

A. Willard City is a political subdivision operating under the laws of the State of Utah and administering public funds. The policies and procedures relating to the personnel working for the City are set forth for a dual purpose:

1. To give employees information and direction as to their employment conditions, opportunities, expectations, privileges, obligations and responsibilities and the general applicability of City policies and procedures.
2. To provide elected officials, managers, and supervisors with general guidance and direction in dealing fairly, consistently and justly with all employees and volunteers.
3. For purposes of this handbook, the term "employee" includes all City employees, volunteers, officers, and agents unless a section specifically states otherwise.

### **ARTICLE 2 - Applicability of Policies and Procedures**

The policies and procedures of this document shall apply to all employees full-time, introductory, part-time, seasonal, temporary, and contractual), members of boards and commissions, and volunteer personnel who receive no or nominal compensation from Willard City.

### **ARTICLE 3 - System Standards**

- A. The system standards subscribed to by Willard City shall conform to the following:
1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill levels, including open consideration of qualified applicants for initial appointment.
  2. Providing equitable and adequate compensation.
  3. Training employees as needed, to assure high quality performance and

justify reasonable performance standards.

4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected or corrected in a timely manner.
5. Assuring non-discrimination and reasonable accommodation as defined by public policy for applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, sexual orientation or physical disability and with proper regard for their privacy and constitutional rights as citizens.

#### **ARTICLE 4 - Savings Clause**

If any provision of these policies and procedures or the application thereof are found to be in conflict with any state or federal law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of its application.

#### **ARTICLE 5 - Supremacy Clause**

If any departmental policies and procedures are found to be in conflict, they will be superseded by the provisions of this Personnel Manual, and this Personnel Manual shall supersede any existing agreements made between the City and its employees and volunteers.

#### **ARTICLE 6 - Grandfathering of Benefits**

Part-time employees hired prior to adoption of this Personnel Manual, who have been receiving holiday, funeral, or annual leave benefits under prior policy shall retain eligibility for those benefits as long as they remain continuously employed in their current part-time position.

Employees who change from full-time to part-time status on or after adoption of this Personnel Manual shall be subject to the eligibility rules of this Personnel Manual for part-time employees and shall no longer be eligible for full-time benefits. Employees who change from part-time to full-time status on or after the adoption of this Personnel Manual, shall become eligible for full-time benefits in accordance with this Personnel Manual. Grandfathering applies only to employees who were classified as part-time prior to January 1, 2026, and who remain continuously employed in that status. It does not apply to employees who change status after that date.

## **SECTION 2 - EQUAL EMPLOYMENT OPPORTUNITY**

**ARTICLE 1 - Legal Compliance**

**ARTICLE 2 - Anti-Discrimination**

**ARTICLE 3 - Compensation**

**ARTICLE 4 - Anti-Nepotism**

### **ARTICLE 1 - Legal Compliance**

It is the policy of Willard City to comply with all Federal and State Equal Employment Opportunity guidelines, and any other regulation which is or may yet be promulgated relating to non-discrimination in employment and various employment practices related to compensation and benefits.

### **ARTICLE 2 - Anti-Discrimination**

Willard City will provide fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex (including pregnancy, childbirth, related medical conditions, sexual orientation, and gender identity), national origin, age (40 and over), disability, genetic information, military or veteran status, retaliation for protected activity, or any other classification protected by applicable federal or Utah law and with proper regard for their privacy as citizens and constitutional rights. No class of jobs will be closed to any individual because of the above-mentioned criteria.

### **ARTICLE 3 - Compensation**

No individual will receive reduced compensation on the basis of race, color, religion, sex, national origin, sexual orientation, age, physical disability, or any other classification protected by applicable federal or Utah law.

### **ARTICLE 4 - Anti-Nepotism**

The Mayor and City Council, City Manager, and Department Heads shall not show favoritism or patronage to relatives or household members in matters related to job recruitment and selection, or issuing contracts for services or job advancement consistent with Utah Code Title 52, Chapter 3. If special circumstances warrant consideration of an exception, the City shall follow those provisions outlined in Utah Code §52-3-1 for exceptions.

### SECTION 3 - ADMINISTRATION

#### ARTICLE 1 - Responsibility for Administration of Policies

#### ARTICLE 2 - Personnel Records

#### ARTICLE 1 - Responsibility for Administration of Policies

The day-to-day management of personnel activities and operations within the City is the responsibility of the City Manager and Department Heads who work under the direct supervision of the City Manager. The City Manager is also responsible for assuring the effective administration of all policies and procedures.

#### ARTICLE 2 - Personnel Records

- A. The official personnel record of each employee shall be kept in the custody of the City Manager in a confidential file and shall contain, as appropriate:
1. Record of application for employment, resume, and employment eligibility certification.
  2. Signed copy of the employee's acknowledgement of receiving this Personnel Manual.
  3. Performance evaluation ratings.
  4. References to any formal reprimand, corrective action, or commendation.
  5. Records of actions affecting employee salary, status, or standing.
  6. Leave Records: It shall be the responsibility of the City Manager, or their designee, to maintain records of all leave used by each employee.
  7. Any other information felt to be pertinent by the City Manager or the employee.
- B. The City will, upon request, supply the employee with a copy of any document it places in the employee's file.
- C. An employee has the right to review the contents of their personnel record as governed by law and may challenge any information contained in the official personnel record. All challenges must be directed to the City Manager.
- D. If a disciplinary action is rescinded or disapproved upon appeal, all forms, documents and records pertaining to the case shall be removed from the personnel record and destroyed.
- E. Personnel records are private data and available for review only to the employee and users authorized by law or as determined by the City Manager to have a legitimate "need to know." A log or record of those reviewing personnel records and information shall be maintained together with the reasons for

access to the records. All reviews of personnel records shall be done in the presence of the City Manager or their designee. All medical information shall be kept in a separate location from other personnel records as required by the ADA and FMLA laws.

- F. Requests for Information: When completing requests for verification of employment or responding to reference checks on previous and current employees, names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment, and eligibility for rehire are treated as public data. Such requests or inquiries should only be directed to the City Manager. Under no circumstances shall character judgments be issued.
- G. Private Records: Consistent with the Government Records and Management Act (GRAMA) certain records are open to public access. However, the following documents are classified as private:
1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
  2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation; or similar medical data;
  3. Records concerning current or former employee or applicant for employment that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions; and
  4. Employment records including performance evaluations and personal status information such as race, religion, or disabilities, except for those mentioned in Paragraph F above.
- H. Records Retention: Records shall be retained according to current state and federal regulations. All active employee files shall be kept up to date and the content of the file must be relevant to some aspects of current employment and work history. Generally, all records related to inactive or terminated employees shall be retained for three (3) years following the end of the year to which they relate. Payroll records shall be retained for not less than four (4) years. For complete and accurate records of all medical examinations required by the law and records of any personal or environmental monitoring of exposure to hazardous materials-such records are required by OSHA to be retained for 30 years. The City

## **SECTION 4 - JOB DESCRIPTION/CLASSIFICATION/RECLASSIFICATION**

**ARTICLE 1 - Job Description**

**ARTICLE 2 - Classification**

**ARTICLE 3 - Reclassification**

**ARTICLE 4 - Reorganization**

**ARTICLE 5 - Inability to Perform Duties of Job Description**

### **ARTICLE 1 - Job Description**

- A. All employees will be assigned to employment as provided in an established job description and must be able to meet the requirements for performing the essential duties of the position to which they are assigned.
- B. Each job description shall identify the essential functions of the job and shall also include expectations for cross-training and the ability to perform other duties as assigned to support City operations.

### **ARTICLE 2 - Classification**

Unless specifically excluded as an exempt or contract position, all the City positions are comparatively evaluated against a set of common factors and are assigned a class title (see Personnel Manual sections titled "Position Descriptions" and "Salary Information") encompassing a specific salary range on the compensation plan. All employees hired will receive compensation according to the classification of the position for which they are hired. Most employees will be hired at the entry level and will progress through the salary range based on performance warranting such advancement. Refer to Section 8 of this Personnel Manual for further details regarding advancement through the salary range.

### **ARTICLE 3 - Reclassification**

If the duties and responsibilities of a position change significantly, the City Manager shall perform or cause an analysis to be performed of the job to determine reclassification eligibility. Reallocation of a class or reclassification of a position to a class with a different pay range shall not decrease an employee's salary. The City Manager shall inform the Mayor of such reclassification actions. The Mayor and City Manager shall inform City Council as appropriate.

### **ARTICLE 4 - Reorganization**

- A. Reclassification may be required from time to time as a result of reorganization. Should circumstances arise from the reorganization or reclassification process that requires the abolition of a position, this shall be treated as a reduction-in-force (See Section 7 of this Personnel Manual). Reorganization shall also be sufficient cause for reclassification by way of reassignment. In an effort to

minimize the effects of a reduction-in-force brought about by reassignment, reclassification or reorganization, the following options shall be considered:

1. The employee may be returned to a lesser position, or,
2. The employee may be transferred to another position, depending upon qualifications and available position vacancy. If the employee's pay is greater than the maximum for the position to which assigned or transferred the employee shall be placed on a salary freeze for a period not to exceed two (2) years. If, during the two-year period, the employee's rate of pay falls back within the assigned pay range, the freeze shall be lifted. If at the end of two years, the employee's pay rate still falls above the maximum of the pay range, that employee's pay rate shall be reduced to the maximum of the assigned position.

#### **ARTICLE 5 - Inability to Perform Duties of Job Description**

If it becomes apparent to a Department Head that an employee cannot physically perform the duties of his/her position as described in their job description, the Department Head shall require the employee to secure a medical certificate from a doctor, preferably a "Board Certified Occupational Physician", as needed, to verify a need to restrict the employee from working for medical reasons. The Department Head shall coordinate all such action and communication with the City Manager. Restrictions may take the form of job restructuring, job sharing, reassignment, reclassification, or other reasonable accommodation, and if such accommodation does not create an undue hardship on the City. All such considerations shall be made in compliance with the Americans with Disabilities Act (ADA).

## **SECTION 5 - HIRING FOR NEW AND VACANT POSITIONS**

[ARTICLE 1 - Recruiting](#)

[ARTICLE 2 - Disqualification](#)

[ARTICLE 3 - Testing](#)

[ARTICLE 4 - Physical Examination](#)

[ARTICLE 5 - Drug Testing](#)

[ARTICLE 6 - Drivers Record Check](#)

[ARTICLE 7 - Hearing Test](#)

[ARTICLE 8 - Employment Eligibility Verification](#)

[ARTICLE 9 - Hiring Procedures](#)

[ARTICLE 10 - Employee Orientation](#)

### **ARTICLE 1 - Recruiting**

Selecting new employees or advancing employees in the City personnel system to fill a job opening shall be on the basis of their ability, knowledge, and skill levels related to the vacant position.

### **ARTICLE 2 - Disqualification**

The City reserves the right to reject any application that indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applicants and subsequently hired applicants who make false statements or who are found to have engaged in any type of deception or fraud in the application or testing process shall be rejected or immediately terminated.

### **ARTICLE 3 - Testing**

Applicants may be subjected to competitive testing which may include but are not to be limited to determination of bond-ability, rating of education and experience, written, oral, or physical tests; and/or background investigations.

### **ARTICLE 4 - Physical Examination**

A. Public health and safety demand that employees be physically able to perform the duties of the job classification to which they are hired. The physical requirements of the job constitute bona-fide occupational qualifications. The City will also accommodate employees and applicants in compliance with the Americans with Disabilities Act (ADA) and provide "reasonable accommodation" when the cost of such is deemed "reasonable" within the City's ability to pay, and where to do so does not impair the City in its business necessities creating undue hardship.

1. A physical examination may be required before an applicant is appointed to any City position. The results of the exam will be evaluated

by the Department Head of the vacant position and the City Manager. If the results of the exam give indication of physical limitations that would prevent the applicant from reasonably performing the duties of the position, consistent with ADA regulations, the City shall engage in an individualized assessment and interactive process to determine whether reasonable accommodation would enable performance of the essential functions without undue hardship. No applicant shall be rejected based on disability unless, after engaging in the interactive process, it is determined that the applicant cannot perform the essential functions of the position with or without reasonable accommodation, or such accommodation would impose an undue hardship on the City.

2. The City may require a physical examination at any time during the employee's work tenure, if deemed necessary to assure the safety and health of the employee, co-workers, and the public. The City will pay the cost of any required medical examination.

#### **ARTICLE 5 - Drug Testing**

- A. As a condition of employment, all applicants for any position will be required to submit to a pre-employment drug test and chemical screening to determine the presence of alcohol or controlled substances.
- B. Subject to applicable ADA requirements, any applicant who tests positive for the presence of illicit drugs will be denied employment. See Section 12 of this Personnel Policy – Drug-Free Workplace Policy.
- C. All drug and alcohol testing shall be conducted in accordance with the Utah Drug and Alcohol Testing statute (Utah Code §34-38-1 et seq.). Testing shall be performed by certified laboratories using scientifically accepted methods. Applicants or employees shall be provided with written notice of positive results and afforded an opportunity to explain or contest results through confirmatory testing at their own expense in accordance with Utah state law.

#### **ARTICLE 6 – Driver's Record Check**

All applicants competing for positions where driving a City vehicle is a requirement of the job shall be required to sign an authorization for the City to obtain a copy of their motor vehicle driving record. These records will be evaluated by the City for compliance with requirements of job description.

#### **ARTICLE 7 - Hearing Test**

During the selection process and periodically after hire, a hearing test may be required for personnel working in high noise exposure areas as a safety and liability precaution.

## **ARTICLE 8 - Employment Eligibility Verification**

- A. In conformance with the "Immigration Reform and Control Act of 1986" (P.L. 99-603) and in order to avoid monetary penalties for the hiring of illegal workers, The City Manager shall establish an employment verification system, and shall verify that all applicants for vacant positions or persons hired to fill vacant positions are authorized to work within the boundaries of the United States.
1. The City Manager shall complete or have completed Immigration and Naturalization Service Form I-9 prior to a hired employee's first day of work and verify work eligibility through examining such documents as a U.S. Passport, birth certificate, social security card, driver license or an alien identification document.
  2. Employees hired must also attest in writing that they are authorized to work in the United States. Forms and all written verifications shall be kept along with other personnel records for a five (5) year period, or one year (1) beyond termination of employment whichever is longer; and shall be made available to the Immigration and Naturalization Service or the Department of Labor upon request.

## **ARTICLE 9 - Hiring Procedures**

- A. When there is a need to recruit to fill a vacant position, the City Manager, or their designee, shall prepare, advertise, and post the opening where all City employees will be made aware of the opportunity if the vacancy is not filled by promotion. Employees wishing to apply for the position must do so by the closing date of the recruitment. All applicants will be given equal consideration.
- B. The community and labor market shall become the object of an appropriate recruitment effort. Outside applications will be accepted for a minimum of seven (7) calendar days after or concurrent with in-house recruitment and the date of initial advertising.
- C. All interested job applicants shall complete an employment application form.
- D. Upon closing the recruitment, the City Manager and the applicable Department Head shall review all applications and select at least three (3) qualified candidates to interview or shall interview all available qualified candidates if there are less than three (3) applicants. Upon completing the interviews, the Department Head shall submit the recommendation for hire to the City Manager for final approval and processing.
- E. When a need arises to create an additional position (this is not the same as filling vacant positions but adding to the number of existing positions - other than seasonal), the City Manager shall notify the Mayor of the need if the cost of the position is outside the budget year's appropriated amount for the department.

The City Council shall give authorization before recruitment for additional positions begin.

- F. Final Appointment: The City Manager shall be the appointing authority for the recruitment. The City Manager may also shorten or lengthen the selection process to include or exclude any selection hurdle as is deemed appropriate to the circumstances. If exceptions are made in the recruitment and selection process, it shall be documented and included in the personnel file as a "change in conditions of employment."
- G. For hiring of the following positions: City Manager, City Attorney, City Recorder, City Treasurer, Police Chief, and Fire Chief shall be appointed by the Mayor and are subject to the advice and consent of the City Council, as outlined in Utah Code §10-3-916. No appointment shall be considered final until formally approved by a majority vote of the City Council in a public meeting.

#### **ARTICLE 10 - Employee Orientation**

After a new employee is hired, he/she shall promptly receive a general orientation concerning benefits, compensation practices, personnel policies and procedures in this Personnel Manual, and various employment expectations.

## **SECTION 6 - EMPLOYMENT STATUS**

[ARTICLE 1 - Applicability](#)

[ARTICLE 2 - Exempt Positions](#)

[ARTICLE 3 - Temporary Employees](#)

[ARTICLE 4 - Regular Full-Time Employees](#)

[ARTICLE 5 - Regular Part-Time Employees](#)

[ARTICLE 6 - Contract Employees](#)

[ARTICLE 7 - Light Duty Status](#)

[ARTICLE 8 - Introductory Employees](#)

[ARTICLE 9 - Volunteers](#)

[ARTICLE 10 - Workers' Compensation](#)

[ARTICLE 11 - Exempt or Salaried Employee Expectations](#)

### **ARTICLE 1 - Applicability**

All employees, officers, and other personnel not exempted herein, who prior to the effective date of these policies and procedures have successfully completed the orientation period, (See Introductory Employees, in Article 8 of this section) are deemed to be fully covered employees under these personnel policies and procedures.

### **ARTICLE 2 - Exempt Positions**

A. The following types of positions have been designated as being exempt from the provisions of the personnel system (as defined below, positions in these categories are also exempt from the overtime provisions of the Fair Labor Standards Act). The City Manager will specify in writing those positions that fall under the exempt categories listed below. Exempt positions should be reviewed annually to determine whether or not their exempt status should be withdrawn based on changes of duties and related factors.

1. Mayor and City Council.
2. Members of policy, advisory, review, and appeal boards, or similar bodies who do not perform administrative duties as individuals.
3. Attorneys serving as contracted legal counsel.
4. Emergency, part-time, seasonal, or intern employees who generally work fewer than twenty (20) hours per week, or less than one thousand and forty (1,040) hours per fiscal year.
5. Temporary Employees

### **ARTICLE 3 - Temporary Employees**

A Temporary Employee is defined as an employee being limited to a definite period of time of not more than four consecutive months per fiscal year. Hiring of temporary

employees, such as summer help, may be made by Department Heads to carry out necessary seasonal work. Temporary employees, whether part-time or full-time, shall not qualify for Regular Full-Time or Part-Time Employee benefits, except that mandatory benefits shall be provided as prescribed by law, i.e., social security, workers' compensation, and unemployment insurance.

#### **ARTICLE 4 - Regular Full-Time Employees**

A Regular Full-Time Employee is defined as an employee who has satisfactorily met the requirements for employment, completed the designated new hire orientation period and is generally working forty (40) hours per week (two thousand and eighty (2,080) hours per year), and is eligible for all employee benefits programs, including those outlined in Section 9 of this Personnel Manual.

#### **ARTICLE 5 - Regular Part-Time Employees**

A. **Regular Part-Time Employees (Non-URS Eligible)** - A Regular Part-Time Employee (Non-URS Eligible) is defined as an employee who is scheduled to work fewer than twenty (20) hours per week, and is not expected to work twenty (20) hours or more per week for a period exceeding six (6) months, and works on a continuous or recurring basis.

1. Employees in this classification are not eligible for URS retirement benefits, health insurance, vacation leave, holiday paid time off, sick leave, or any other non-mandatory benefits listed in Section 9 of this Personnel Manual. They receive only those benefits required by law (e.g., Social Security, workers' compensation, unemployment insurance).

B. **Regular Part-Time Employee (URS Eligible)** – A Regular Part-Time Employee (URS Eligible) is defined as an employee whose position is contemplated to require twenty (20) hours or more per week and is expected to continue for more than six (6) months.

1. Employees who meet these criteria must be enrolled in Utah Retirement Systems (URS) in accordance with state law. URS-eligible part-time employees are eligible only for URS retirement benefits. They are not eligible for health insurance, vacation leave, holiday paid time off, sick leave, or any other non-mandatory benefits listed in Section 9 of this Personnel Manual. They receive only those benefits required by law (e.g., Social Security, workers' compensation, unemployment insurance) in addition to URS retirement unless otherwise approved by the Mayor and City Council.

## **ARTICLE 6 - Contract Employees**

Contractual employment relationships shall apply to time limited positions requiring specific professional skills and abilities. The Mayor and City Council shall establish the duration of the contracts; or, in the case of time limited professions, shall be specifically determined on a project-by-project or service-by-service basis. Participation in any benefit program or the application of any of these policies and procedures shall be negotiated and written into the contract or service agreement, including those employee benefits listed in Section 9 of this Personnel Manual. For the good of the service to the City or to enhance the employment opportunity offered by the City, the Mayor and City Council may establish additional contractual positions or alter the status of an existing classified position. Typically, employment agreements or contracts may be offered to individuals in key managerial or Department Head positions.

## **ARTICLE 7 - Light Duty Status**

- A. Employees that are recommended by a medical doctor to only be involved in "light duty" activity shall be assigned work in accordance with light duty operations and functions as defined by the City. Light duty assignments will be temporary and short term in nature, usually not exceeding thirty (30) workdays. Each case will be reviewed independently and will only be extended for extenuating circumstances.
- B. If the employee's medical condition is expected to continue beyond the light duty period, and the employee is expected to return to full duty, the City Manager may authorize leave without pay as a temporary accommodation. Leave without pay may be granted when it does not create an undue hardship for City operations and may be approved in increments as appropriate based on medical documentation.
- C. Leave without pay does not guarantee job protection beyond the approved period. If ADA accommodations cannot be made without undue hardship to the City, the employee may be reassigned, demoted, or separated from employment following an individualized assessment.

## **ARTICLE 8 - Introductory Employees**

All newly hired non-exempt employees will serve a six (6) month orientation period. This period is a testing phase designed to acquaint the employee with the position and allow the Department Head to evaluate the employee's suitability for the job.

Willard City is an at-will employer. Employment may be terminated by either the employee or the City at any time, with or without cause, and with or without notice, consistent with public policy. Completion of the orientation period does not alter the at-will status of employment.

**ARTICLE 9 - Volunteers**

- A. The City Manager may develop further guidelines for volunteers.
- B. Prior to accepting any volunteer services, the Department Head and the volunteer shall sign a Memorandum of Understanding Agreement defining the nature and terms of the volunteer services and that the volunteer shall abide by the terms of this Personnel Manual.

- C. A volunteer shall be provided the protections as an employee of Willard City for:
1. Workers' compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of their volunteer employment.
  2. Operating City-owned vehicles or equipment when the volunteer is properly licensed and authorized to do so.
  3. Liability insurance coverage offered employees while acting in the scope of their volunteer employment.
- D. Volunteer service experience will be recognized for determining minimum qualifications for an employment position with the City.

#### **ARTICLE 10 - Workers' Compensation**

All employees of the City, regardless of status, will be covered under the Workers' Compensation insurance program.

#### **ARTICLE 11 - Exempt Or Salaried Employee Expectations**

- A. Salaried employees at Willard City are expected to maintain a consistent and professional presence during standard business hours, typically 8:00 AM to 5:00 PM, Monday through Thursday and 8:00 AM to 12:00 PM on Friday. While salaried positions are not subject to hourly tracking or overtime, they carry a responsibility to fulfill all assigned duties and remain available for City operations.
1. Work Hours and Availability
    - a. Salaried employees must be present during core hours unless prior approval is granted by the City Manager.
    - b. Flexible scheduling may be permitted when it supports operational needs and is coordinated in advance.
    - c. Unscheduled absences, late arrivals, or early departures may require use of accrued leave and must be communicated promptly.
  2. Performance and Accountability
    - a. Salaried compensation is based on job responsibilities and expected outcomes, not time on-site. However, physical presence, responsiveness, and collaboration are essential.
    - b. Employees are expected to:

- c. Attend scheduled meetings and respond to communications in a timely manner.
- d. Be available during working hours for internal coordination and public service.
- e. Meet deadlines and uphold professional standards.

### 3. Misuse of Flexibility

- a. Abuse of salaried status — such as routinely failing to maintain presence or fulfill duties — may result in:
  - (1) Corrective action, including written warnings or performance reviews.
  - (2) Reclassification to hourly status, if appropriate.
  - (3) Loss of flexible scheduling privileges.

### 4. Limited Telework

- a. Telework is not a right or guaranteed benefit. It may be approved only when it serves the operational interests of the City and supports the employee's ability to perform assigned duties.
- b. Limited telework may be authorized on a case-by-case basis with prior approval from both the City Manager and the Mayor.
- c. Telework arrangements must ensure the employee remains fully available during working hours, responsive to communications, and able to meet all performance expectations.
- d. Telework may be modified or revoked at any time at the discretion of the City Manager or Mayor if operational needs change or if performance concerns arise.
- e. Telework shall not be used to avoid use of accrued leave when the employee is unable to perform their duties or is unavailable during core hours.

## **SECTION 7 - PERSONNEL ACTIONS**

[ARTICLE 1 - Promotion](#)

[ARTICLE 2 - Salary Reduction](#)

[ARTICLE 3 - Reduction-In-Force](#)

[ARTICLE 4 - Reassignment](#)

[ARTICLE 5 - Separation](#)

[ARTICLE 6 - Transfer](#)

[ARTICLE 7 - Resignation](#)

[ARTICLE 8 - Reinstatement](#)

[ARTICLE 9 - Performance Management](#)

### **ARTICLE 1 - Promotion**

A promotion is defined as a change in job title and/or grade recognizing increased capacity and responsibility of an employee from a position in one grade to a position in another grade having a higher entrance salary. Personnel promoted to a higher pay grade will be assigned to the step in the new grade which results in up to a five percent (5%) pay increase as recommended by the Department Head and approved by the City Manager.

### **ARTICLE 2 - Salary Reduction**

The City Manager may reassign, reclassify, and/or reduce the salary of any employee for the good of the organization, as a result of budget reductions, structure reorganization, program reductions, or reduction-in-force.

### **ARTICLE 3 - Reduction-In-Force**

- A. Should it become necessary for the City to undergo a reduction of the work force, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of the City; the Department Head and City Manager, working together, shall attempt to utilize the following sequence as far as practicable to achieve the required reduction-in-force in the department. The City Manager shall make a recommendation to the Mayor and the City Council regarding the reduction-in-force and such reduction-in-force shall have final approval from the City Council.
1. Temporary/Seasonal Employees (may be separated or reduced in work hours).
  2. Regular Part-Time Employees (may be separated or reduced in work hours).
  3. Regular Full-Time Employees (may be separated or reduced in work hours).

- B. In determining which employee(s) shall be separated, the City Manager shall recommend utilizing such factors as, but not limited to, longevity, performance, and organizational needs.
- C. All reduction-in-force decisions shall be applied consistently and reviewed to ensure compliance with federal and Utah equal employment opportunity laws and to minimize the risk of unlawful disparate impact or discrimination.

#### **ARTICLE 4 - Reassignment**

An employee may be reassigned to a previous position at the request of the employee or at the recommendation of the Department Head but only with approval of the City Manager. The reassignments are conditional. If the previously vacated position has been filled, the employee or Department Head must consider other options, which may include separation if the employee is not suited to the position currently occupied. If a reassignment is available, the employee's compensation shall be restored to the rate earned prior to the position change.

#### **ARTICLE 5 - Separation**

Regular Full-Time and Regular Part-Time employees are considered "at will" employees and may be subject to separation for reasons other than cause, including, but not limited to reduction-in-force, curtailment of work or lack of funds. Otherwise, all employees will be retained on the basis of the adequacy of their performance and separated if inadequate performance cannot be corrected. Regular employees have the right to appeal as outlined in Section 13. Temporary, Seasonal, Contract, and Exempt personnel may be terminated "at will" or according to terms of special agreements.

#### **ARTICLE 6 - Transfer**

Transfers are defined as a move from one department to another and should not be confused with the managerial function of moving personnel by promotion, demotion or reassignment. Normally, a transfer cannot occur unless there is a vacant position to which the employee can move and for which the employee can qualify. A transferred employee shall retain earned leave and shall continue to accrue leave at their earned accrual rate.

#### **ARTICLE 7 - Resignation**

Whenever an employee resigns, an exit interview should be conducted by the City Manager. Employees who resign and desire to leave the City in good standing are expected to give a minimum of two (2) weeks' notice if they are to be considered for re-employment at a future date.

#### **ARTICLE 8 - Reinstatement**

Former employees who left Willard City voluntarily and in good standing may be

considered for re-employment; however, they must participate in the competitive hiring process for any vacant position. Reinstatement is not automatic and shall occur only when the former employee's qualifications and demonstrated ability indicate a potential for performance that clearly meets or exceeds the expectations for the position.

Previous City experience may be considered when evaluating qualifications and determining placement on the salary schedule if re-employment occurs within three (3) years of separation. Nothing in this section guarantees re-employment or preferential hiring status.

#### **ARTICLE 9 - Performance Management**

- A. Personnel actions shall be directly related to employee performance, unless otherwise outlined in this Personnel Manual. The City Manager shall conduct or shall direct each Department Head to conduct at least one formal performance evaluation of each employee per year. Performance management shall be geared toward increasing employee productivity and accountability. A salary adjustment never automatically follows a performance evaluation. The City Manager and Department Head will take this opportunity to counsel employees on job performance, using the employee's job description as a reference, pointing out areas that need improvement as well as identifying outstanding factors.
1. Introductory Employees may be formally evaluated at the end of their third (3<sup>rd</sup>) month of employment and again at the end of the sixth (6<sup>th</sup>) month orientation period. If the employee is retained, they are removed from introductory status and given regular status. Thereafter, each Department Head will rate employees assigned to their department on an annual basis as directed by the City Manager. The results of this evaluation shall become a permanent part of the employee personnel file.
  2. During the performance review process, the Department Head together with the employee shall determine the current accuracy of the job description. If changes to the job description are possibly needed, the Department Head shall make recommendations to the City Manager of those possible changes and an assessment made relative to the impact of the changes on the value of the job and job classification.
  3. If the City Manager or a Department Head determines that an employee's performance is unsatisfactory, the City Manager or that Department Head will work closely with that employee to assist in bringing their performance to an acceptable level by providing written notification of the unsatisfactory performance and a plan of correction. The plan of correction will outline those specific measures to be taken by the employee for performance improvement. If at the end of a 90-day period from the date of the original written notification the employee is still not performing at an acceptable level, then the Department Head

shall prepare a written report for the City Manager recommending action to be taken. Recommended actions from a Department Head shall be taken only upon approval of the City Manager. Corrective action may include: reassignment, reclassification, demotion, or discharge.

## **SECTION 8 - COMPENSATION**

[ARTICLE 1 - Policy](#)

[ARTICLE 2 - General Wage/Market/Salary Adjustments](#)

[ARTICLE 3 - Hourly Rates](#)

[ARTICLE 4 - Initial Hiring](#)

[ARTICLE 5 - New Hire Orientation Period](#)

[ARTICLE 6 - Promotion Orientation Period](#)

[ARTICLE 7 - Pay Progression](#)

[ARTICLE 8 - Performance/Incentive Awards](#)

[ARTICLE 9 - Red Circle Rate](#)

[ARTICLE 10 - Demotion](#)

[ARTICLE 11 - Termination Pay](#)

[ARTICLE 12 - Pay Advancement](#)

[ARTICLE 13 - Overtime](#)

[ARTICLE 14 - On-Call/Call Out](#)

[ARTICLE 15 - Travel Time](#)

[ARTICLE 16 - Payroll Schedule](#)

[ARTICLE 17 - Severance Pay](#)

### **ARTICLE 1 - Policy**

Compensation for City employees shall be equitable and competitive with the market and in accordance with the City's ability to pay. The compensation plan and assignment of employees to positions and pay rates shall be recommended by the City Manager for approval by the City Council.

### **ARTICLE 2 - General Wage/Market/Salary Adjustments**

- A. General Approach to Compensation. Willard City strives to maintain competitive salaries that allow the City to attract and retain qualified employees. In establishing and adjusting the City's pay schedule, the City Council considers prevailing labor-market conditions, cost-of-living trends, and the overall impact on the City budget. The official pay schedule is approved by the City Council and may be reviewed periodically to determine whether adjustments are necessary to remain competitive and fiscally responsible.
- B. Cost-of-Living Adjustments (COLA). Each year, as part of the budget process, the City Council may approve a cost-of-living adjustment to help ensure employee wages keep pace with inflation or labor-market pressures. When approved, COLA adjustments take effect on the first pay period of the fiscal year and apply to all employees except those whose pay is frozen ("red-circled"). COLA adjustments modify the pay schedule itself and may shift employee pay in relation to the salary range.
- C. Market Analysis. In addition to COLA, the City Council may review market

survey data to determine whether specific positions or the overall pay schedule require adjustment to remain competitive. Market adjustments may be made independently or in combination with COLA.

- D. Total Compensation Considerations. When evaluating compensation, the City considers both salary and the value of benefits. Total compensation includes base pay, retirement contributions, insurance, and other benefits as determined appropriate by the City Council.
- E. Performance-Based Increases. Employees may be eligible for grade or step increases following their anniversary date, based on satisfactory performance and demonstrated job proficiency. The City Manager will account for all potential performance-based increases in the annual budget request for each department. Approval of the annual budget by the City Council constitutes authorization for the City Manager to issue performance increases as appropriate.

### **ARTICLE 3 - Hourly Rates**

Temporary Full-Time and all Part-Time, Seasonal, and Emergency Employees shall be paid at an hourly rate no higher than that which is established for the position classification and may be paid at a lesser rate as recommended to the City Manager by the Department Head.

### **ARTICLE 4 - Initial Hiring**

- A. Initial Placement for New Hires. New employees are normally placed at the minimum rate of the salary range for their assigned position. However, placement above the minimum may be approved when justified by:
  - 1. The inability to recruit a qualified candidate at the entry rate;
  - 2. The candidate's directly related experience, certifications, licensure, or specialized skills that exceed the minimum qualifications; or
  - 3. The need to meet or exceed a candidate's current compensation in order to remain competitive, provided the placement remains within the approved salary range.
  - 4. When determining starting pay, the City may consider years of directly related experience, prior public-sector service, professional licensure, market competitiveness, and other job-related factors. Initial placement shall not exceed the maximum of the salary range.
- B. Placement for Current Employees Selected Through Recruitment. Current City employees who are selected for a new position through the competitive recruitment process may be placed above the minimum of the range based on:

1. Directly related experience beyond the minimum qualifications;
2. Demonstrated performance and proficiency in their current role;
3. Prior years of service with Willard City; or
4. Internal equity considerations.
5. Placement may exceed the midpoint of the range when the employee has at least five (5) years of service with the City or when justified by job-related qualifications.

C. Oversight and Approval. The City Manager shall review and approve all recommended starting rates to ensure consistency with this policy. The City Manager shall inform the Mayor of any recommended starting rate above the midpoint of the salary range.

#### **ARTICLE 5 - New Hire Orientation Period**

All newly hired employees of the City are required to complete a six (6) month orientation period. During the six (6) month period the Department Head shall conduct a formal performance appraisal every month. At the conclusion of this orientation period, the employee will be eligible for up to a three percent (3%) increase on the salary range, provided he/she is retained as an employee and has satisfactory performance reviews from the immediate Supervisor or Department Head. Successful completion of the orientation period results in the award of "regular" status to the employee.

#### **ARTICLE 6 - Promotion Orientation Period**

- A. Upon promotion to a higher classification, a Regular Employee shall serve a six (6) month promotional probation period. A performance review shall be conducted no later than the end of this period.
- B. Effective on the date of promotion, the employee shall receive a salary increase of no less than five percent (5%) within the new salary range, or the minimum of the new range if that amount exceeds five percent (5%).
- C. Retention of the promotional appointment and associated pay increase is contingent upon the employee demonstrating satisfactory performance in the higher-level position. If, at any time during the promotional probation period, the employee fails to meet the expected level of competence, the City may return the employee to their former classification and salary, or take other appropriate personnel action, at the discretion of the Department Head and City Manager.

#### **ARTICLE 7 - Pay Progression**

- A. Progression through the various pay grades within the salary and wage scale

shall be based upon the recommendation of the Department Head with final approval given by the City Manager.

B. In making recommendations for pay progression, the Department Head shall consider compliance with city policies and procedures, performance, level of competence and job knowledge.

1. Minimum to Midpoint Progression: Upon completion of the orientation period and receiving "regular" status with a pay adjustment, employees shall be assigned a new annual performance review date. It is the objective of the City that employees acquire job skills that are considered full performance level within their job classification by the time they arrive at midpoint of the pay range of the job classification in which they are hired to perform. It is the responsibility of the Department Head to identify the essential skills, competence, and quality of work that will satisfy the "full performance" requirement. "Full Performance" is generally achieved when the employee can perform virtually all aspects of the position's essential functions without supervision and with minimal errors. Employees, in conjunction with Department Heads, shall develop a performance plan based upon achieving full performance competence. Full performance (or journey level for trades and crafts) should be achievable in four (4) to five (5) years. Therefore, employees who progress at a normal rate may be recommended for increases of up to three percent (3%). Employees who progress more slowly may be recommended for increases of less than three percent (3%). Employees who progress more rapidly may be recommended for increases of up to six percent (6%). Prior to the annual review date, the Department Head shall conduct a performance review and prepare a written recommendation for the City Manager. Initiation of a request to increase pay lies solely within the discretion of the Department Head and is not a vested right of any employee.

2. Midpoint to Maximum Progression: Compensation at the midpoint is considered market competitive. In order to be considered for increases beyond the midpoint, two (2) conditions must be met: First, the employee must have completed five (5) years of full-time employment with the city, unless salary was negotiated up due to competitive hire status; and second, the employee must receive at least a standard rating on their annual performance evaluation. Each employee who meets this requirement may receive one percent (1%) per year as a longevity increase, up to the maximum of the pay range. Upon achieving the maximum, the employee shall still be eligible for any general increase or adjustment to the pay plan (i.e., market, COLA, etc.) and for consideration for performance incentives.

## **ARTICLE 8 - Performance/Incentive Awards**

A. Willard City recognizes that employees occasionally perform work that exceeds normal expectations, provides exceptional service, or results in meaningful improvements to City operations. To acknowledge these contributions, the City may grant one-time performance or incentive awards. These awards are not added to base pay and do not create any ongoing entitlement.

### **B. Criteria for Awards**

1. Monetary or non-monetary awards may be considered for:

- a. Improved Efficiency or Innovation. Ideas or actions that streamline processes, reduce workload, improve service delivery, or eliminate unnecessary costs.
- b. Exceptional Performance on Special Projects. Significant effort, research, or initiative that benefits the City or a department.
- c. Team Accomplishments. Effective collaboration on complex or time-sensitive tasks that support City operations or public service.
- d. Cost Savings or Revenue Generation. Suggestions or actions that reduce expenses or increase revenue for the City.
- e. Leadership or Initiative Beyond Normal Duties. Taking on difficult assignments, responding to emergencies, or meeting unusual deadlines.
- f. Actions That Reduce Legal Risk. Work that prevents or mitigates potential legal actions involving the City.
- g. Positive Public Recognition. Conduct that brings favorable attention to the City or enhances public trust.
- h. Independent Research or Analysis. Employee-initiated work that improves City operations or service delivery.

### **C. Nomination Process**

1. Any employee, supervisor, department head, or member of the public may submit a recommendation for an incentive award.
2. Recommendations may be submitted at any time during the year.
3. Recommendations must include a description of the action or project and an explanation of why it merits recognition.

#### D. Review and Approval

1. The City Manager will review all recommendations to confirm eligibility, verify facts, and ensure the action meets the criteria in this Article 8.
2. Eligible recommendations will be forwarded to the Mayor, who may approve the award and determine the award amount within the budget authorized by the City Council.
3. Approved awards will be documented with a brief justification placed in the employee's personnel file.
4. Awards may be monetary or non-monetary, depending on the nature of the contribution and available funds.

#### E. Administrative Provisions

1. The City Council will allocate annual funds for incentive awards as part of the budget process.
2. Awards will be issued through the Treasurer's Office and processed in accordance with applicable tax requirements.
3. Awards may be shared among team members when contributions are collaborative.
4. Awards are one-time recognitions and do not affect base pay or future compensation.

#### F. Restrictions

1. Employees must have at least a "standard" or satisfactory performance evaluation to be eligible.
2. Awards may not exceed five percent (5%) of an employee's gross annual salary in a fiscal year.
3. Awards will not be granted for performances that are routinely expected as part of normal job duties.
4. A nomination not selected may be resubmitted once within the same fiscal year.
5. Employees may receive more than one award in a fiscal year, provided each award is based on separate qualifying performance.

### **ARTICLE 9 - Red Circle Rate**

Employees whose rate of pay exceeds the maximum of the salary range for their assigned position shall be designated as "red-circled." Red-circled employees will not

be eligible for step or merit increases while their pay remains above the range; however, they will remain eligible for any City-approved cost-of-living adjustments (COLA).

COLA adjustments may reduce or eliminate the amount by which an employee is above the range. No employee's pay will be reduced as a result of being red-circled. Once the salary range increases to a level that encompasses the employee's rate of pay, the red-circle designation will be removed and the employee will again be eligible for step or merit increases in accordance with City policy.

#### **ARTICLE 10 - Demotion**

When it becomes necessary to demote an employee for their inability or unwillingness to perform the assigned duties and essential functions of their position; that employee may also suffer a loss of pay. The amount of the pay reduction shall be determined on a case-by-case basis and shall be documented in writing and placed in the employee's personnel file.

#### **ARTICLE 11 - Termination Pay**

- A. When employees terminate employment with the City, they shall be required to return all equipment and to clear all financial obligations involving their employment with the City prior to receiving their final paycheck. Any such obligation not cleared may be itemized and deducted from their final paycheck.
- B. The Department Head, assisted by the City Manager, shall submit to payroll the amount of termination pay to which the employee is entitled.
- C. If the employee voluntarily resigns, the employee's final paycheck, including compensation for all uncompensated hours worked and eligible leave payouts, will be issued on the next regularly scheduled payroll following separation. However, if the employee is involuntarily terminated, all wages earned and unpaid at the time of discharge shall be paid within twenty-four (24) hours of termination in compliance with Utah Code §34-28-5.

#### **ARTICLE 12 - Pay Advancement**

The City shall not make pay advances to employees.

#### **ARTICLE 13 - Overtime**

- A. Overtime work is unavoidable and necessary from time to time. However, every effort should be made to keep the accumulation of overtime hours to a minimum.
- B. Any hours worked over forty (40) in a defined workweek by a non-exempt employee shall be paid as overtime when those hours were approved in advance by the Department Head or City Manager, or when the Department Head or City Manager was aware that the work was being performed.

C. The following rules apply to the accumulation and compensation of overtime. Only actual work hours count towards qualifying for overtime; therefore, holiday, vacation and sick days do not count towards overtime. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week for all personnel shall begin at 12:00 a.m. on Sunday and end at 11:59 p.m. on the following Saturday. Rotating shift personnel may be assigned to workday shifts, swing shift, or other hours. A pay period consists of two (2) work weeks. Records for all pay purposes including, but not limited to regular time, overtime, compensatory time, vacation, sick leave and leave without pay will be maintained on thirty (30) minute intervals. The Willard City office hours will be maintained from 8:00 a.m. to 5:00 p.m. Monday thru Thursday and 8:00 a.m. to 12:00 p.m. on Fridays

1. Exempt Employees: Exempt employees, as defined by the Fair Labor Standards Act (FLSA) because of duties and salary basis tests, are not eligible for overtime compensation. Exempt status shall be determined based on actual job duties and compensation in compliance with federal regulations. However, when unusual work demands require substantial additional hours, the City Manager may authorize limited compensatory time ("comp time") at the employee's regular hourly equivalent rate. Comp time for exempt employees is granted on a straight-time basis and may not exceed forty (40) hours accrued at any one time. Comp time must be used within twelve (12) months of the date it is earned. Any comp time not used within the twelve-month period will be forfeited. Comp time must be used before vacation leave during any pay period in which both are requested. Comp time is not paid out at separation and does not carry over beyond the twelve-month usage window. Except as provided in this section, exempt employees are not eligible for overtime or compensatory time under the FLSA.
2. Non-Exempt Employees: For all non-exempt employees, overtime shall be paid at the rate of time-and- one-half (1 & 1/2) the regular rate of pay for all hours worked in excess of the 40-hour work week. The City Manager has discretion in authorizing monetary payments for overtime on a case-by-case basis after giving consideration to budgetary impact. The monetary payments for overtime shall be issued on the regularly scheduled payday for the work period in which it was earned. All overtime hours accrued shall be paid off in a monetary payment as part of the paycheck on the regularly scheduled pay day for the work period in which it was earned. The City Manager will manage overtime as best possible to mitigate the potential for creating unfunded liabilities.
3. Records of overtime hours worked shall be maintained by the City Manager, or designee, for all employees and shall be retained for a three (3) year period.
4. All time spent in training, at workshops, meetings, and related travel, etc.,

when such attendance is made mandatory (non-voluntary) by the City shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.

5. Time spent attending authorized and voluntary training, workshops, conferences, meetings, seminars, etc. shall not count towards overtime and shall count as work-time only if it occurs during an employees' normal workday and work-time (i.e., for a traditional Monday through Friday work schedule). Voluntary attendance at functions listed above on Saturdays and Sundays is not counted as work time.
6. An employee who has accrued compensatory time shall, upon termination of employment, be paid for all unused compensatory time at a rate which is not less than the average rate of pay received over the last three (3) years of employment or at the rate last paid just prior to termination, whichever is greater.

#### **ARTICLE 14 - On-Call/Call Out**

- A. Certain positions within Willard City require employees to be on-call as a normal and inherent part of their job duties. Employees assigned to on-call status must remain reachable and able to respond within the timeframes established by their department.
- B. On-call time may or may not constitute compensable time under the Fair Labor Standards Act depending on the degree to which the employee is restricted in personal activities. The City will evaluate on-call arrangements consistent with FLSA standards to determine whether such time is compensable.
- C. The City Manager, in consultation with the Department Head, will determine which positions require on-call status and the schedule for such assignments.
- D. Employees assigned to on-call status will receive a flat on-call stipend or hourly on-call rate as approved by the City Council in the annual budget. On-call compensation is paid regardless of whether the employee is called out during the on-call period.
- E. Employees assigned to on-call status will receive on-call compensation for each day they are scheduled to be on-call. On-call compensation is paid regardless of whether the employee is called out during the on-call period and does not count as hours worked.
- F. On-call compensation shall be paid as follows:
  1. Weekdays (Monday–Friday):
    - a. Employees assigned to on-call status will receive two (2) hours of

pay per day.

2. Weekends (Saturday–Sunday):

- a. Employees assigned to on-call status will receive three (3) hours of pay per day.

3. Seasonal or Special Assignments:

- a. When employees are assigned to specific seasonal duties that require daily evening checks or lock-up responsibilities (such as summer restroom closures), the City may authorize three (3) hours of on-call pay per day for the duration of the assignment, in recognition of the increased likelihood of call-outs and the daily nature of the responsibility.

4. Budget Authority:

- a. On-call compensation rates shall be approved by the City Council as part of the annual budget. The City Manager may adjust on-call assignments or schedules to remain within budgeted amounts.

G. When an on-call employee is required to report to work outside their regular schedule, the following applies:

1. Employees will receive a minimum of three (3) hours of pay for each call-out event.
2. If the actual time worked exceeds three (3) hours, employees will be paid for all hours worked.
3. If call-out hours cause the employee to exceed forty (40) hours in the workweek, those hours will be paid at time-and-one-half in accordance with overtime rules.
4. Travel time to and from the worksite is included as part of the call-out period.

H. If an employee is called out multiple times within the same on-call period, each call-out event qualifies for the three-hour minimum unless the events occur within the same three-hour window.

**ARTICLE 15 - Travel Time**

- A. When possible, travel to authorized, job-related functions should be scheduled during normal work hours. Travel time required in fulfilling work assignments or in attending authorized training, workshops, seminars, conferences, and the like

shall count as work-time as follows

1. Home to Work:

- a. Ordinary - Travel to and from home to work is a normal incident of employment and is not work-time.
- b. Emergency - Travel time from home to work for emergency call outs is counted as work-time up to 30 minutes. Willard City will compensate for the use of personal vehicle during an emergency call-out at the standard IRS mileage reimbursement rate.

B. Training, Workshops, Seminars, Conferences, etc: Travel time to attend authorized and voluntary training, workshops, seminars, conferences, etc. (including overnight stays) shall count as work time if it occurs during an employee's normal workday and work-time. Travel time to attend voluntary functions on an employee's normal day off shall not count as work-time (i.e., for a traditional Monday through Thursday work schedule travel time on Fridays, Saturdays and Sundays is not counted as work-time).

C. Non-voluntary (Mandatory) Training, Testing, etc.: Travel time to attend non-voluntary training, testing, etc., shall be counted as work-time if it occurs during an employee's normal work hours. It will also count as work-time if it occurs during normal work hours on an employee's normal day off.

D. Special Circumstances: Travel time arrangements for special circumstances not covered above shall be at the discretion of the City Manager.

#### **ARTICLE 16 - Payroll Schedule**

City payroll is scheduled to be paid on a bi-weekly basis. Department Heads are required to submit completed and signed timecards for payment at the end of each pay period. Pay checks shall be issued to the employees the Friday following the close of the pay period, or in the case of a holiday or regularly scheduled day off, the checks will be issued the day prior to the holiday or day off. The Department Head may require that an employee or employees submit a detailed description of the work completed along with their timecards. In addition, this may be done in conjunction with performance evaluations, program reviews, or for any other administrative reason deemed appropriate by the City Manager.

#### **ARTICLE 17 - Severance Pay**

When it becomes necessary to separate an employee from employment with the City, and it is in the best interest of both the employee and the City to expedite such action; that employee may be issued severance pay not to exceed two (2) weeks, in lieu of two weeks' notice. Employees separated for cause shall not be eligible for severance pay.

## **SECTION 9 - FRINGE BENEFITS**

[ARTICLE 1 - Group Health Insurance](#)

[ARTICLE 2 - Life Insurance](#)

[ARTICLE 3 - Annual Leave \(Vacation Leave\)](#)

[ARTICLE 4 - Sick Leave](#)

[ARTICLE 5 - Funeral Leave](#)

[ARTICLE 6 - Holiday Leave](#)

[ARTICLE 7 - Holiday Compensatory Time](#)

[ARTICLE 8 - Witness and Jury Duty Leave](#)

[ARTICLE 9 - Maternity Leave](#)

[ARTICLE 10 - Military Leave](#)

[ARTICLE 11 - Leave Without Pay](#)

[ARTICLE 12 - Family and Medical Leave Without Pay \(FMLA\)](#)

[ARTICLE 13 - Continuing Education and Certification Testing](#)

[ARTICLE 14 - Retirement](#)

[ARTICLE 15 - Unemployment Insurance](#)

### **ARTICLE 1 - Group Health Insurance**

- A. All Regular Full-Time employees, who work on a year-round basis of two thousand and eighty (2080) hours or more per fiscal year, may participate in the City's group insurance plan which provides health and medical insurance. The City covers eighty percent (80%) of the cost of the premiums for an employee and their dependents. The level of participation in the payment of premiums by the employee and the City is determined on a year-to-year basis and may be prorated based upon average number of hours worked per month.
- B. Employees terminating employment who have been employed for six (6) consecutive months prior to the termination event will be allowed to continue group health and medical insurance coverage at cost to the employee for up to eighteen (18) months from the date of termination except when terminated for gross misconduct. The City may assess up to two percent (2%) of the premium as an administrative fee as allowed by federal law (See Consolidated Omnibus Budget Reconciliation Act, 1985 (COBRA)). Employees and qualified dependents shall be provided COBRA notice within the timeframes required by federal law. Notice shall be administered in accordance with 29 U.S.C. §1161 et seq., including the employer's obligation to notify the plan administrator within thirty (30) days of a qualifying event and the plan administrator's obligation to provide election notice within fourteen (14) days thereafter. COBRA-eligible qualified beneficiaries shall have sixty (60) days to elect continuation coverage. The sixty (60) day election period shall run from the later of (a) the date coverage would otherwise be lost due to the qualifying event, or (b) the date the COBRA election notice is provided. Upon timely election of continuation coverage, the individual has forty-five (45) days within which to make the initial premium payment. The initial premium payment may include retroactive premiums owed from the date

coverage would otherwise have terminated, which could amount to multiple months of premium depending upon the timing of election and payment.

- C. Dependents or the terminated employee are eligible to continue insurance at their cost for up to thirty-six (36) months upon the occurrence of the following:
1. An employee's loss of eligibility for coverage, except for termination due to gross misconduct.
  2. The death of the covered employee.
  3. When dependents cease to be dependent under the definition of the policy.
  4. When Medicare-eligible employees cease participation in employer-sponsored plans.
- D. Insurance cannot be continued beyond any of the following:
1. The person has not been continuously insured and eligible under the group policy, or its predecessor, for at least the six (6) months prior to termination.
  2. The date the premium is not paid.
  3. The date when the individual becomes covered under any other group health plan or is entitled to Medicare benefits.
  4. In the case of a spouse, when the spouse remarries and becomes covered under another group health plan.
  5. On the date when the employer ceases to provide any group plan, except the City would be obligated to allow employees or dependents to continue coverage under any replacing group policy or policies.

## **ARTICLE 2 - Life Insurance**

The City may provide life insurance coverage for all Regular Full-Time Employees as part of a total benefit program, which may include term life insurance and would be provided to each Regular Full-Time Employee and their dependents under an employee and family benefits clause of the term life insurance program. Increased life insurance can be taken out by an employee at any time through payroll deduction, if available. Employees are required to contact the insurance company directly concerning any question on coverage, claims, dividends or other policy matters.

**ARTICLE 3 - Annual Leave (Vacation Leave)**

**A. Fulltime Employees Vacation Leave.**

1. Only Regular Full-time Employees are eligible to accrue Vacation Leave.
2. Employees shall accrue Vacation Leave according to the following schedule:

Time Employed	
0 through 5 years	4 Hours Per Pay Period, 104 Hours Per Year
6 through 12 years	6 Hours Per Pay Period, 156 Hours Per Year
13 years or more	8 Hours Per Pay Period, 208 Hours Per Year

3. Employees shall be entitled to carry over Vacation Leave from one calendar year (January to December) to another calendar according to the following schedule:

0 through 5 years	80 Hours
6 through 12 years	120 Hours
13 years or more	240 Hours

4. Additional carryover Vacation Leave may only be approved by the City Council when due to emergency situations the employee has not been able to use their leave. It is highly encouraged that employees use their leave to avoid losing any Vacation Leave. An employee will be paid out for their Vacation Leave balance upon separation from the City.

**B. Vacation Leave Buyout Policy**

To provide Regular Full-time Employees with the opportunity to receive compensation for excess vacation leave accrued beyond the standard cap of two hundred forty (240) hours, while maintaining a reserve for future time off and minimizing liability exposure.

1. Employees must meet all of the following:
  - a. Must be a Regular Full-Time Employee.
  - b. Has completed six (6) month probation.
  - c. Vacation balance exceeds two hundred forty (240) hours as of December 31.
  - d. Employee must have used at least forty (40) hours of vacation leave during the calendar year.
2. Employees may request up to forty (40) hours of vacation leave above

the 240-hour cap to be bought out.

3. Request Window
  - a. Requests must be submitted by December 15<sup>th</sup>.
  - b. Payment or conversion occurs in the January payroll cycle.
  - c. Subject to budget availability and approval by the City Manager.
  - d. Department Heads must confirm that the employee has attempted to schedule leave and that operational needs limited their ability to use additional time off.
  
4. Payout Options - Employees may choose one of the following:
  - a. Lump-Sum Payment - paid in the first January pay period at the employee's current hourly rate subject to standard payroll taxes and deduction.
  - b. Deferred Compensation - paid directly into a qualifying retirement account and subject to IRS limits and plan eligibility.
  - c. Health Savings Account (HSA)
    - i. Only for employees enrolled in a qualifying high-deductible health plan and is subject to IRS contribution limits.
  
5. Approved hours are deducted from the employee's vacation leave balance.

#### **ARTICLE 4 - Sick Leave**

- A. Regular Full-Time Employees shall accrue four (4) hours of sick leave per pay period.
  
- B. Sick Leave Conversion upon Retirement. If an employee is retiring pursuant to the requirements of the Utah Retirement System and has worked at least ten (10) years for Willard City, the employee will be paid twenty-five (25%) percent of their unused Sick Leave up to two hundred and fifty (250) hours as appreciation for their service and healthy lifestyle. This Sick Leave Conversion policy shall only apply to Regular Full-time Employees.
  
- C. Donation of Sick Leave. Regular Full-Time Employees who would like to make a request to receive donated leave from their co-workers must have a situation that meets the following criteria:
  1. Medical Emergency is defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. The employee may be required to provide written documentation of the medical emergency from a doctor and supply ongoing documentation if use of the donated time is granted. An immediate family member is defined as spouse, child, or parent.

2. Major Disaster is defined as a disaster declared by the president under §401 Robert T. Strafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to an immediate family member (defined as spouse, child, or parent) of the employee that requires the employee to be absent from work.
3. Donation of Leave:
  - a. The donation of leave is strictly voluntary
  - b. Donated leave will go into a leave bank for use by eligible recipient and shall be approved by the City Manager.
  - c. Donated leave is on an hourly basis, without regard to the dollar value of the donated or used leave.
  - d. Employees donating leave must maintain at least fifty percent (50%) of their leave balance and have no less than:
    - (1) Forty(40) hours.
    - (2) Employees cannot borrow against future leave to donate.
    - (3) Employees who are currently on approved leave of absence cannot donate leave.
    - (4) Employees wishing to receive or donate time must complete a leave donation form.
    - (5) An employee receiving donated hours must exhaust all of his or her own leave time (vacation and sick) prior to utilizing donated time.
    - (6) Recipient's identity will not be disclosed to donating employees.
    - (7) Any unused hours will be returned to donors on a pro-rata basis, calculated according to the percentage of the total donated hours each employee contributed. Each donation bank is temporary and established solely for the specific approved medical emergency or major-disaster request. The bank is dissolved once the need has ended, and no donated hours are retained or rolled into any ongoing or future bank.

**ARTICLE 5 - Funeral Leave**

- A. When a death occurs within the "immediate" family, employees may be granted a maximum of three (3) days of administrative leave with pay. Funeral leave shall not be charged to annual or sick leave accrual. Employees desiring extended funeral leave longer than three (3) days may be required to use comp time, annual leave, or leave without pay, if extended leave is granted.
- B. "Immediate family" means spouse, child, unborn child by miscarriage, parent, brother, sister, grandparent, spouse's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law. For other family relations and friends, an employee may take comp time, annual leave, or leave without pay when agreed upon by the Department Head and City Manager.
  - 1. Employees having to travel in excess of two hundred (200) miles to attend the funeral service of an immediate family member may be granted an additional two (2) days of paid leave with the approval of the Department Head and City Manager. All such leave shall not be charged to annual or sick leave accrual.

**ARTICLE 6 - Holiday Leave**

- A. **Eligibility.** Holiday leave benefits are provided only to regular full-time employees of Willard City.
  - 1. Part-time, temporary, and seasonal employees are not eligible for paid holiday leave.
  - 2. Employees must be in active pay status to receive holiday pay.
- B. **Designated Holidays.**

The following days have been designated by the City to be paid holidays:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	3 <sup>rd</sup> Monday of January
President's Day	3 <sup>rd</sup> Monday of February
Memorial Day	Last Monday of May
Juneteenth National Freedom Day	Date designated by the State of Utah*
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>

Labor Day	1 <sup>st</sup> Monday of September
Columbus Day	2 <sup>nd</sup> Monday of October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday of November
Friday Following Thanksgiving Day	4 <sup>th</sup> Friday of November
Christmas Eve	1/2 Day on December 24 <sup>th</sup>
Christmas Day	25 <sup>th</sup> of December

\*Juneteenth National Freedom Day will be observed by Willard City on the date designated by the State of Utah. Under Utah law, when June 19 falls on a weekday, the State observes the holiday on the preceding Monday; when it falls on a weekend, it is observed on the following Monday. Willard City will follow the State-observed date each year.

- C. When a holiday falls on Friday or Saturday and is on the employee's regular day off, the previous regularly scheduled workday shall be observed as the holiday. When a holiday falls on a Sunday or Monday and is on the employee's regular day off, the following or next regularly scheduled workday shall be observed as the holiday. Any other time when the employee's regular day off falls on a holiday the next regular workday will be taken off in observance of the holiday. Pioneer Day will only be acknowledged by the City as a paid holiday when it falls between Monday and Thursday. All holidays will be taken off according to the designated calendar date and may not be carried over to any other date - other than in the cases described above.
- D. Regular Full-time Employees required to work on a designated holiday shall be awarded "holiday pay" at straight time in addition to the regular pay period salary or wage or "double time". Such holiday pay will be monetary payment made as part of the paycheck for the pay period in which the holiday falls.

**ARTICLE 7 - Holiday Compensatory Time**

Willard City does not provide a general floating holiday. Instead, employees who are required to work on a City-recognized holiday due to operational needs may receive a compensatory holiday. Compensatory holiday time must be approved by the City Manager and used within the same calendar year unless otherwise authorized. This approach ensures that employees who must work during a holiday are fairly compensated while maintaining responsible use of public funds.

**ARTICLE 8 - Witness and Jury Duty Leave**

- A. General Policy. The City supports employees in fulfilling their civic responsibilities

by providing witness and jury duty pay when employees are required to serve as a witness or on jury duty.

B. **Witness and Jury Duty Pay Procedure.** Witness and jury duty pay ensures that employees receive the same paycheck from the City while serving as a witness or on jury duty.

1. **Witness or Jury Duty Pay Calculation.** Witness or jury duty pay shall be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

2. **Fees Paid by Court Remitted to City.** Except for exempt employees, any fees paid by the court or other jurisdictional authority to an employee on paid witness or jury duty leave shall be returned to the City Manager or designee within one (1) week of their receipt.

a. **Exempt Employees.** Under the provisions and guidelines of the Fair Labor Standards Act (FLSA), exempt employees shall not be required to return any such fees if the length of the paid witness or jury duty leave was less than one full workday in any single event.

3. **Continuation of Benefits.** The City will continue to pay its portion of the premium costs for health insurance benefits during witness or jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue.

C. **Eligibility.** Employees in the following employment classifications are eligible to request paid witness or jury duty leave:

1. **Regular Full-time Employees.**

2. **Introductory Full-Time Employees in full-time positions.**

D. **Witness or Jury Duty Leave Approval.** The employee's supervising Department Head or City Manager may approve witness or jury duty leave for an employee when the employee provides the witness subpoena or jury duty summons. The employee is to notify their supervisor and provide the witness subpoena or jury duty summons as soon as they receive it or are served with it. A copy of the witness subpoena or jury duty summons shall be submitted to the City Manager for the City's records.

E. **Court Schedule & Reporting to Work.** Employees shall communicate their court schedule to their supervisor so the supervisor may accommodate their absence. Employees shall report for work whenever the court schedule permits.

F. **City's Request for Employees Being Excused.** The City or the employee may request that the employee be excused from jury duty if, in the City's judgment,

the employee's absence creates severe operational difficulties. However, the City and the employee both understand that the decision to excuse the employee from jury duty is totally within the Court's discretion and that the Court may not honor that request.

#### **ARTICLE 9 - Maternity Leave**

- A. A Regular Full-Time Employee who becomes pregnant may continue working until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her attending physician deems continued employment to be hazardous to her health.
- B. Sick Leave which is regularly available to cover the time for physical examinations and periods of incapacitation, will be available to the pregnant employee for the same purpose.
- C. Maternity leave shall be treated as any other medical issue. Leave granted for maternity purposes shall be allowed on the same basis for which sick leave is granted and in accordance with the Family Medical Leave Act (FMLA).
- D. Employees who have exhausted all accumulated sick leave and annual leave may be granted leave-without-pay for maternity purposes according to the FMLA. Employees desiring extended leave due to "pregnancy disability" shall receive it on the same basis as any other disability.

#### **ARTICLE 10 - Military Leave**

- A. As per state and federal regulations, leave shall be granted to Regular Full-Time Employees for a period of active military service. Extended military leave is six (6) months or more, not to exceed four (4) years, unless approved by the City Manager. Short-term military leave is any leave of less than six (6) months in duration, normally not longer than fifteen (15) days.
- B. Short-Term Military Leave is authorized for Regular Full-Time Employees pursuant to the following conditions:
  - 1. City employees who are members of the organized reserve of the United States Armed Forces, including the National Guard of the State of Utah, may be allowed up to full pay for all time not in excess of fifteen (15) days per year spent on duty at annual encampment or rifle competition or other duties in connection with the reserve training and instruction requirements of the Armed Forces of the United States, including the National Guard of this state. This leave shall be in addition to annual vacation leave with pay. Any employee requesting such leave shall provide the Department Head and the City Manager with a copy of the military orders as soon as they receive them.
  - 2. For periods of short-term military leave exceeding fifteen (15) days but

less than six months, employees will not accrue vacation or sick leave; however, all seniority-based benefits, including retirement service credit, will continue to accrue as required by USERRA. Health and insurance benefits will remain in force in accordance with federal law, provided the employee continues to pay their normal share of premiums.

3. While on short-term military leave and the time is less than fifteen (15) days, all of the employee's benefits shall continue to accrue, and health and insurance benefits shall remain in force.

C. Extended Military Leave Without Pay shall be granted to employees who enlist, are drafted, or are recalled to active service in the Armed Forces of the United States in accordance with USERRA. Employees must provide the Department Head and the City Manager with a copy of their military orders as soon as they receive them. While on extended military leave without pay, employees will not accrue vacation or sick leave; however, all seniority-based benefits, including retirement service credit, will continue to accrue as required by USERRA. Health and life insurance benefits will remain available for up to twenty-four (24) months in accordance with federal law, provided the employee continues to pay their normal share of premiums.

D. Former employees may be permitted to return to the City employment pursuant to the following conditions:

1. The employee must have satisfactorily completed the period of active duty and shall furnish a certificate to that effect to the City Manager.
2. An employee leaving active military duty is allowed forty (40) days from the active-duty release date in which to request reinstatement to an available position of comparable status and compensation. If the employee declines an offer for position vacancy, reinstatement rights may be canceled by the City Manager.
3. If, due to a service-connected disability or for some other reason an employee is not qualified to perform all the duties of the vacated position, the employee will be placed on a list of eligibles for consideration for future openings.

#### **ARTICLE 11 - Leave Without Pay**

A. Leave of absence without pay shall not be regarded as an acquired right by employees and shall be granted by the City Manager only when the City service will not be adversely affected thereby. Requests for leave without pay shall be made in writing and filed with the City Manager. Circumstances which may be eligible for leave without pay consideration may include but not be limited to medical problems, educational pursuits, or emergency service:

1. A leave of absence without pay granted to an employee may not exceed one (1) year in duration with the length of time to be in the discretion of the City Manager and may be terminated prior to the expiration date thereof by City Manager. Failure of an employee to report for duty promptly at the expiration of his/her leave, violation of a written agreement entered into by him/her relative thereto, or upon termination by the City, shall be just cause for discharge and the removal of his/her name from any eligible list or lists on which it may appear with the City.
2. Prior to being granted leave of absence without pay status, all annual leave and compensatory time must first be exhausted. All unused sick leave shall be forfeited, unless leave without pay is for medical purposes, in which case all sick leave must become exhausted.
3. Positions temporarily vacated by granting leave of absence without pay may be filled on a temporary basis. If the employee on leave violates the terms of the leave or fails to comply to a request by the City Manager to return to work, then the City Manager may grant full-time status to the temporary employee or conduct open recruitment.
4. Employees desiring to continue health insurance coverage while on leave without pay may receive such coverage upon making arrangements with Willard City. During such period, it shall be the responsibility of the employee to pay the complete premium, including the employee's and the City's portion. If leave without pay is for medical reasons, health insurance and life insurance coverage will continue for up to sixty (60) days upon approval by the City Manager.
5. FMLA provisions will apply where applicable.

## **ARTICLE 12 - Family And Medical Leave Without Pay (FMLA)**

- A. Policy Statement. In compliance with the Family and Medical Leave Act of 1993 (FMLA), as amended, including the Military Family Leave provisions, Willard City provides eligible employees with job-protected, unpaid leave for qualifying family and medical reasons. Eligible employees may take up to twelve (12) work weeks of FMLA leave during a designated twelve-month period, or up to twenty-six (26) work weeks of leave during a single twelve-month period to care for a covered servicemember with a serious injury or illness.
- B. Eligible Employees. An "eligible employee" is an employee who has been employed by the City for at least twelve (12) months (not necessarily consecutive); and has worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) months immediately preceding the commencement of the leave.

C. Qualifying Reasons for FMLA Leave. Eligible employees may take FMLA leave for one or more of the following reasons:

1. Birth of a Child – For the birth of the employee’s child and to bond with the newborn child;
2. Adoption or Foster Care – For the placement of a child with the employee for adoption or foster care and to bond with the child;
3. Care of a Family Member – To care for the employee’s spouse, child, or parent with a serious health condition;
4. Employee’s Own Serious Health Condition – When a serious health condition makes the employee unable to perform one or more of the essential functions of their position;
5. Qualifying Military Exigency Leave – To address a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty in the Armed Forces; or
6. Military Caregiver Leave – To care for a covered servicemember who is the employee’s spouse, son, daughter, parent, or next of kin, with a serious injury or illness incurred or aggravated in the line of duty.

D. Military Family Leave.

1. Qualifying Exigency Leave. An eligible employee may take up to twelve (12) work weeks of FMLA leave during the designated twelve-month period for qualifying exigencies related to covered military active duty.
2. Military Caregiver Leave. An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve-month period to care for a covered service member. This leave is subject to the combined FMLA limit of twenty-six (26) weeks for all FMLA-qualifying reasons during that single twelve-month period.

E. Amount and Timing of Leave.

1. The City calculates FMLA entitlement using a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.
2. If both spouses are employed by the City, they are collectively limited to a combined total of twelve (12) weeks of FMLA leave for birth of a child and bonding, placement of a child for adoption or foster care and bonding, or care of a parent with a serious health condition.
  - a. This combined limitation does not apply to leave taken for an employee’s own serious health condition or to care for a spouse or child with a serious health condition.

3. Military caregiver leave is governed by a separate single twelve-month period, as required by federal law.

#### F. Notice and Procedures for Requesting Leave.

1. When the need for FMLA leave is foreseeable, employees must provide at least thirty (30) days' advance notice. When leave is unforeseeable, notice must be provided as soon as practicable under the circumstances.
2. Employees may provide notice verbally or in writing and are not required to reference the FMLA by name.
3. The City shall provide required FMLA notices within five (5) business days when sufficient information is received.
4. Leave taken beyond the employee's FMLA entitlement is not protected by the FMLA and may be granted only at the City's discretion and in accordance with applicable law.

#### G. Medical Certification.

1. Employees requesting FMLA leave for a serious health condition or to care for a covered family member may be required to submit a medical certification issued by a health care provider.
2. Employees will be allowed at least fifteen (15) calendar days to return a completed medical certification, unless it is not practicable under the circumstances despite diligent, good-faith efforts.
3. Leave will be designated by the City as FMLA-qualifying once sufficient information is available, even if medical certification is pending.
4. The City may require periodic reports regarding the employee's status and intent to return to work, consistent with federal regulations.

#### H. Use of Paid Leave.

1. Employees may be required to substitute accrued paid leave (such as vacation, sick leave, or personal leave), in accordance with City policy, for otherwise unpaid FMLA leave.
2. Any paid leave used concurrently with FMLA will count against the employee's FMLA entitlement.
3. Leave taken under Workers' Compensation or disability programs that qualifies as FMLA leave will run concurrently with FMLA leave, to the extent permitted by law. Workers' Compensation coordination shall comply with ADA and Utah Labor Commission rules.

I. Health Insurance Benefits.

1. While on FMLA leave, employees may elect to continue group health and dental coverage on the same terms and conditions as if actively employed.
2. Employees are responsible for their portion of insurance premiums. Failure to make timely payments may result in loss of coverage.
3. Upon return from FMLA leave, employees will be restored to the same health coverage they had prior to the leave.

J. Reinstatement and Fitness for Duty.

1. Upon timely return from FMLA leave, employees will be restored to the same or an equivalent position with equivalent pay, benefits, and terms of employment.
2. Employees returning from FMLA leave taken for their own serious health condition may be required to submit a fitness-for-duty certification, consistent with federal regulations.
3. An employee may be subject to disciplinary action, up to and including termination, if the employee engages in fraud or abuses FMLA leave, or violates a uniformly applied City policy unrelated to the exercise of FMLA rights.

K. Prohibition on Retaliation. The City prohibits interference with, restraint of, or retaliation against any employee for requesting or taking FMLA leave, filing a complaint, or exercising any rights under the FMLA or applicable federal or Utah law.

L. Coordination with Other Laws. This policy shall be administered in compliance with the FMLA, the Americans with Disabilities Act, the Utah Antidiscrimination Act, and all other applicable federal and state laws.

**ARTICLE 13 - Continuing Education And Certification Testing**

- A. Continuing education in the field of employment in which the employee is working is desirable and may be a condition of such employment.
- B. The City Manager may require specific schooling as a condition of employment or continued employment. This requirement shall be in writing and signed by the City Manager and employee at the time of hiring. If the requirement is a condition of continued employment, it shall be in writing and signed by the City Manager, after approval by the Mayor, and employee. The written statement shall specify the exact type and amount of education required as well as payment responsibilities and City or employee time for training

- C. Many positions in the City require specified levels of certification in accordance with the State Certification Council program. The certification program includes testing and continuing education requirements. Reimbursement by the City for certification testing will follow the guidelines described hereafter. Costs for continuing education including courses, workshops, seminars, conferences, exam study/review sessions and the like where continuing education units (CEU's) are available will be reimbursed by the City when approved by the employee's Department Head. Reimbursement for the costs of other educational offerings will be subject to the approval of the City Manager.
- D. When an employee desires or is directed in writing by his Department Head to take the State Certification Examination (water or sewer collection system personnel) the following guidelines shall be adhered to for each certification grade:
1. 1st Exam: The City will pay the cost for the first exam including exam registration fee, mileage expense, travel time (as defined in these policies), and normal work-time (as administrative leave). No overtime will be allowed.
  2. If an employee does not pass an exam and re-applies for the same exam, the full cost of the exam will be paid by the employee. The employee will be reimbursed (for the registration fee of the exam only) by the City when the employee receives a passing score as specified by the Certification Council. The employee must take the exam on their own time.
  3. If an employee does not receive a passing grade on an exam the first and second time, all costs associated with retaking the course/exam, including the cost of the exam, travel expenses, etc. will be borne by the employee and are not subject to reimbursement by the City, even with a passing score. The employee must take the exam on their own time. When the employee receives a passing score, the pay incentive (if applicable) can be authorized.
  4. When an employee voluntarily desires to increase their level of certification beyond requirements of current position, the costs for the first exam at each level will be reimbursed as in "1" above upon authorization by employee's Department Head. No reimbursement will be made for any exam retakes in such voluntary cases.

#### **ARTICLE 14 - Retirement**

In addition to participation in the Federal (FICA) and State of Utah Retirement System (URS), the City pays the maximum of state retirement costs allowed by state statute); programs designed to encourage career interests with the City may be established by the Mayor and City Council upon recommendation of the City Manager. Such retirement programs may utilize insurance policies, annuities, flexible compensation plans, IRAs, or

the establishment of other qualified pension plans (either contributory or non-contributory). The amount or level of the City contributions shall be established from year to year and shall comply with the non-discriminatory requirements of federal regulations governing the establishment of benefit programs. For specific details related to URS, seek assistance from the City Manager's Office or the URS Office.

**ARTICLE 15 - Unemployment Insurance**

The City participates in the State Unemployment Insurance Program and each person that terminates will be eligible for unemployment benefits in accordance with the rules and provisions provided by the State. Employees terminated for cause shall not be eligible for unemployment benefits from the City.

**SECTION 10 - REIMBURSEMENT FOR EXPENSES**

**ARTICLE 1 - Travel**

**ARTICLE 2 - Transportation and Mileage Reimbursement Rate**

**ARTICLE 4 - Advance Payments**

**ARTICLE 1 - Travel**

- A. The City will reimburse lodging based on actual, reasonable costs supported by itemized receipts. Meals and incidental expenses will be reimbursed at the federal GSA per diem rate for the travel location. The City Manager may require justification when actual lodging costs exceed the federal lodging per diem. All travel reimbursements must comply with IRS substantiation rules
- B. Employees may be accompanied by a spouse or family member on approved trips, but the City will not pay for any expenses incurred by accompanying individuals and assumes no liability for them.
- C. Per Diem - For trips beyond a fifty (50) mile radius of the City or requiring overnight lodging, employees may be reimbursed for reasonable and necessary lodging costs plus a maximum amount for meals and incidental expenses:

<b>Meals</b>	<b>Per Diem</b>
Breakfast	\$20
Lunch	\$22
Dinner	\$34
Incidental Expenses	\$5
<b>Total Daily</b>	<b>\$81</b>

- D. If regular meal periods occur when the employee is within the 50-mile radius of the City even though the employee may be in route to the City, no reimbursement will be allowed. In cases where fees or registration are paid by the City which include meals, separate reimbursement for those meals will not be granted.
- E. Travel Day Per Diem Adjustment. On travel days where an employee departs or returns on the same calendar day, per diem reimbursement will be prorated based on the meals reasonably missed due to travel. For example:
  - 1. Departure before 7:00 AM: Eligible for breakfast, lunch, and dinner.
  - 2. Departure after 11:00 AM: Eligible for lunch and dinner.
  - 3. Return before 2:00 PM: Eligible for breakfast and lunch only.
  - 4. Return after 7:00 PM: Eligible for full day per diem.

- F. No per diem will be granted for travel days that do not meet the 50-mile radius or overnight lodging criteria.

## **ARTICLE 2 - Transportation and Mileage Reimbursement Rate**

- A. The purpose of this policy is to provide guidelines for employees using their personal vehicles to conduct official City business. This section replaces prior reliance on a designated office vehicle, following the City Council's decision to eliminate that asset and compensate employees via mileage reimbursement.
- B. This policy applies to all Willard City employees but is primarily intended for office staff who may need to travel for work-related duties.

### 1. Authorization Requirements

- a. Employees must obtain prior written or email approval from their Department Head before using a personal vehicle for City business.
- b. Long-term or recurring use of a personal vehicle must be authorized in writing by both the Department Head and City Manager.

### 2. Driver and Vehicle Requirements

- a. Employees shall possess a valid driver's license.
- b. Employees shall maintain personal automobile insurance that meets or exceeds Utah's minimum liability standards.
- c. Employees shall provide proof of valid insurance, proof of current registration, and proof of a valid driver's license, and a copy of all three shall be taken and placed in the employee's personnel file.
- d. Vehicles used must be properly registered, in safe working condition, and shall meet all legal requirements.

### 3. Insurance and Liability

- a. The employee's personal auto insurance is the primary coverage in case of an accident.
- b. The City's liability insurance is secondary and may apply only if the use was pre-approved and business-related.
- c. The City does not cover physical damage to the employee's vehicle or personal property.

#### 4. Mileage Reimbursement

- a. Reimbursement will be made at the current IRS standard mileage rate.
- b. Reimbursable mileage includes travel for authorized City business only and excludes personal commutes or side errands.
- c. Claims must include a completed mileage log with:
  - (1) Date;
  - (2) Purpose of trip;
  - (3) Starting and ending locations; and
  - (4) Total miles driven.
- d. Claims must be approved by the Department Head and submitted monthly to the City Manager.

#### 5. Safety and Conduct

- a. Employees shall obey all traffic laws and drive safely at all times.
- b. Texting or using handheld devices while driving is prohibited.
- c. Seat belts shall be worn by all vehicle occupants.
- d. Transporting unauthorized passengers is not allowed unless directly related to the City business.

#### 6. Accidents and Incident Reporting

- a. Any accident during City business use shall be reported immediately to the employee's Department Head, the City Manager, and the employee's personal insurance.
- b. Employees shall complete a City accident report form within forty-eight (48) hours.
- c. Employees shall cooperate with any City or insurance investigations.
- d. Failure to follow any of the above procedures and required reporting are grounds for discipline, up to and including termination.

#### 7. Non-Compliance and Disciplinary Action - Unauthorized vehicle use or violations of this policy may result in denial of reimbursement and disciplinary action, up to and including termination.

8. Acknowledgment - Employees who use personal vehicles for City business must sign an acknowledgment form agreeing to this policy.

#### **ARTICLE 4 - Advance Payments**

Advancements and special rates for unique circumstances will be considered on a case-by-case basis by the City Manager.

## **SECTION 11 - WORK HOURS**

**ARTICLE 1 - Normal Work Periods**

**ARTICLE 2 - Attendance**

**ARTICLE 3 - Approved Leave and Overtime Eligibility**

**ARTICLE 4 - Lunch Break**

**ARTICLE 5 - Rest Periods**

**ARTICLE 6 - Flex Time**

**ARTICLE 7 - Absences**

**ARTICLE 8 - Special Authorization**

**ARTICLE 9 - Telework**

### **ARTICLE 1 - Normal Work Periods**

- A. The City administrative business day normally begins at 8:00 AM and ends at 5:00 PM Monday thru Thursday and 8:00 AM and ends at 12:00 PM on Friday.
- B. Various work and on-call schedules may be established by the City Manager and Department Heads to assure 24-hour emergency service to the public during non-business hours. The normal workweek shall be forty (40) hours, beginning on Mondays and ending on Friday.
- C. For the purpose of calculating overtime under the Fair Labor Standards Act (FLSA), the work week for all personnel shall begin at 12:00 a.m. on Sunday and end at 11:59 p.m. on the following Saturday.
- D. Records for all pay purposes including, but not limited to regular time, overtime, compensatory time, vacation, sick leave, and leave without pay will be maintained on thirty (30) minute intervals.

### **ARTICLE 2 - Attendance**

An employee unable to report for duty on a workday because of sickness or emergency shall notify their Department Head within thirty (30) minutes from the regularly scheduled starting time. All other leave requests require at least one (1) day advance approval of the Department Head.

### **ARTICLE 3 - Approved Leave and Overtime Eligibility**

All non-worked paid days in any pay period, such as vacation, sick leave, administrative leave, emergency leave, etc., shall not be counted toward the calculation of hours worked for the purpose of determining overtime hours under the Fair Labor Standards Act (FLSA).

### **ARTICLE 4 - Lunch Break**

- A. Willard City does not require employees to take a lunch break during the workday.

Employees may take a meal period of up to thirty (30) minutes, unpaid, when workload and operational needs allow. Employees who choose to take a lunch break must record the time taken on their timecard or ledger, and the time will be deducted from hours worked for that day.

- B. Employees who wish to receive their full scheduled hours for the workweek after taking an unpaid lunch break must either adjust their work schedule within the same workweek, with prior approval from their Department Head, or use available vacation or other appropriate leave to cover the difference. Any additional time worked to make up hours must be on the clock and approved in advance.
- C. Employees who remain at their workstation and continue performing duties during their lunch period will be considered on duty and will be paid for that time. Meal periods should be coordinated with the employee's supervisor to ensure adequate coverage and continuity of service.

#### **ARTICLE 5 - Rest Periods**

All employees of the City will be allowed two (2) paid fifteen-minute breaks during the normal workday. The location and time of breaks will be left to the discretion of the Department Head. Rest periods are a privilege therefore rest period abuse shall be subject to discipline.

#### **ARTICLE 6 - Flex Time**

- A. Flex time may be approved when it supports the operational needs of the City and allows the employee to meet all assigned duties without disruption to service. Flex time is defined as reporting to work or leaving work at a time other than the employee's standard schedule. Flex time is not a right or guaranteed benefit; and it must be requested in advance and approved by the City Manager.
- B. Flex time may not be used to avoid the use of accrued leave when an employee is unavailable for work. Any adjusted hours must occur within the same workweek, and overtime rules will apply if total hours exceed forty (40) in that week. The City Manager may revoke or modify flex-time arrangements at any time if operational needs change or if the arrangement is misused.

#### **ARTICLE 7 - Absences**

Any absences, including tardiness, during the workday or workweek, shall be specifically identified in a leave request form and approved by the Department Head. If not approved, the Department Head shall reprimand the employee as appropriate.

#### **ARTICLE 8 - Special Authorization**

- A. Specific departments authorized to implement a different daily schedule for its

employees as needed to meet legal and administrative responsibilities for their work shifts are as follows:

1. Public Safety
2. Public Works

## **ARTICLE 9 - Telework**

### **A. Purpose and Overview**

1. Willard City recognizes that, in limited and appropriate circumstances, telework can support continuity of operations, improve efficiency, and provide flexibility without compromising service to the public. Telework is not intended to replace in-person work or diminish the importance of maintaining a professional presence at City facilities. Instead, it is a tool that may be used when it benefits the City and allows employees to perform their duties effectively from an alternate location.
2. Telework may be considered when circumstances such as inclement weather, temporary office disruptions, specialized project work, or other operational needs make remote work practical and efficient. Telework is not a right, benefit, or entitlement, and approval is at the sole discretion of the City Manager. No employee is guaranteed telework, and no employee may telework without prior authorization.
3. Employees approved for telework must remain fully available during working hours, maintain responsiveness to communications, and ensure that their remote work environment supports confidentiality, productivity, and the performance of assigned duties. Telework shall not be used to avoid the use of accrued leave when an employee is unable to work or is unavailable during core hours.
4. This policy establishes the framework under which telework may be authorized, outlines expectations for employees working remotely, and ensures that telework is used in a manner that supports the mission, efficiency, and operational needs of Willard City.

### **B. Eligibility**

1. Telework may be approved for employees whose job duties can be effectively performed from a remote location without diminishing service to the public or disrupting internal operations.
2. Eligibility does not guarantee approval. Operational needs, staffing

levels, and the nature of assigned duties will determine whether telework is appropriate.

3. The City Manager may determine that certain positions are not eligible for telework due to the essential in-person nature of their responsibilities.

#### C. Approval Authority

1. All telework arrangements must receive prior approval from the City Manager.
2. Telework may be approved on a short-term, intermittent, or limited basis depending on operational needs.
3. Telework arrangements may be modified or revoked at any time at the discretion of the City Manager.

#### D. Expectations for Telework

1. Maintain full availability during working hours and remain responsive to communications from supervisors, coworkers, and the public.
2. Perform all assigned duties with the same level of quality, timeliness, and professionalism expected when working onsite.
3. Ensure that their remote work environment supports confidentiality, productivity, and compliance with City policies.
4. Be reachable by phone, email, or other designated communication methods throughout the workday.
5. Attend virtual or in-person meetings as directed by the City Manager or Department Head.
6. Use accrued leave when they are unable to work or unavailable during core hours; telework may not be used as a substitute for leave.

#### E. Equipment, Security, and Confidentiality

1. Employees must protect City information and maintain confidentiality while teleworking.
2. Employees must use City-approved devices and follow all IT and cybersecurity policies.
3. Employees are responsible for maintaining a safe and functional remote workspace.
4. The City is not responsible for costs associated with home internet, utilities, or personal equipment unless otherwise approved.

#### F. Timekeeping and FLSA Compliance

1. Non-exempt employees shall accurately record all hours worked and may not work overtime without prior approval.
2. Exempt employees must remain available and meet all performance expectations regardless of location.
3. Telework does not change an employee's classification, compensation, or leave requirements.

#### G. Revocation of Telework

1. Telework may be revoked at any time if an employee misuses telework or fails to meet expectations.
2. Revocation does not require prior notice.

## **SECTION 12 - EMPLOYEE CONDUCT**

**ARTICLE 1 - Outside Employment or "Moonlighting"**

**ARTICLE 2 - Political Activity**

**ARTICLE 3 - Drug Free Workplace**

**ARTICLE 4 - Public Relations and Social Media**

**ARTICLE 5 - Personal Hygiene, Grooming, and Appearance**

**ARTICLE 7 - Electronic Communications and Media Use**

**ARTICLE 8 - City Vehicles**

**ARTICLE 9 - Supplies, Tools, and Equipment**

**ARTICLE 10 - Telephone Use (Personal)**

**ARTICLE 11 - Use of City Property or Facilities**

**ARTICLE 12- Work on a Private Basis**

### **ARTICLE 1 - Outside Employment or "Moonlighting"**

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of official duties, or which results in conflicts of interest. Outside employment shall be approved by the City Manager. All requests will be considered on a case-by-case basis. The decision of the City Manager shall be final and not subject to appeal or grievance. The City shall not be held liable to grant sick leave in any cases of injury to an employee while that employee is engaged in outside employment.

### **ARTICLE 2 - Political Activity**

- A. No person shall be denied the opportunity to become an applicant for a position by virtue of political opinion or affiliation.
- B. No person employed by the City may be dismissed from service as a result of political opinion or affiliation.
- C. An employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression, and to allow employees to serve as voting City officers and as state or City delegates without jeopardizing public programs for which they are responsible.
- D. No employee, whether elected or appointed to the City, may directly or indirectly coerce, command, advise or solicit any officer or employee covered under the personnel system to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No City Council Member or employee, whether elected or appointed to the City, may attempt to make any officer's or employee's employment status dependent upon the employee's support or lack

of support for any political party, committee, organization, agency, or person engaged in a political activity.

- E. A regular employee wishing to seek election to a political office shall resign from City employment or take a leave of absence without pay upon approval by of the City Council no later than the day previous to the day the employee begins his/her term of office. An employee who runs for office and is defeated in election is entitled to continue employment without interruption.
- F. No employee, Mayor, or City Council person shall use City resources to promote a candidate or political party. Employees shall not work for or actively perform campaign activities for a political party or candidate during compensated City time.

### **ARTICLE 3 - Drug Free Workplace**

#### **A. General Policy.**

1. This policy describes the City's testing procedures, protocols for review, and applicable steps involved with upholding, supporting, and enforcing its policies on Fitness for Duty, Drugs & Alcohol in the workplace, and Drug & Alcohol Testing.
2. The City intends to also uphold and enforce other applicable policies, which deal with the conditions and terms of employment with the City, including, but not limited to, the City's policies and practices related to disciplinary action for violations of its employment conditions, terms, and standards.
3. As stated elsewhere in this and other policies of the City, nothing in this or any other policy shall constitute a contract or term of contract of employment. Nothing in this or any other policy constitutes any express term or condition of employment to be inferred from this or any other policy.
4. The City reserves the right to amend, replace, and/or terminate this policy and without the consultation with, or approval of, any employee(s).
5. It is the City's intent to provide a drug-free, healthy, and safe workplace. To promote this goal, employees must report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.
6. While on the City premises and while conducting City related activities off City premises, all employees must be fit for duty and no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs or non-prescription drugs is

permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and/or does not endanger other individuals in the workplace.

7. It is the policy of the City to enforce a drug-free, safe workplace through specific procedures detailed and contained within its Fitness for Duty Program and related drug and alcohol policies. Violations of this program or these policies may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have other legal consequences.
8. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Unpaid leave may be granted, if such leave does not cause the City any undue hardship, if the employee agrees to abstain from the problem substance and abides by all the City policies, rules, and prohibitions relating to conduct in the workplace from that point forward.
9. To the extent required by the federal Drug-Free Workplace Act and applicable grant or contract conditions, any employee working on or charged to a covered federal contract or grant must notify the City of a criminal conviction for a drug-related violation occurring in the workplace. Such notice must be provided within five (5) calendar days after the conviction. The City will take any additional steps required by the Drug-Free Workplace Act and applicable contract/grant terms.
10. Employees required to drive in performing their jobs, who are involved in any alcohol- or drug-related traffic violation, citation, arrest, or criminal charge arising out of work-related driving, shall promptly report such information to their Department Head and City Manager before returning to safety-sensitive driving duties, to the extent permitted by law.
11. Employees with questions on this policy or safety concerns related to drugs or alcohol in the workplace should raise their concerns with their supervisor or the City Manager. No reprisal or retaliation will be permitted for good-faith questions, reports, or participation in any process under this policy or under applicable federal or Utah law.
12. Employees are responsible for reporting to their supervisor and the City Manager when they are not fit for duty or when a lawful medication or other condition actually affects their ability to perform essential job functions safely. Employees shall not be required to disclose specific diagnoses or the name of a medication except as permitted by law. Supervisors shall remove an employee from safety-sensitive duties (including operation of City vehicles or equipment) when the supervisor reasonably believes the employee cannot safely perform those duties and

shall consult with the City Manager regarding next steps, which may include a fitness-for-duty evaluation consistent with law.

13. Employees are encouraged (but not required) to inform a trusted supervisor or designated first-aid responder of emergency response information that may be necessary to protect the employee's safety (e.g., the location of an epinephrine auto-injector, asthma rescue inhaler, etc.) and may choose to provide emergency contact information. Any medical information provided will be treated as confidential and shared only on a need-to-know basis as permitted by law. Nothing in this policy requires employees to disclose a medical diagnosis or condition except as permitted by law.

14. "CDL" Special Issues and Considerations.

a. Consistent with the City's desire to provide a drug-free, healthy, and safe workplace, and recognizing the special responsibilities placed on those who operate City equipment requiring a Commercial Driver License (CDL), the following additional standards and requirements apply to all City personnel required to have a CDL as a condition of their employment with the City:

(1) Requirements to Drive a City Commercial Motor Vehicle.

(A) A person may not drive a commercial motor vehicle for the City, unless the person has been issued and is in immediate possession of a valid CDL for the commercial motor vehicle being driven, or a valid CDL Instructional permit and is accompanied by the person holding a valid CDL for the commercial motor vehicle being driven.

(B) A person may not drive a commercial motor vehicle for the City if his privilege to drive a commercial motor vehicle is suspended, revoked, or canceled, or is subject to disqualification or an out-of-service order.

(2) CDL Disqualification or Suspension – Grounds and Duration – Procedure.

(A) A person who holds or must hold a CDL is disqualified from driving a commercial motor vehicle for the City for the terms and under the conditions set out by UCA §53-3-414, which standards are adopted as if fully set forth in this policy. Any inconsistencies between or within this policy and UCA §53-3-414, or any successor or

amended section(s), shall be resolved in favor of said Utah Code section, except where there may be a conflict with the Drug-Free Workplace Act, in which case said inconsistencies shall be reserved in favor of said Act.

B. Terms and Definitions.

1. ***Abuse of Alcohol and/or Drugs.***

- a. Reporting to work or working/performing service(s) while under the influence of, or while impaired by, alcohol or any other drug(s); or,
- b. Chemical dependence on alcohol or other drugs where job performance or people's safety is adversely affected; or,
- c. Using illegal drugs.

2. ***Alcohol.***

Ethyl alcohol or ethanol.

3. ***Chief Administrative Officer.***

City Manager.

4. ***DOT.***

Department of Transportation.

5. ***Employee(s).***

Any individual engaged to perform work or services for the City, including all employment categories and volunteers.

6. ***Fit for Duty.***

The condition of any employee, when he/she is able to perform work or service in a safe and effective manner; can safely and adequately perform the essential functions of assigned tasks, with or without reasonable accommodation; and is otherwise unimpaired by any substance.

7. ***Illegal Drugs.***

Includes, but is not limited to, marijuana, cocaine, heroin, and similar drugs where possession, use and consumption are prohibited, or controlled under state or federal law, including Utah State Code §58-37-4, and includes prescription drugs unless validly prescribed by a licensed medical practitioner and properly used by the employee.

8. ***Impaired.***

Any negative effect on the employee's ability to perform assigned tasks safely and adequately, which occur from the use/ingestion in the body of

any quantity of alcohol and/or drugs or other substances.

9. **Misuse of Legal Drugs.**

Improper use of a validly prescribed medication or using a non-prescription drug or other substance (e.g., spray paint, glue, etc.) not intended for human consumption or ingestion.

10. **Facilities (or Premises).**

All buildings, property, and parking lots along with their traffic areas and servicing corridors and access ways, including above and below ground areas such as ventilation, sewer or water ducts, or access ways; also includes equipment and vehicles used in the conduct of work and service for the City, whether owned privately or by the City.

11. **Positive Test.**

The results of any medical examination or medical testing procedure which measures or determines a discernible level of alcohol, illegal drugs, or improper level of legal drugs or other substances in an individual's body.

12. **CDL – Random Testing.**

The random selection of an employee, from the pool of all employees holding positions requiring a Commercial Driver License (CDL), to perform chemical tests for drugs or alcohol under the Federal Department of Transportation, state, or other applicable government authority.

13. **Reasonable Suspicion.**

An articulate belief, based on specific facts and reasonable inference drawn from those facts, that an employee is under the influence of, is impaired by, or is abusing alcohol, drugs, or other substance.

14. **Sample.**

Body substance or fluid drawn and/or used to conduct medical examination or medical testing procedures (s), including, but not limited to, urine, blood, breath, saliva and/or hair.

15. **Under the Influence.**

This term means the same as "Impaired" or unable to perform the essential duties of their job safely or appropriately.

16. **Use/Consumption of Alcohol.**

The use and ingestion of alcohol, beer, and liquor.

C. Test Standards and Results.

1. It is the policy of the City to test for alcohol and drugs as authorized by this policy and applicable law. Testing for employees in DOT-regulated CDL safety-sensitive positions shall be conducted and evaluated in accordance with DOT regulations (see DOT Annex – Subsection (G) of

this Article) and applicable federal requirements, as amended. For non-DOT testing, the City may test for alcohol and drug classes consistent with current medical standards and applicable federal and Utah requirements, using cutoffs and procedures described in this policy and any appendix. For non-DOT testing, panels may include (as appropriate) amphetamines, cannabinoids/THC, cocaine, opioids, PCP, and other substances as determined by the City's testing program and medical review process.

2. Tests performed may be analyzed for alcohol and applicable drug classes and metabolites consistent with the City's selected testing panel(s), current medical standards, and applicable federal and Utah law, including the Utah Controlled Substances Act (Utah Code Title 58, Chapter 37).
3. Test cutoffs and confirmation standards shall be those required by DOT (for DOT testing) or otherwise consistent with current scientifically valid standards, including any applicable federal or Utah requirements (for non-DOT testing).
4. Positive test results, confirmed as required by this policy (and by DOT rules for DOT testing), may be the basis for appropriate action under applicable City standards and policies, subject to the employee rights, procedures, and confidentiality requirements described herein and as required by law.

#### D. Drug Testing.

##### 1. General Policy.

- a. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthy working environment, all post-offer applicants, as a condition of employment, and continuing employees, under suspension or sanctions under this policy as set out below, may be asked to provide body substance samples (such as urine and/or blood) to determine the abuse of or, illicit or illegal use of drugs and/or alcohol. Refusal to submit to drug testing may cause disciplinary action, up to including termination of employment.
- b. The City will endeavor to assist its employees in obtaining confidential counseling and referral services through available community resources with such problems as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from available community resources prior to reaching a point where his or her judgment, performance, or behavior threatens or endangers the maintenance of a safe, efficient, and productive work environment for all employees or leads to imminent disciplinary action. The City reserves the right to take and continue any disciplinary action before the employee admitted

the existence of a problem.

## 2. When Tests Are Required.

a. In keeping with the City's commitment to provide a safe and productive work environment for all employees and to protect the public, drug and alcohol testing may be conducted within the guidelines established by this policy. The City will attempt to protect the confidentiality of all drug test results to the degree practicable. Drug tests may be conducted under the following situations or conditions:

- (1) Post-Offer. As a pre-qualification to assuming any position, prospective employees must provide a body substance sample for drug and alcohol testing.
- (2) Post-Accident. Any employee involved in a work-related accident or accident while on duty, whether on or off the City's premises, involving damages to any City property, shall be asked to provide a body substance sample to test for drugs and/or alcohol.
- (3) Fitness for Duty. A test may be required if significant and observable changes in employee performance, appearance, behavior, speech, etc. provide reasonable suspicion of the influence of drugs and/or alcohol. A fitness for duty evaluation may include testing one or more body substance sample(s). See Fitness for Duty – Procedures and Testing Policy below.
- (4) Random Testing. Under federal law, and as enforced by the U.S. Department of Transportation (DOT) or other federal or state requirement, any employee in a position requiring a valid Commercial Driver License (CDL) as a requisite or qualification for their job shall be subject to random testing for drugs and/or alcohol. Random testing shall be conducted at the minimum annual rates established by the U.S. Department of Transportation/FMCSA in effect at the time, using DOT-required random selection methods. Any non-DOT random testing will be conducted only as permitted by applicable law and City policy. See Fitness for Duty – Procedures and Testing below.

## 3. Contract Employees and Volunteers.

a. Contract employees and volunteers providing goods or services

for and on behalf of the City shall also be subject to the terms and conditions of all policies and procedures involving drug and alcohol testing, including the cancellation or refusal of continued services or work of said volunteer(s) or contract employee(s), found to violate these policies.

- b. Contract employees and volunteers shall be given notification of City policies and procedures involving drug and alcohol testing. This notification shall be given before work or services are provided to, for, or on behalf of the City. A properly signed acknowledgement of said notification shall be made part of the contract or file of contract workers or volunteers.

#### 4. Fitness for Duty.

- a. Consistent with the City's policies on Drug & Alcohol Use, the City intends to enforce its policies and provide a framework of drug testing procedures and testing guidelines for all employees, contract employees, and volunteers.
- b. The City requires its employees and volunteers to be "fit for duty" when performing work or service or otherwise acting in a representative capacity for the City and/or its operations.
- c. Subject to the terms and conditions of this policy, other related City policies, and relevant state and federal law, the City will not allow or permit any employee or volunteer to perform work or service when there is a reasonable suspicion that the employee cannot do so safely and effectively.
- d. The City has provided guidelines for supervisors to use in determining when and under what circumstances employees may be called into question about their adequate performance, fitness for duty, or when accident or injury occurs. Employees must notify supervisors whenever they witness or have information about accidents, injuries, or an employee's inability to perform their job duties adequately or safely.

#### E. Drug Testing Procedures.

- 1. Consistent with the City's policies on Drug & Alcohol Use, the City intends to enforce its policies and provide a framework of drug testing procedures and testing guidelines for all employees, contract employees, and volunteers.
  - a. Post-offer Applicants.

(1) It is a requirement of the City that a chemical test and a

body substance test be performed to detect the presence in the body of controlled substances and/or alcohol upon or after an offer of employment is made to an applicant.

- (2) Any applicant who tests positive will be denied employment, unless otherwise allowed elsewhere in these and related policies.
  - (A) If a test result is positive for an applicant, the applicant may, upon written request to the Department Head, within fourteen (14) days after receiving notice of a test result, have the test verified using a proven, reliable test method designated by the City and consistent with state law.
  - (B) The applicant shall pay the costs of the verification test. If the verification test is negative, the City shall reimburse the applicant for the costs of the verification test.
  - (C) If the applicant has made a timely request for verification of test results, and if the sample has become lost, stolen, contaminated, or has otherwise become unusable, unavailable, or unreliable, the applicant shall be allowed to provide another sample for testing at a time and place designated by the City.

b. Employees.

- (1) If reasonable suspicion exists to believe an employee is using, consuming illegal drugs, or is under the influence of alcohol or drugs (whether such are legal or illegal) while engaged in a work activity or a work-related purpose or event, the employee shall be required to immediately undergo a test for alcohol or drugs in the system at a medical or testing center authorized and designated by the City.
- (2) The employee shall be taken to the collection site at the medical or testing center by the supervisor or a designee of the supervisor.

2. Missed Duty- Negative Test.

- a. An individual who misses duty solely because of drug testing will

be paid for time away from scheduled work if the drug test results are negative.

### 3. Reasonable Suspicion.

a. As defined under terms and definitions in this policy, reasonable suspicion includes an articulable belief and reasonable inference that an employee is under the influence of, is impaired by, or is using, drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to, the observation or knowledge of:

(1) A Pattern of Abnormal or Erratic Behavior. Unclear thinking, as communicated by the employee when asked questions about what they are doing, could be part of a pattern of abnormal or erratic behavior. This may include the inability to list or follow consecutive events or directions in a predictable and/or logical manner.

(2) A Work-Related Incident or Accident. This may include observation and/or knowledge of behavior which violated known or expected safe work standards. An example might be an employee using a welding torch or a saw to threaten or tease another individual, even if such action does not result directly in immediate harm.

(3) Direct Observation of Drug or Alcohol Use. If any employee observes the presence, sale, distribution, use or possession of alcoholic beverages, illegal drugs, or drug paraphernalia by any other employee on the City's time or premises, the observing employee must notify his supervisor immediately.

(4) The Presence of Physical Symptoms of Drug or Alcohol Use. An example of physical symptoms present might be the burnt, sweet, acrid odor of marijuana "joint"; the clear odor of alcohol on a person's breath; slurred speech, unsteady walk, uncontrolled shaking or small tremors in the hands, arms, legs, etc.; poor coordination and/or reflexes; and glossy or bloodshot eyes.

### 4. Involved in Accident.

a. Notwithstanding any other terms or examples in this policy, an employee shall be required to undergo medical examination and/or chemical testing for alcohol or drugs, if the employee has been principally or directly involved in any behavior and/or action

which served as the cause or contributed to the reason for any accident resulting in either property damage or a physical injury.

- b. Except where determined by existing evidence or competent authority, the City requires two (2) confirming opinions by supervisors and/or Department Heads to determine the value of any property damage.

#### 5. Test Refusal.

- a. A refusal to submit to or undergo an examination or test referred to in this and related policy directives shall be interpreted as violating these policies and, besides to being treated as a positive test result, may include interpreting insubordination depending upon the involved employee's actions and behaviors in the circumstances. In either case, the employee shall be subject to disciplinary action up to and including termination.
- b. No employee will be forced to submit to a fitness for duty examination or chemical test. However, the City is intent on enforcing its own policies regarding a safe and drug-free work environment, and employees who refuse to comply with or cooperate in examination or testing procedures shall be subject to disciplinary action as noted above, up to and including termination.

#### 6. Dilute Specimen.

- a. A dilute specimen is a urine specimen that is reported as dilute under scientifically valid laboratory criteria (commonly including creatinine less than 20 mg/dL and specific gravity at or below 1.003), as determined by a licensed medical laboratory.
- b. If the urine sample is determined to be negative and diluted, the donor will be required, at the employer's request, to not drink excessive amounts of fluids and provide, with minimum possible advance notice, another specimen to be tested.
- c. If the second test is also negative – dilute, the employer must accept that result and cannot continue re-collections. The second test is the Test of Record.
- d. An applicant/employee's refusal to submit to a re-collection for a negative-dilute result will be considered a test refusal.

#### 7. Positive Test Results and Verification Procedures.

- a. A test result is determined to be positive to enforce this and related policies if the result is at, or over, the level specified by the City (in the Appendix at the back of this policy).

b. A positive test of .04 grams or greater concentration of alcohol in the blood or breath shall be deemed to cause impairment and would be a positive test.

(1) If a test result is positive, those results shall be verified (confirmed) using a proven, reliable test method designated by the City.

c. An employee who tests positive (i.e., a positive test occurred from testing their body samples), and whose test results are confirmed, shall be subject to disciplinary action which can include termination.

(1) The employee may be referred to counseling, care, or rehabilitation besides any disciplinary action.

(2) In no case will any treatment, counseling, care, or rehabilitation, which is allowed or permitted by the City, abrogate or set aside the City's right to take disciplinary action it deems appropriate in its sole discretion.

#### 8. Verification.

a. Verification tests shall be performed on the same sample from which the initial test was completed.

b. All verification tests results shall be interpreted by a qualified medical professional or physician selected by the City.

#### 9. Control of Samples.

a. The sample will remain with, and be under the custodianship of, the medical or testing center designated by the City for at least sixty (60) days following the initial testing.

#### 10. Positive Test – Program Referral – Follow up Testing.

a. An employee who tests positive for drugs or alcohol and who successfully completes rehabilitation will be subject to unscheduled testing for up to a twelve (12) month period following return to work.

b. Besides unscheduled testing, an employee who has tested positive for drugs or alcohol and has been allowed to return to work shall have a written Return to Work Plan (the "Plan") completed by their Department Head, in concert with the employee, upon the employee's return to work.

(1) The Plan shall set forth specific conditions of performance

and work conduct of the employee that shall be satisfied during the twelve (12) month duration of the Plan.

- (2) The Plan shall be tailored to the circumstances involved in enforcing this policy or any other related City policy on work performance, employee conduct, and drug and alcohol testing and shall be subject to acceptance and approval by the Department Head and the City Manager.

#### 11. Medical Release.

a. Whenever a positive test result has occurred, a supervisor shall require that the affected employee obtain a medical release from the medical facility or testing center authorized by the City indicating the employee's fitness for duty as a condition of both returning to work and continued employment.

- (1) Such medical release shall permit, but not require, the employee to be restored to duty with the City.

#### 12. Identification of Unfit Conditions.

a. To properly provide safe and adequate working conditions for employees and the public, both employees and supervisors must fulfill certain responsibilities under this policy dealing with proper identification of employees who may be unfit for duty.

##### (1) Duty of Employees.

(A) Employees must report to their supervisor any behavior or situation which appears to have the potential to negatively impact the health or safety of the public or other employees or the public's perception of the City. This latter condition may occur regarding behavior or situations which could occur in a social setting connected to the work roles or representations of an employee of the City.

(B) Employees must keep confidential their information and reports of information about any other employee and to tell only appropriate supervisors.

(C) Employees who act in good faith to appropriately identify behavior to their supervisor which may indicate another employee may not be fit for duty will be defended, indemnified, and held harmless by the City for any and all damages claimed or sustained if litigation occurs.

- (D) Employees must advise their immediate supervisors and Department Heads, prior to working, whenever they are using prescription or non-prescription drugs which might otherwise impact or impair their ability to perform job tasks assigned them, including and especially, the operation of equipment or vehicle. The City may require the employee to provide medical information about such prescribed drug and/or the employee's condition or ability to perform the required functions of their job assignment to ensure a safe and adequate work environment for the employee and others including members of the public.
- (E) Questions concerning this policy or its administration shall be directed to the City Manager through the employee's Department Head.

(2) Duty of Supervisors.

- (A) Certain procedures shall be followed by supervisors whenever an employee's behavior(s), interactions, or communication(s) discloses a reasonable suspicion to question the employee's ability to perform tasks required of the job or to question the employee's ability to perform adequately within the scope of the job.
- (B) Supervisors must follow through and act properly and in a timely manner upon first knowledge or report of a possible impaired worker or unfit condition.
- (C) Supervisors shall investigate all claims, issues, and situations related to the enforcement of this policy. Such investigation shall include the confidential identification of all witnesses to the conduct, performance, or behavior of any impaired worker. Such investigation shall also include providing notification to the City Manager of any impaired employee, with the results of the Supervisor's investigation.
- (D) Supervisors shall hold confidential all information about a reported concern or issue related to enforcement of this and related policies and share

such confidential information only with the appropriate "chain of command" superiors who require such information to enforce this and related policies.

- (E) Supervisors shall consult with the City Manager, contact the police department, and arrange for confiscation of illegal materials for drug or alcohol testing and then transportation to testing sites and other activities necessary to enforce the City's policy against drugs and alcohol in the workplace. Supervisors shall not handle or "confiscate" suspected illegal drugs or paraphernalia except as directed by law enforcement.

### 13. Police Notification.

- a. The City's procedures require that supervisors notify the police or other appropriate law enforcement official(s) whenever they believe or suspect an employee is in possession of, selling, or transferring illegal or controlled substances.

### 14. Investigation Procedures – Employee Status.

- a. Pending determining an employee's fitness for duty, the employee may be suspended, with pay, from any work activity or duty.
  - (1) This suspension is an important safety valve and should be used whenever possible and practicable.
  - (2) Employees on suspension may not return to the job until and unless the suspension has been lifted.
  - (3) Employees must be notified by the supervisor on duty of the initial suspension.
  - (4) Determinations whether or not a suspension will be lifted shall be made after the conclusion of other procedures described in this and related policies and will be communicated through the Department Head or supervisor to the suspended employee.
- b. Suspended employees reasonably perceived to be potentially unfit for duty shall not be allowed to leave the place of work unless accompanied by a supervisor or their designee.
  - (1) Management has the responsibility to ensure safe transportation for the employee from the job site.

(2) If the employee refuses to let the supervisor or their designee transport him/her, the supervisor must notify the appropriate law enforcement authorities.

c. During a suspension under this policy, a fair and thorough investigation shall occur ensuring adequate and thorough compilation of all facts, records, and evidence (including test results) pertaining to the reason(s) and cause(s) for the suspension of the employee.

d. Applicable city policies and any Civil Service Rules and Regulations related to procedures and steps regarding suspensions, their time frames and/or limitations, and the employee's return to work shall apply.

#### 15. Documentation.

a. It is an essential element of this policy and its enforcement that the supervisor and any other management member involved in evaluating the employee make a detailed record of all actions, observations, statements, and other pertinent facts related to their basis of reasonable suspicion and their perception that a worker was impaired or unfit for duty.

b. The documentation in a detailed record shall include specific facts related to the date, time, location, and observations made or other information known to exist when a reasonable suspicion was first formed, or believed to exist, that the employee was potentially unfit for duty.

c. Any witnesses who also were involved should be identified and their statements taken when possible.

#### 16. Administrative Hearing Procedures.

a. An employee who tested positive on a chemical test or examination, or who refused to take the test when requested to do so under this policy, shall have a right to request an administrative hearing before the City Manager.

b. The request for an administrative hearing shall be in writing and shall be filed with the City Manager within fourteen (14) calendar days from either the date of receipt by the employee of the verification (or confirmation) of test results or from the date of disciplinary action (suspension) resulting from the employee's refusal to be tested.

c. Time of Hearing.

- (1) A hearing shall be held within thirty (30) calendar days from receipt by the City Manager of the written request for such hearing.
- (2) A record shall be made of the hearing, and both parties (the City and the employee) shall be interested parties to the hearing.

d. Scope of Hearing.

- (1) The hearing will be informally structured.
- (2) Interested parties will present evidence, information, witness(es), records and reason(s) or rationale why a test was requested, accepted, or refused.
- (3) The process and procedure of the test, its administration, results, and interpretation shall be subject to review and discussion at the hearing.
- (4) At such hearing, all information, records, and reports pertinent to any issue(s) related to the legal or illegal control or use(s) of any substance, behaviors, and interactions regarding the effect and impact on work, task, and/or service for the City and proper compliance with law, and/or intended controls through prescriptions, regarding the possession, distribution, sale or use of any substance, as related to this or any other involved policies of the City, shall be subject to review and discussion.

e. Representation.

- (1) Since any hearing under this part is informal and administrative in structure, there is no requirement for either party to be represented by someone outside the employment of the City.
- (2) Either party may provide a representative of their choosing. The costs of representation shall be borne by the party having such representation.

f. Time and Scope of Hearing Decision.

- (1) The City Manager shall, within thirty (30) calendar days following the conclusion of a hearing, issue written findings of fact, conclusions based on those facts, and a decision or order supporting those conclusions.
- (2) The City Manager shall have full authority, subject to the

terms and conditions of this policy and procedure and under any other existing rules, regulations and/or policies of the City, to affirm any disciplinary action taken or proposed, invoke other disciplinary action apart or in combination with that already taken or proposed, and/or set aside any disciplinary action taken or proposed.

- (3) Subject to the terms and conditions of this policy and procedure, the City Manager shall have authority to reinstate an employee with or without compensation retroactive to any prior suspension or other lost time directly attributable to action(s) taken regarding this and related City policies.
- (4) It is the intent of the City that this administrative hearing procedure and process provide an avenue of timely, effective, and inexpensive review and enforcement of any disciplinary action or testing requested or performed under the terms and conditions of the City's drug-free workplace policy and the standards and procedures of enforcement in this and other related policies.
- (5) Other appeals or grievances regarding and related to the enforcement of this policy shall be governed by applicable grievance and appeal rights and procedures as found under other policies of the City.

#### 17. Private and Confidential Records.

a. In all cases involving testing for substances as detailed and provided for in this and other applicable policies, test results and records related to specific testing methods, steps, and procedures shall be released to the City.

- (1) Test results and related records obtained under this policy may be provided to the City to the extent necessary to administer and enforce this policy and as permitted by law. Such records shall be treated as confidential medical or testing records and maintained by the City in secure files separate from personnel files.

b. Testing information and results shall be shared by the City only with interested parties and only on a need-to-know basis.

- (1) Such need-to-know basis shall exist regarding sharing confidential records with Department Heads or immediate supervisors who shall be entrusted with disciplinary action,

evaluation procedures, and other direct responsibility over the employee.

(2) This release of such information occurs only when it is reasonably necessary to insure the employee is performing the assigned job and otherwise comporting their behavior to any ongoing requirements of the City.

c. Specific test results and specific records related to the test method(s), procedure(s), and related medical process shall be kept in separate and confidential records apart from the employee's file.

(1) Reference to the existence of such results and records shall be made in the employee's file regarding any record of disciplinary action taken or terms and conditions of continuing employment stemming from, or arising out of, a testing procedure, request, or outcome.

(2) The only exception to such reference shall occur regarding the restoration of an employee to duty whenever a hearing decision and order provides for such restoration and directs the expunging of such record or reference.

#### 18. Responsibility for Expenses.

a. The expense of any fitness for duty evaluations, examination, or testing requested or required by the City under this and related policies shall be paid by the City.

b. The expenses for any treatment or rehabilitation, volunteered or mandatory, shall be the responsibility of the employee.

#### F. Federal Law.

Nothing in this policy shall be interpreted to diminish or conflict with applicable federal requirements, including the federal Drug-Free Workplace Act (when applicable to covered federal grants or contracts) and DOT drug and alcohol testing rules (when applicable to DOT-regulated CDL safety-sensitive positions). Where this policy conflicts with an applicable federal requirement, the applicable federal requirement controls.

#### G. DOT Annex – CDL/DOT-Regulated Drug and Alcohol Testing.

1. Applicability. This Annex applies to employees who are required to hold a Commercial Driver License (CDL) and who perform DOT-regulated safety-sensitive functions for the City.

2. Controlling Authority. DOT testing, procedures, definitions (including

"refusal to test"), laboratory standards, Medical Review Officer (MRO) review, Substance Abuse Professional (SAP) requirements, return-to-duty testing, and follow-up testing shall be conducted in strict compliance with applicable DOT regulations, as amended. In the event of any conflict between this policy and DOT regulations, DOT regulations control.

3. Testing Types. DOT-regulated employees may be subject to DOT testing, as applicable, including but not limited to: pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up testing, consistent with DOT requirements.
4. Random Testing Rates and Selection. Random testing will be conducted at the minimum annual rates established by DOT/FMCSA and in effect at the time, using a scientifically valid random selection method and conducted throughout the calendar year.
5. Substances and Cutoffs. DOT drug testing panels, alcohol testing thresholds, confirmation requirements, and cutoffs shall be those required by DOT regulations and current DOT guidance, as amended.
6. Consequences and Process. DOT test results and violations will be handled as required by DOT regulations, including removal from safety-sensitive functions, SAP evaluation, return-to-duty testing, and follow-up testing plans. Any additional City employment action will be administered consistently with applicable law and City policy.
7. Confidentiality. DOT testing records shall be maintained and disclosed only as permitted by DOT regulations and applicable law and shall be kept in secure files separate from general personnel files.

#### **ARTICLE 4 - Public Relations and Social Media**

- A. The very nature of governmental business makes public relations one of the most important aspects of the job. The quality of the City's interpersonal interactions impacts all employees of the City and the public perception of the City as a whole. Employees and volunteers are to take every opportunity through the course of performing in the job to create "good will" with the public.
- B. Employees and volunteers are required to be courteous and show understanding in spite of the difficulty of situations that may arise. Reports of a negative nature will be investigated by Department Heads and the City Manager and disciplinary actions could result.
- C. With regard to a variety of legal responsibilities, confidential and ethical constraints under which the City functions, specific guidelines affecting newspaper, radio, television, all social media, and other related media shall be as follows:

1. Only specific individuals are authorized to respond to any media inquiry or request which individuals include the City Manager, City Attorney, Mayor, and/or City Council members. All media (newspaper, radio and television) inquiries and requests for interviews shall be referred to the City Manager who shall coordinate all responses with the media.
- D. For purposes of this policy, "social media" is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit, or comment on content, combine content, and share content.
1. Examples of social media include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn, and Instagram.
- E. This policy applies, but is not limited to, all posts, comments, messages, and content created, generated, produced, and/or maintained by official City social media sites.
- F. Only specific individuals are authorized to post on the City's social media accounts, which individuals include the City Manager, or their designee, and the Mayor.
1. This policy does not apply to personal social media accounts, including those personal accounts that designate the elected official as an elected official for the City.

**a. NOTE TO ELECTED OFFICIALS:**

- (1) Elected Officials' use of personal social media platforms for official City business may convert that social media account into a public forum with First Amendment protections and restrictions, such as removing the ability to block individuals.
- (2) If the elected official wishes to keep their personal social media account personal, the elected official should not use it for official City business.
- (3) If an elected official makes a post regarding the City, the elected official must disclose that the statement is the elected official's opinion only and may not reflect the position of the City.

**ARTICLE 5 - Personal Hygiene, Grooming, and Appearance**

The City reserves the right to expect its employees to present a favorable and professional impression during any contact with the public. All employees are expected

to maintain a neat and clean personal appearance. Personal hygiene is important to protect health and safety, and to maintain a favorable impression of the City. The City reserves the right to require an acceptable level of personal hygiene. Dress shall consist of uniforms or uniform parts and work clothing as provided or prescribed by the City and which is consistent with a professional work environment for the Public Works personnel and casual modest office apparel for all other administrative employees. "Casual Modest Office Apparel" does not include tank tops, shorts, mini-skirts, dresses or shirts with spaghetti straps, or midriffs.

#### **ARTICLE 6 - Electronic Communications and Media Use**

- A. It is the policy of the City to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.
- B. All City communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City. The City may access and monitor employee communications and files, as it considers appropriate. Communications equipment and services include mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards. Communications made by any City employee may be monitored at any time.
- C. On-line services and the Internet may be accessed only by employees specifically authorized by the City. Upon request, authorized employees shall disclose all passwords to the City Manager and their Department Heads but should not share the passwords with other employees. Employees' on-line use should be limited to work-related activities.
- D. Employees shall not duplicate or download from the Internet or from an e-mail any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material. When appropriate Internet material or e-mail files are downloaded, they shall be scanned using the City's antivirus software.
- E. Employees shall not use e-mail, facsimiles, or any other insecure communication system to communicate confidential information. In addition, e-mail generally should be saved according to Willard City's retention policy that can be found in the City Recorder's office.
- F. An employee's or volunteer's improper use of City communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages. Unsolicited and unintentional access or transmission of unauthorized information, material, or

internet sites does not cause a violation of this policy.

- G. To protect the City computer network and other computer systems from viruses and other potentially damaging programming, the installation and use of personal email accounts through City-owned computers is prohibited. Those authorized for internet and email access shall only use the City's email service and internet access, and the City's internet and email shall not be used to receive or send personal emails.

## **ARTICLE 7 - City Vehicles**

- A. All employees who operate City-owned vehicles, whether routinely or occasionally, are responsible for abiding by all applicable laws and policies. The City carries liability and property damage insurance on all vehicles and, therefore, employees are covered for accidents while driving vehicles on official City business.
- B. Policies that apply to the use of City vehicles include the following:
1. Safe and courteous operation is mandatory.
  2. Personal, private, or convenience use of the City vehicle is strictly prohibited.
  3. Proof of a valid State driver's license is required before any employee may operate a City vehicle. The class of license shall be as required by the employee's job description.
  4. Seat belts shall be properly used at all times while operating a City vehicle.
  5. Transporting of passengers for non-business purposes is prohibited.
  6. All accidents involving a City vehicle shall be reported, using a City approved form.
  7. If an employee is involved in an accident while driving a City vehicle, all of the following shall apply:
    - a. Stop immediately, stay calm, and secure the City vehicle.
    - b. Help any injured and call an ambulance, if needed.
    - c. Call and inform the Department Head and the City Manager as soon as possible and on the same day of the accident.
    - d. Don't argue with any involved party.
    - e. Don't apologize to any involved party.
    - f. Call police to investigate and issue an accident report.
    - g. Complete an accident report and written statement.

8. It is the driver's responsibility to ensure the vehicle is safe to drive. Verify safety of vehicle before operating. If safety problems are evident - do not operate vehicle. Immediately report problems for repair.
9. Vehicles must be kept free of all debris, trash, and clutter that can interfere with safe operation.
10. There shall be no riding outside any vehicle or in or on the bed of a truck.
11. Vehicles shall not be loaned to any person, company, or other public agency unless prior written approval is given by the City Manager or Department Head.
12. In the event an individual in the employ of the City receives a moving or non-moving citation in a City-owned vehicle, that individual shall be responsible for any fines or fees incurred and shall immediately report it to the City Manager and their supervising Department Head.

#### **ARTICLE 8 - Supplies, Tools, and Equipment**

All employees are charged with the responsibility of maintaining the City's property in the best possible condition and making the most economical use of supplies (including tools, equipment, etc.) issued to them. Safe and courteous operation is mandatory.

#### **ARTICLE 9 - Telephone Use (Personal)**

Personal long distance/toll calls will not be charged to the City at any time. Emergency personal toll calls will be placed collect to the receiving number or charged to the employee's private home number.

#### **ARTICLE 10 - Use of City Property or Facilities**

- A. City property or facilities cannot be used by any employee or by the general public for any purpose other than official City business, unless the City Council has set policy regarding the rental of parks and City facilities and an employee or a member of the general public follows that rental policy.
- B. Contractors and developers will not be supported by the use of City equipment or property at any time or by work performed by employees.
- C. No purchase shall be made by the City for personal use by any employee, except where otherwise provided for under special agreements or contracts.

#### **ARTICLE 11- Work on a Private Basis**

- A. Employees of Willard City may not perform private work for the City outside of

their official duties, nor may they enter into informal or personal service arrangements with the City. All work performed for the City must occur through an authorized employment relationship or a formally procured contract.

- B. Volunteers, including volunteer firefighters, are not considered employees for purposes of this section and may continue to operate private businesses. Volunteers and employees may submit bids or proposals for City projects but only through a competitive procurement process and only if they have no role in preparing specifications, evaluating bids, or approving the contract. Any potential conflict of interest must be disclosed in writing to the City Manager in advance.
- C. Employees are prohibited from using their City position to secure private work or personal benefit. Violations of this policy may result in disciplinary action, up to and including termination.

## **SECTION 13 - DISCIPLINARY PROCEDURE**

[ARTICLE 1 - General Policy](#)

[ARTICLE 2 - Types of Disciplinary Action](#)

[ARTICLE 3 - Causes for Disciplinary Action](#)

[ARTICLE 4 - Conducting an Investigation](#)

[ARTICLE 5 - Predetermination Hearing](#)

[ARTICLE 6 - Appeal Procedures](#)

[ARTICLE 7 - Hearing Officer](#)

[ARTICLE 8 - Conflict Resolution](#)

### **ARTICLE 1 - General Policy**

- A. It is the policy of Willard City that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined. However, this policy does not create a property right, and due process rights only apply to the extent required by state or federal law and applicable classification.
- B. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Willard City government.
- C. Administrative procedures have been established for handling disciplinary measures when required. All such measures shall follow the presentation of charges to the employee, and the employee will receive the substance of evidence relied upon, with appropriate redactions where required by law.
- D. Disciplinary action, up to and including termination, may be imposed for misconduct.
- E. Written documentation concerning employee disciplinary action imposed will be maintained in accordance with applicable records retention requirements and lawful orders as part of an employee's Personnel Record.

### **ARTICLE 2 - Types of Disciplinary Action**

- A. Verbal Warning.
  - 1. Whenever grounds for disciplinary action exist, and the Department Head determines more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee.
  - 2. Whenever possible, sufficient time for improvement should precede additional disciplinary action.

## B. Notice of Remedial Action

1. A non-punitive notice of remedial action is a mild letter of reprimand. The recipient is not being punished for the actions they engaged in, but they are being notified that what they did was wrong and will be closely watched in the future. Non-punitive notice of remedial action does not include suspension, demotion, or termination but may include additional training requirements or other such remedial actions within a timeframe to be determined by their supervisor.
2. If an employee does not abide by the required remedial action notification, a supervisor may proceed with a written reprimand.

## C. Written Reprimand.

1. The Department Head or designee may reprimand an employee. The Department Head, or designee, shall furnish the employee with a written reprimand notification setting forth the reason(s).
2. A copy of the written reprimand notification, signed by the Department Head and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so state and will document it in writing.

## D. Suspension.

1. The Department Head, with approval of the City Manager, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
2. When suspending an employee, the City Manager shall follow the due process proceedings set forth in this section.
3. By the effective date of the suspension, the City Manager shall furnish the employee with a written suspension notification setting forth the reason(s) for suspension.
4. A copy of the suspension notification, signed by the City Manager and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so state and will document it in writing.
5. An employee on suspension shall make full employee contributions to their employee medical insurance benefits. The employee shall timely pay required premium contributions to maintain coverage, per plan terms.
6. Suspensions and pay deductions will be administered consistently with Fair Labor and Standards Act and Utah wage laws.

E. Demotion.

1. The Department Head, with the approval of the City Manager, may demote, or reduce the pay of an employee for cause or provide for reasonable accommodation in appropriate circumstances.
2. When demoting an employee, the Department Head shall follow the due process proceedings hereinafter set forth in this section.
3. On or before the effective date of the demotion, the Department Head shall furnish the employee with a written demotion notification setting forth the reason(s) for demotion.
4. A copy of the demotion notification signed by the City Manager and the employee shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the City Manager will so state and will document it in writing.

F. Transfer.

1. The Department Head, with the approval of the City Manager, may transfer an employee (except for an introductory employee) by furnishing the employee with a written transfer notification.
2. Notification of the transfer, signed by the Department Head and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Department Head will so state and will document it in writing.

G. Termination.

1. The Department Head, with the approval of the City Manager, may terminate an employee for cause.
2. When terminating an employee for cause, the Department Head shall follow the due process proceedings set forth in this section.
3. By the effective date of the termination for cause, the Department Head shall furnish the employee with a written termination notification setting forth the reason(s) for termination.
4. A copy of the termination notification signed by the Department Head and the employee shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form, the Department Head will so state and will document it in writing.

**ARTICLE 3 - Causes for Disciplinary Action**

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

1. Violation of the laws of Utah or the United States, other than minor traffic offenses.
2. Violation of the code of personal conduct.
3. Unjustified interference with the work of other Willard City employees.
4. Misconduct.
5. Malfeasance.
6. Misfeasance.
7. Nonfeasance.
8. Incompetence.
9. Negligence.
10. Insubordination.
11. Failure to maintain skills.
12. Inadequate performance of duties.
13. Unauthorized absence or tardiness.
14. Falsification or unauthorized alteration of records or Willard City records.
15. Violation of Willard City policies.
16. Falsification of employment application.
17. Discrimination in hiring, assignment, or promotion.
18. Sexual harassment.
19. Violation of the Personnel Policies and Procedures.
20. Use of alcohol or drugs, other than medication prescribed by a licensed healthcare provider, that affects job performance.
21. Unauthorized alteration of a time slip – either the employee's or another employee.
22. Unauthorized possession of firearms, weapons, or explosives on Willard City owned property.
23. Carelessness which affects the safety of personnel.
24. Threatening, intimidating, coercing, or interfering with the public or with fellow employees on the job.
25. Theft or removal of any Willard City property or the property of any

employee from the work area premises without proper authorization.

26. Gambling or engaging in a lottery at any Willard City work area.
27. Misusing, destroying, or damaging any Willard City property or the property of any employee.
28. Deliberately restricting work output of themselves or others.
29. Drinking any alcoholic beverage during the workday or being under the influence of illicit drugs or alcohol during the workday.
30. Sleeping during working hours.
31. Fighting (verbal or physical) on Willard City premises, or while on city business, or in a city uniform.
32. Any act which might endanger the safety or lives of others.

B. Discipline shall not be imposed for protected activity under federal and state laws and regulations, which includes filing a harassment complaint, requesting accommodation, whistleblowing, union/protected concerted activity (if applicable), reporting safety issues/injuries, etc.

#### **ARTICLE 4 - Conducting an Investigation**

- A. The Department Head will investigate the allegations which form the grounds for disciplinary action.
- B. All investigations will be conducted in a fair and consistent manner.
- C. During an investigation to determine the facts upon which disciplinary action may be imposed, the Department Head, with the approval of the City Manager, may place an employee on paid or unpaid administrative leave depending on the situation involved.
- D. The investigation shall include an opportunity for the employee to respond to the allegations. However, this policy does not create a property right, and due process rights only apply to the extent required by law and applicable classification.
- E. Each employee shall be afforded prior access to Willard City's rules, policies, and procedures.
- F. In determining the type and severity of the disciplinary action, the Department Head may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on Willard City operations; and/or the potential of the misconduct to harm

person(s) or property.

- G. For disciplinary action on a written reprimand, the Department Head, with the approval of the City Manager, shall notify the employee, in writing, of the findings of the investigation. The written statement shall include:
  - 1. The grounds for disciplinary action including a description of the specific misconduct for which the disciplinary action is being imposed;
  - 2. Any prior disciplinary action imposed;
  - 3. Disciplinary action to be imposed;
  - 4. The effective date and duration of the disciplinary action; and
  - 5. The corrective action necessary for the employee to avoid further disciplinary action.
- H. Suspension, demotion, transfer, or termination of an employee shall require the approval of the City Manager.
- I. The Department Head may note the disciplinary action on their personal notes when the disciplinary action is imposed and/or on the employee's performance evaluation form. Notes must be factual, professional, and maintained consistently with records rules, if relied upon.

#### **ARTICLE 5 - Predetermination Hearing**

- A. Subject to the terms and conditions of this and other applicable policies, the City intends to provide employees with eligible employment classifications with a Predetermination Hearing to review with the employee certain actions which may be taken against the employee. Eligible employment classifications are all employees, except Non-merit Service employees.
- B. Eligible employees shall be informed of the purpose of any Predetermination Hearing and shall be provided with written information about the hearing procedures.
- C. The City provides a Predetermination Hearing to be held by the City Manager or the City Manager's designee for employees in eligible employment classifications for the following actions:
  - 1. Serious disciplinary action which could cause a suspension from work without pay for over two (2) workdays.
  - 2. Demotion in job classification or pay range.
  - 3. Discharge proceedings, including termination for cause, lay-off, reduction in force, or for any other reason.

- D. Prior to a Predetermination Hearing, the Department Head, at their sole discretion, may take action to reassign, restructure, or otherwise change the conditions and function of the employee job or duties, subject to City policies governing such changes.
- E. A Predetermination Hearing shall be conducted after advance notice to the employee of the reason for the hearing and date and time of the hearing.
- F. The hearing officer will be the City Manager, or their designee, unless the person for whom the hearing is being held reports directly to the City Manager.
  - 1. When the person for whom the hearing is being held reports directly to the City Manager, the Mayor will be the hearing officer. However, if the Mayor has been a material witness or has substantial prior involvement, an alternate qualified hearing officer shall be appointed.
- G. The hearing officer shall allow each party to state their point of view and shall provide the affected employee with the reason(s) for the contemplated action and a review of the records which support the action. The employee will receive the substance of evidence relied upon, with appropriate redactions where required by law.
  - 1. Likewise, the employee shall present their point of view and any records or witness(es) which support their point of view.
  - 2. The employee may provide rebuttal to any allegations or charges and be granted an open and direct opportunity to understand and respond to all allegations and reasons for the contemplated.
- H. A record shall be made and kept of the procedures, process, and factual content of the Predetermination Hearing.
- I. The hearing officer has the authority to initiate, withhold, set aside, or modify the contemplated action, based on information available, including but not limited to, the discussion and exchange of information in the Predetermination Hearing.
- J. A decision by the hearing officer about any contemplated action may be made at the Predetermination Hearing or within fifteen (15) calendar days after the Predetermination Hearing.
  - 1. The decision shall include written notification to the employee of their rights to file a grievance or appeal request.
- K. Suspensions resulting from a Predetermination Hearing may be with or without pay, at the discretion of the hearing officer, depending upon the seriousness of the problem(s) or issue(s).
  - 1. Any suspension without pay, which is later overturned, modified, or set aside, shall be subject to retroactive pay for the time, or an applicable

portion of time, during which the employee was without pay.

2. Suspension without pay pending an investigation and decision will occur only under serious and compelling circumstances.
3. Suspensions and pay deductions will be administered consistently with FLSA and Utah wage laws.
4. Certain eligible employees, who disagree with the action of their supervisor, or the decision of the Department Head, have further rights of review and appeal as described under other review and appeals policies. The Department Head will inform the employee of their appeal rights in writing.

#### **ARTICLE 6 - Appeal Procedures**

- A. Subject to the terms and conditions described in this policy, and consistent with the terms of UCA 10-3-1106, the City intends to provide a review to employees in eligible employment classifications, who are the subject of serious disciplinary actions involving suspensions, demotions, and discharge.
- B. Eligible employees may request a review to grieve appointments and/or promotions, which directly affect them.
- C. Eligible employees must file a written request for the appeal with the City Recorder within specific time limits from final action by their Department Head or City Manager. The time limit is within ten (10) calendar days.
- D. The following regarding appeals is applicable:
  1. Introductory employees have no appeal rights.
  2. Non-Merit Service Employees have no appeal rights.
  3. Employees have no verbal warning appeal rights.
  4. Employees have no letter of caution appeal rights.
  5. Employees have no written reprimand appeal rights.
  6. Appealing to a Hearing Officer. Upon written receipt of an Employee Demotion, Transfer, or Termination Notice, some employees have the right to first appeal the disciplinary process and action imposed by the Department Head, or designee, to a Hearing Officer (exceptions include Introductory Employees and Department Heads).

#### **ARTICLE 7 - Hearing Officer**

- A. The Hearing Officer shall have jurisdiction under UCA Section 10-3-1105 and Section 10-3-1106 UCA over employees in eligible employment classifications involving any action regarding an eligible employee's job regarding a demotion, a transfer to a position with less remuneration, or discharge from service.
- B. The Hearing Officer and its jurisdiction shall follow Section 10-3-1106 UCA as amended. The City intends to comply with all legally mandated provisions and limitations regarding the make-up and jurisdiction of the Hearing Officer. When an appeal is filed by an employee and thus a Hearing Officer becomes necessary, the City Manager shall choose a Hearing Officer from a neighboring city with a similar form of government. The City Manager shall choose an individual with legal and/or HR experience.
- C. An employee shall file an appeal with the City Recorder within ten (10) calendar days of the termination, transfer, or demotion.
  1. The City Recorder will refer a copy to the Hearing Officer.
- D. The Hearing Officer will conduct a hearing, receive evidence, and issue findings and a decision within fifteen (15) calendar days of transmittal of the appeal to the Hearing Officer.
- E. The employee may attend the Hearing Officer meetings, be represented by Counsel, and attempt to refute or rebut any information provided to the Hearing Officer.
- F. If the Hearing Officer upholds the transfer, discharge, or demotion, the employee has ten (10) calendar days to appeal the decision to the Court of Appeals.
- G. An employee must submit their written notice of appeal to Willard City's Recorder within thirty (30) days, or an employee will be deemed to have waived all appeal rights.
- H. The deliberations of the Court of Appeals will be based on the record from the Hearing Officer.
- I. Decisions of the Court of Appeals
  1. If the Court of Appeals overturns the Employee Disciplinary Action:
    - a. If the Court of Appeals does not uphold the transfer, discharge or demotion, the matter will be closed, and no further proceedings will take place.
    - b. The City Manager shall remove the record of the disciplinary action from the employee's personnel file.
  2. If the Court of Appeals upholds the Employee Disciplinary Action, the decision shall be final, and the employee has no further appeal rights.

## **ARTICLE 8 - Conflict Resolution**

- A. The City intends to develop and encourage consistent and clear policies that reflect the standards of work and expected conduct applicable to each employee's position and job requirements.
- B. Issues and conflicts can arise in applying and enforcing City policies and procedures.
- C. It is the policy of the City that issues and conflicts within the work setting, and environment be resolved at the lowest possible level in an informal manner that appropriately reflects respect and good faith between individuals.
- D. When employees are concerned about issues or events pertaining to their work conditions, work environment or their own jobs, they are expected and encouraged to directly discuss their concerns openly and frankly with their immediate supervisor.
- E. If any employee believes it would not be appropriate to discuss a concern with their immediate supervisor, the employee is encouraged to discuss the concern with the next level of supervision in their department. If the employee does not believe it would be appropriate to discuss the concern with any supervisor, then the Department Head should be contacted, and a meeting requested.
- F. In cases involving the City's Drug Free Workplace Policy, the Harassment and Discrimination Policy, or that concern discrimination issues and the City's Equal Employment Opportunity Policy, the employee can report their concerns directly to the City Manager if he/she believes it would be inappropriate to discuss a concern with their Department Head.
- G. Work review and evaluation of an employee's job performance are among many important factors in determining an employee's success in any job.
  - 1. Supervisors and Department Heads are expected to communicate work performance standards and provide feedback to employees on an ongoing basis.
  - 2. Likewise, employees are expected to communicate directly and openly with supervisors and Department Heads on an ongoing and regular basis to seek feedback and to assess whether they are meeting work goals, job requirements, and achieving the results expected of them by their supervisor and Department Head.
- H. It is the experience of the City that when communications are open and direct, the work environment and atmosphere can be pleasant and productive. Eligible employees have certain appeal rights available to them to ensure reasonable and consistent standards are applied. These other measures are covered by

## **SECTION 14 - EMPLOYEE GRIEVANCE AND APPEAL PROCEDURE**

### **ARTICLE 1 - General Statement**

### **ARTICLE 2 - Grievance Procedure Steps**

### **ARTICLE 3 - Non-Grievance Issues**

#### **ARTICLE 1 - General Statement**

It shall be the policy of the City, insofar as possible, to prevent the occurrence of grievances and to deal with those which occur in a prompt, forthright, and professional manner. Every effort shall be made to address grievances within the framework of existing laws and regulations, and in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment, desires remedial action, and is desirous of filing an appeal for relief of the condition. The employee having the grievance shall have responsibility to carry on the grievance process as far as necessary to reach a satisfactory solution. The City Manager shall assure that all personnel respond affirmatively to this policy and procedure and expedite the resolution or processing of any grievance that may be received.

#### **ARTICLE 2 - Grievance Procedure Steps**

**STEP 1:** An employee with a grievance or request shall first go to his/her immediate Department Head with a written statement describing the conditions or circumstances and the remedy desired. If a remedy cannot be agreed to within ten (10) days, or if there is no action taken by the Department Head within ten (10) days, the employee shall provide the City Manager with a copy of the grievance for further processing. If the City Manager is the immediate Department Head, skip step two.

**STEP 2:** Whenever a grievance is directed to the attention of the City Manager, the City Manager shall, within five (5) working days, discuss all relevant circumstances with the employee and the immediate Department Head and resolve the grievance to the extent the City Manager deems advisable and possesses authority. This decision of the City Manager must be delivered in writing within ten (10) working days to the employee and to the Department Head.

**STEP 3:** If the employee is unsatisfied with the decision of the City Manager, the employee shall deliver the written decision of the City Manager, along with a written statement from the employee, to the Mayor; who shall hear testimony from the Department Head and employee and/or employee representative within twenty (20) working days from receipt of the notice of grievance. The Mayor shall render a written decision within ten (10) working days from the date of the hearing, which shall be final and binding as far as the City is concerned.

#### **ARTICLE 3 - Non-Grievance Issues**

While employees or Department Heads may appeal to the City Manager regarding the assignment of positions to the job classification and pay grade structure, such management decisions are not grievable. The City, represented by the City Manager, reserves the right to make all decisions related to fair and equitable determination of compensation.

## **SECTION 15 - GARNISHMENTS**

### **ARTICLE 1 - Adherence To Wage Garnishment Guidelines**

#### **ARTICLE 1 - Adherence To Wage Garnishment Guidelines**

- A. The City shall comply with all applicable federal and Utah laws governing wage garnishments, including the Consumer Credit Protection Act of 1968. Wage garnishments shall be administered in a neutral, lawful, and nondiscriminatory manner.
- B. The City shall limit the amount of an employee's wages that can be withheld to satisfy a wage garnishment. The amount withheld cannot exceed either:
  - 1. Twenty-five percent (25%) of the employee's weekly disposable earnings; or
  - 2. The amount by which the employee's weekly disposable earnings exceed thirty (30) times the current minimum wage set by the Department of Labor.
    - a. "Disposable earnings" means the part of an employee's earnings remaining after the deduction of amounts required by law.
- C. The City shall honor and process wage garnishment orders only when issued or approved by a court or other lawful authority.
  - 1. Garnishments shall be applied strictly in accordance with:
    - a. The terms of the garnishment order; and
    - b. Applicable federal and Utah law regarding priority, duration, and limits.
  - 2. The City shall provide required notices to the employee as mandated by law.
- D. The City will not initiate any action against an employee if his/her earnings have been subjected to garnishment for any single indebtedness.
- E. The City may charge the employee an administrative fee for processing a garnishment action if it is allowed by the court order or other lawful authority.

## SECTION 16 – OCCUPATIONAL SAFETY AND HEALTH

### ARTICLE 1 - Workplace Safety Standards

### ARTICLE 2 - Health and Safety Rules and Regulations

### ARTICLE 3 - Non-Smoking Policy

### ARTICLE 4 - Lockout/Tagout

#### ARTICLE 1 - Workplace Safety Standards

- A. It is the intent of the City to comply with all applicable rules and regulations pertaining to the Occupational Safety and Health Act (OSHA) as established under Federal Law or Utah State Law. No job is so important and no service so urgent that time cannot be taken to perform work safely. Equipment, materials, and operations must be understood before they are utilized. Unsafe conditions and circumstances involving accidents or the potential for accidents shall be reported immediately to the Department Head and the City Manager. City employees have the right to report hazards without retaliation.
- B. The City shall furnish each of its employees a work environment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that each employee comply with the occupational safety and health standards, orders, rules, and regulations promulgated under OSHA, which includes all federal OSHA standards adopted by the State of Utah and recognized statutory employee rights. Compliance with OSHA shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
- C. All employees are covered under the Workers' Compensation Act for any injury sustained during the performance of their job as outlined in Title 34A, Chapter 2 and all future amendments.
- D. In accordance with federal and state law and standards, the City Manager shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. The City Manager, or designee, shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and public. They shall warn all employees of any known dangerous conditions.
- E. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not time is lost. These records shall at all reasonable times be available to the Utah Labor Commission or its representatives upon request. Other records shall be kept as requested by the Utah Labor Commission.
- F. A designated "Risk & Safety Manager" shall post, in a conspicuous place, a listing

of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of an emergency.

- G. Department Heads and employees shall be required to ensure clean work areas. An excessively littered or dirty work area constitutes an unsafe and hazardous condition of employment and should be remedied within a reasonable amount of time.
- H. A report of any on-the-job injury resulting in disability or lost time shall be submitted by the City Manager to the Utah Labor Commission and to the employee affected. Injury reporting timelines shall comply with Utah Labor Commission rules, insurance carrier requirements, Workers' Compensation Act, and any other applicable state or federal regulations or code.
- I. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of the City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees. Willful violation of these rules is grounds for disciplinary action or dismissal. However, the City shall not discipline any employee who reports injuries or hazards and are exercising their OSHA rights or any other rights controlled by state or federal regulations or code.
- J. Additional information relating to OSHA can be obtained from the Utah Labor Commission.

## **ARTICLE 2 - Health and Safety Rules and Regulations**

- A. The reason for setting forth City rules and regulations is to provide a guide to employees so that their actions will be consistent with the needs of the City and to maintain orderly and effective operations. Of greater importance is the protection of employees from injury. Violations of rules shall subject an employee to either progressive discipline or discharge, depending upon the seriousness of the violation as determined by the City.
- B. Employee Safety Rights and Non-Retaliation. Willard City strictly prohibits retaliation against any employee for reporting a work-related injury or illness, reporting unsafe working conditions, requesting safety equipment, raising safety concerns, or exercising any right protected under OSHA or Utah law. Disciplinary action shall not be imposed solely for reporting an injury, illness, or safety concern.
- C. These written rules do not relieve employees from the duty of using good judgment and working in a manner that will not endanger themselves or coworkers. The following, though not all inclusive, are the General Safety Rules of Willard City:

1. Report all injuries, no matter how slight, to your Department Head. Employees may report injuries without fear of retaliation.
2. Immediately report any unsafe practices or hazards of which you may become aware. Employees may report unsafe practices or hazards without fear of retaliation.
3. Learn the safe way to perform your job before you start. If you are not certain that you thoroughly understand the job, ask your Department Head for further instructions.
4. Work or drive at a safe speed. Do not endanger yourself or others by hurrying recklessly.
5. Horseplay and practical jokes are dangerous. Anyone involved in these practices may be subject to disciplinary action.
6. Keep your work area clean at all times. Good housekeeping is the responsibility of every employee. Keep stairways, passageways, exits, and sidewalks clean and clear, this will help avoid slips and falls.
7. Be aware of fire extinguishers. Know how to use them. Know the location of emergency exits.
8. Be aware of the location of first aid kits and eye wash equipment. For chemical hazards, know the location of emergency showers or a dependable water/rinse supply.
9. Employees shall not report to work or remain on duty while under the influence of alcohol, illegal drugs, or any controlled substance in a manner that impairs the employee's ability to perform assigned duties safely. The possession, use, distribution, or sale of alcohol or illegal drugs on City property or while performing City business is prohibited. This rule shall be administered in accordance with applicable state and federal law and any adopted City drug and alcohol policy. Lawful prescription medications are not prohibited unless they impair an employee's ability to work safely.
10. Employees shall notify their Department Head if a medical condition or medication **actually affects** the employee's ability to perform assigned duties safely or creates a safety risk. Employees shall not be required to disclose specific medical diagnoses or medications unless permitted by law. The City may require a fitness-for-duty evaluation when safety concerns exist, consistent with state and federal law.
11. Smoking, vaping, and the use of tobacco or nicotine products are prohibited inside all City buildings, facilities, and vehicles. Employees who choose to smoke must do so outdoors in a manner that does not interfere with City operations or expose coworkers or the public to secondhand smoke. Smoking is not permitted near building entrances or air intakes.

12. Cover or protect all ground level openings with barricades or guard rails.
13. Treat all electrical service areas as live wires. Do not touch exposed wires. Report them immediately to your Department Head. Report all damaged electrical tools and cords immediately.
14. Employees shall not operate, repair, adjust, service, or maintain equipment unless authorized and properly trained. Equipment shall be shut down, isolated, locked out, and tagged out before servicing or maintenance is performed, in accordance with the City's written Lockout/Tagout program and applicable OSHA standards. Only authorized employees may perform lockout/tagout procedures.
15. Handle all hot water and air lines with care.
16. Personal neatness is valued. Clean hands, clothes, and hair are required.
17. Jewelry, loose-fitting clothing, unsecured long hair, or other items that could become entangled in machinery or create a safety hazard shall not be permitted in designated hazardous work areas. Any restrictions shall be applied in a non-discriminatory manner and limited to areas where a legitimate safety risk exists.
18. Do not operate equipment you have not been trained to operate and have not been authorized to operate by your Department Head.
19. Never operate equipment with guards removed or safety devices inactivated. Never attempt to circumvent or defeat such mechanisms.
20. Do not use defective or damaged tools or equipment. Check all tools before use. Report problems to your Department Head.
21. Personal Protective Equipment (PPE) shall be worn when required by a hazard assessment or applicable safety standard. PPE requirements shall be based on identified workplace hazards and shall be used in accordance with training and applicable OSHA regulations. Required PPE shall be provided, used, and maintained in compliance with federal and state law.
22. Appropriate footwear shall be worn based on workplace hazards. Open-toed shoes are prohibited where foot injury hazards exist. Safety footwear shall be required where determined by hazard assessment or applicable OSHA standards. Employees shall comply with footwear requirements established for their work assignment.
23. Always wear your seatbelts when operating or riding in a vehicle.
24. Employees shall comply with all specific safety programs applicable to their job duties, including but not limited to lockout/tagout, confined space entry, hazard communication, and respiratory protection, as established by the City in accordance with OSHA and Utah Occupational Safety and

Health standards. These programs are set forth in separate written procedures and training materials

### **ARTICLE 3 - Non-Smoking Policy**

- A. It is the policy of the City to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.
- B. The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted at all of its facilities.
- C. Smoking is prohibited inside all City facilities.
- D. The City Manager and Department Heads are responsible for implementing and monitoring smoking regulations, and Department Heads are expected to enforce such regulations. The smoking policy applies to employees during working hours and to customers and visitors while on the City's premises.
- E. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers as regards to the smoking policy. However, smokers have a special obligation to keep areas litter-free and not to abuse break and work rules.
- F. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City's grievance procedure. Employees who violate the policy will be subject to disciplinary action.
- G. The City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during non-working time and off of the City's premises.

### **ARTICLE 4 - Lockout/Tagout**

- A. Willard City maintains a written Lockout/Tagout (LOTO) Program in compliance with OSHA's Control of Hazardous Energy Standard (29 CFR 1910.147).
- B. Employees who service or maintain equipment that could expose them to hazardous energy must follow all LOTO procedures and complete required training before performing such work.
- C. Department Heads are responsible for ensuring compliance with the LOTO Program. The full LOTO Program is maintained by the City Manager and is available to all employees.

**SECTION 17 - MISCELLANEOUS**

**ARTICLE 1 - Gifting**

**ARTICLE 2 - Service Awards**

**ARTICLE 1 - Gifting**

Hospital or convalescence flowers are sent by the City to employees. Funeral flowers are sent by the City to an employee, spouse, mother, father, or children (not in-laws). Employees may pool funds for other gifts, flowers, parties, etc.

**ARTICLE 2 - Service Awards**

Employees will receive appropriate recognition for 5, 10, 15, 20, 25, and 30 years of service with the City and also upon retirement. Recognition will be acknowledged by the Mayor and City Council. Service pins (as applicable for Police and Fire Departments) will be given along with bonus pay. Bonus pay amounts for recognizing various years of service are established as follows; however, bonus pay must be issued to conform with IRS tax withholding requirements:

<b>STANDARDIZED MAXIMUM EXPENDITURES</b>	
<b>YEARS OF SERVICE</b>	<b>BONUS AMOUNT</b>
5	\$25.00
10	\$50.00
15	\$75.00
20	\$100.00
25	\$150.00
30 or more	\$200.00
Retirement	\$400.00

## **SECTION 18 - HARASSMENT AND DISCRIMINATION**

[ARTICLE 1 - Harassment and Discrimination Policy](#)

[ARTICLE 2 - Prohibited Conduct - Sexual Harassment](#)

[ARTICLE 3 - Prohibited Conduct - Other Unlawful Discrimination of Harassment](#)

[ARTICLE 4 - Types of Complaints](#)

[ARTICLE 5 - Investigation of Alleged Discrimination or Harassment](#)

[ARTICLE 6 - Disciplinary Action](#)

[ARTICLE 7- Maintaining Complaint Files](#)

[ARTICLE 8 - Victim Protection](#)

[ARTICLE 9 - Workplace Violence](#)

### **ARTICLE 1 - Harassment and Discrimination Policy**

#### A. Policy.

1. It is the policy of Willard City to provide its employees with a work environment free from harassment and discrimination, where employees treat each other with professionalism, respect, dignity, and courtesy.
2. Each employee must exercise good judgment to avoid engaging in conduct that may be perceived by others as harassment or discrimination, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.
3. Harassment and discrimination, in any form, are prohibited and shall not be tolerated by the City under any circumstances. This policy applies to ALL employees, officers, and agents of the City, as well as any other third parties doing business with or served by the City. Every reported incident shall be fully investigated and dealt with according to the level of severity.
4. Employees accused of harassment or discrimination and facing disciplinary action shall be entitled to receive notice of charges; the evidence to be used against them to the extent consistent with law, privacy, and investigatory integrity; and an opportunity to respond before any disciplinary action may be taken.
5. Knowingly false or bad faith claims regarding harassment or discrimination shall cause disciplinary action, up to and including termination, against the accuser. However, good-faith complaints, even if unsubstantiated, will not result in discipline.
6. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted, or participated in any manner in an investigative proceeding or hearing under this policy.

7. All employees, supervisors, and management personnel shall receive training on the harassment and discrimination policy and grievance procedures during orientation and then yearly by in-service training.

**B. Purpose.**

1. It is the purpose of this policy to communicate to all employees of the City and all persons conducting business with or served by the City that harassment and discrimination are prohibited.
2. It is also the intent of this policy to inform and communicate to employees experiencing or witnessing harassment or discrimination that they have a means to discourage and report intimidating, offensive, hostile, or inappropriate conduct and that such reports will be immediately investigated, and appropriate action will be taken.

**C. Notice.**

1. All employees of the City shall be responsible for knowing the provisions of this policy regarding harassment and discrimination.
2. The City Manager, or designee, shall be responsible for informing employees of any amendments to this policy.
3. Any violation of this policy by City employees shall result in disciplinary action up to and including termination.

**D. Definitions.** As used in this policy, the following words shall have the meaning described below:

1. "Retaliation" means an adverse or negative action taken against any person complaining of or reporting harassment or discrimination or any person involved or cooperating in an investigation of harassment or discrimination, or an adverse or negative action taken against any other person or property as a result of a harassment or discrimination complaint and/or investigation.
2. "Harassment" or "Discrimination" may include but is not limited to unwelcome conduct that is based on race, color, religion, sex, national origin, age (over 40), disability, sexual orientation, gender identity, pregnancy, childbirth or pregnancy-related conditions, or genetic information.
  - a. Harassment becomes unlawful when:
    - (1) Enduring the offensive conduct becomes a condition of continued employment; or
    - (2) The conduct is severe or pervasive enough to create a

work environment that a reasonable person would consider intimidating, hostile, or abusive

3. "Sexual harassment" means an unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

## **ARTICLE 2 - Prohibited Conduct - Sexual Harassment**

- A. Any deliberate, unwanted, or unwelcome behavior of a sex/gender-based nature, whether verbal, non-verbal, or physical is prohibited.
  1. Verbal. Lewd or suggestive comments, repeated sexual innuendoes, sexual flirtations, racial or sexual epithets, derogatory slurs, sexual or off-color jokes, offensive personal or sexual references, propositions, advances, threats, or suggestive or insulting sounds;
  2. Visual/Non-Verbal (communicated through any means, including via internet, text messaging or e-mail). Demeaning, insulting, intimidating, sexually suggestive or derogatory photographs, posters, cartoons, graffiti or drawings, objects or pictures, commentaries, leering; or obscene gestures;
  3. Physical. Unwanted physical contact, including touching, interference with any individual's normal work movement, or assault; and
- B. Two major categories of sexual/gender harassment are:
  1. Quid Pro Quo, defined as:
    - a. The giving or withholding of tangible job benefits based on granting of sexual favors (Quid Pro Quo) and any behavior or conduct of a sexual/gender-based nature which is demeaning, ridiculing, or derisive and results in a hostile, abusive, or unwelcome work environment constitutes sexual harassment.

2. Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

a. Level One: Sex role stereotyping.

(1) Assignments made or denied solely on the traditional historic perceptions regarding the jobs that specific gender may/should perform.

(2) Comments or written material reinforcing traditional historic perceptions regarding gender.

b. Level Two: Gender harassment/discrimination.

(1) Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

(2) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.

c. Level Three: Targeted or individual harassment.

(1) Intentional behavior predicated on gender or expressing sexuality directed at a specific group or individual.

(2) Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.

d. Level Four: Touching that may constitute criminal conduct.

e. The intentional unwanted touching of the breasts, buttocks, or genitals of another.

f. Forcible sexual abuse or rape.

### **ARTICLE 3 - Prohibited Conduct - Other Unlawful Discrimination of Harassment**

A. The City will provide a work environment free of discrimination and any unlawful harassment, which is defined as any other harassment that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an environment that is intimidating, hostile, or offensive. Any conduct that targets a lawfully protected class.

B. Employment actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, handicap, disability, or any other legally protected

characteristic will not be tolerated.

C. It is against both federal and state law, and City policy, for any employment decisions to be based on race, color, religion, sex, national origin, age (over 40), disability, sexual orientation, gender identity, pregnancy, childbirth or pregnancy-related conditions, or genetic information and any other protected classes under federal and Utah law.

1. Any illegal discrimination or harassment shall also be treated as a serious violation of the City's policy and work standards.

D. Illegal discrimination or harassment can take many forms. The following is a list of possible forms, but is not all-inclusive:

1. Refusal to promote an employee based on their race;
2. Making fun of a coworker based on their mental physical limitations; or
3. Denying an impaired employee access to work areas/services which others enjoy.

#### **ARTICLE 4 - Types of Complaints**

A. Any employee being sexually harassed or who has personal knowledge of offensive conduct may address the issue either through the formal or informal processes described below.

B. Informal Complaint.

1. Employees experiencing an unwelcome or hostile work environment at Level One, Level Two, or Level Three as described above, or other unlawful discrimination or harassment may, if they so desire, address that unwelcome behavior/conduct informally by notifying the individual responsible for the behavior of the behavior that is objectionable, that the conduct/behavior is unwelcome, and that future similar behavior will cause a formal complaint. Employees experiencing sexual harassment or other unlawful discrimination, or harassment are not required to use the informal process and may file a formal complaint immediately if they so desire.

2. This notification may be:

- a. Verbally, in person.
- b. In writing, signed or unsigned.

3. Through a supervisor, verbally or in writing. The victim may:

- a. Ask the supervisor for assistance in determining what to say and how to approach the offending employee.
- b. Request the supervisor to accompany the victim when the victim gives the offending employee notice.
- c. Ask the supervisor to give notice to the offending employee, accompanied by the victim.
- d. Ask the supervisor alone to provide notice to the offending employee.

### C. Formal Complaint.

1. Employees experiencing an unwelcome or hostile work environment that is at Level One, Two, Three, or Four, or who have been subjected to quid pro quo type sexual harassment, or who have been subjected to unlawful discrimination or harassment shall address that unwelcome behavior/conduct through the formal remedial process.
2. Formal complaints should be in writing and specify, where possible:
  - a. The identity of the victim.
  - b. The identity of the offending employee.
  - c. The offensive behavior that the employee engaged in.
  - d. The frequency of the offensive behavior.
  - e. Damage the victim suffered because of the offensive behavior. The City shall still investigate without this information regarding damages.
  - f. How the victim would like the matter settled, or what the victim would like to see happen. The City shall still investigate without this information, and the victim is not required to provide either of these items.
3. The victim will be allowed reasonable time during work to prepare a formal complaint.
4. The victim should submit formal written complaints to their immediate supervisor.
  - a. If the immediate supervisor is the employee engaging in the offensive behavior, the formal complaint should be submitted to the next highest supervisor, the Department Head, the City Manager, or designee.

5. If the employee cannot follow the chain of command in reporting, they may file their formal complaint with the City Recorder.

#### **ARTICLE 5 - Investigation of Alleged Discrimination or Harassment**

- A. Any employee, who believes he/she has been the victim of any sexual harassment, illegal discrimination or harassment or wants to report an incident of sexual harassment or illegal discrimination or harassment, should promptly report the matter according to Section 6.4.
- B. Any supervisor or manager who learns of possible sexual harassment or illegal discrimination or any type of harassment should promptly advise the City Manager or any member of management who will report the concern to the Equal Employment Opportunity (EEO) Officer of the City. The City Manager is the EEO Officer for the City. However, based on certain fact situations where the City Manager may be either a witness or be otherwise involved in the situation, the victim has the option to request an independent investigator which could be the Mayor or an outside counsel investigator or trained third party.
- C. The City Manager will conduct a timely and confidential investigation of all claims or reports of harassment or discrimination. The City Manager may delegate a representative or agent to conduct fact finding on their behalf.
- D. As part of the investigation, the City Manager or their designee will meet with the employee bringing the complaint to determine the nature of the harassment, make inquiry about what remedy the employee is seeking, and otherwise determine the focus of the investigation.
- E. Should the investigation disclose that evidence exists on which to determine that illegal discrimination, other harassment or sexual harassment has occurred, the individual(s) found engaging in such prohibited activity shall be subject to disciplinary action, up to and including termination of employment.
  1. Consideration will be given to the nature, the severity, and the circumstances of the illegal discrimination or harassment.
- F. During an investigation, the Department Head, with the approval of the City Manager, will have the authority to temporarily restructure work assignments, change work conditions, and separate involved and interested parties in the interests of maintaining a work environment free from any potential threat, hostility, or intimidation.
- G. While all materials, records and notes about the investigation shall be handled as confidential to the extent practicable and permitted by law and shall be placed in a separate sexual harassment complaint file, any disciplinary action

taken as the result of such investigation shall be made a matter of record in the involved employee's personnel file.

- H. Investigations will include interviews with individuals involved in, or who have knowledge of the events, circumstances, or conditions surrounding any complaint of discrimination or sexual harassment.
- I. Investigations shall be conducted promptly and concluded within reasonable time frames.
- J. Investigations will report and record findings of fact and conclusions based upon those facts, including reasonable beliefs supported by evidence and record, and will outline actions to be taken.
- K. The City Manager will, upon completing an investigation, promptly act within reasonable time frames on the investigation's findings of fact, conclusions, and recommendations to determine what, if any, disciplinary action should be taken.
  - 1. The City Manager will review the investigation with the City Attorney and review what action is contemplated.
  - 2. Besides disciplinary action, the City Manager has the right to direct an appropriate and reasonable remedy to work conditions, or to direct a change in procedures, and otherwise act to correct, modify, or change work environments to enforce this policy.
- L. The City Manager will communicate the conclusion(s) of the investigation and action to the employee bringing the complaint and the employee accused of the discrimination or harassment.

#### **ARTICLE 6 - Disciplinary Action**

Employees found guilty of sexual harassment, illegal discrimination, or harassment shall face disciplinary action up to, and including, termination based on all the circumstances of the case, prior actions of a similar nature, and/or the offending employee's work history.

#### **ARTICLE 7- Maintaining Complaint Files**

- A. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in a separate sexual harassment complaint file. This information shall not be placed or maintained in an employee's personnel file. This file and information in the file shall be handled as confidential to the extent practicable and permitted by law. However, there may be disclosure requirements and exceptions involving need-to-know individuals, criminal legal investigations, administrative agencies, legal counsel, GRAMA issues, etc.

- B. Information in the sexual harassment complaint files shall be released only with the written authorization of the City Manager, or designee.
- C. Participants in any sexual/gender harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential, to the extent practicable and permitted by law.

#### **ARTICLE 8 - Victim Protection**

- A. Individual complaints, either verbal or written, are handled as confidential to the extent practicable and permitted by law.
- B. Victims of alleged sexual harassment or discrimination shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment or discrimination, and contact shall only be as authorized for work purposes and through management direction.
- D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
  - 1. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
  - 2. Retaliation is an additional and separate disciplinary offense.
  - 3. Retaliation may comprise, but is not limited to:
    - a. Open hostility.
    - b. Exclusion or ostracism.
    - c. Special or more closely monitored attention to work performance.
    - d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

#### **ARTICLE 9 - Workplace Violence**

- A. The City is concerned about the increased violence in society, which has also filtered into many workplaces throughout the country. The City has adopted this policy to help prevent incidents of violence from occurring in City workplaces. Pursuant to this policy, the City expressly prohibits any acts or threats of

violence by any City employee or former employee against any other employee in or about City facilities or elsewhere at any time. The City also will not condone any acts or threats of violence against City employees or visitors on City premises at any time or while they are engaged in business with or on behalf of the City, on or off City premises.

B. In keeping with the spirit and intent of this policy, and to ensure that the City's objectives in this regard are attained, the City is committed to the following:

1. To provide a safe and healthy work environment, in accordance with the City's safety and health policies.
2. To take prompt remedial action up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
3. To take appropriate action when dealing with citizens, former employees, or visitors to City facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
4. To prohibit employees, former employees, contractors, and visitors from bringing firearms or other weapons onto City premises unless legally authorized and pre-approved.
5. To establish viable security measures to ensure that City facilities are safe and secure to the maximum extent possible and to properly handle access to facilities by the public, off-duty employees, and former employees.

C. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the City, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action, up to and including discharge.

D. In furtherance of this policy, employees have a duty to warn the City Manager, their Department Heads, security personnel, or other appropriate personnel of any suspicious workplace activity, situations or incidents that they observe or that they are aware of, involving other employees, former employees, contractors, or visitors that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City will not condone any form of retaliation against any employee for making a report under this policy.

**POLICY STATEMENT AND ACKNOWLEDGMENT FORM**

1. I have received my copy and/or been provided access to the Personnel Manual, which outlines the policies, practices, and benefits of Willard City. I accept responsibility for informing myself about these policies by reading them and by requesting explanations as needed.
  
2. Since the information in this Personnel Manual is subject to change, the information I have received may be changed or replaced by other policies and procedures which Willard City may adopt in the future. I understand and acknowledge that no one has promised me that Willard City will not change these policies and understand that Willard City has reserved the right to change these policies in the future.
  
3. I understand and agree that my employment with Willard City may be terminable at-will, meaning that either Willard City or I may terminate the employment relationship at any time for any reason. Neither Willard City nor I have any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me that my employment will only be terminated for cause, or only for any reason, or will only be terminated through some particular process or procedure above, beyond, or besides such due process as required by federal or state constitutional and statutory requirements.
  
4. I understand and agree that no one at Willard City has authority to offer me employment on terms different from what is stated in this manual, and I understand and agree that no one in Willard City is authorized by Willard City to promise in the future that my employment will be different from what is stated in this manual, unless provided by the City Manager in a written Employment Letter.

\_\_\_\_\_  
*Employee (Print Name)*

\_\_\_\_\_  
*Employee Signature*

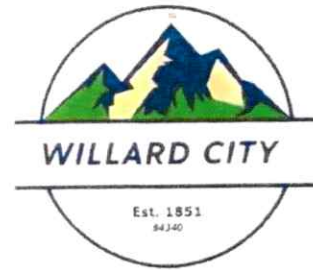
\_\_\_\_\_  
*Date*

\_\_\_\_\_  
**Witness**

## Staff Review Memo

1/21/2026

Amy F. Hugie, City Attorney



### Boundary Adjustment

**Request:** Adjust Northern Municipal Boundary between Willard and Perry  
**Property Location:** 3630 S 1200 W (200 W)  
**Property Zone:** A-5  
**Property Size:** 53.854 acres  
**Applicant:** Pat Burns (Lync), Chad Braegger (Resident), Perry City, Willard City

**Governing Document(s):** Boundary Adjustment  
**Decision Type:** Legislative  
**Staff Recommendation:**

### I. BACKGROUND

**Late 2025** – A municipal boundary adjustment was proposed. Reeve and Associates prepared a parcel adjustment plat transferring all property south of Chad Braegger's property and north into Perry City (listed below). A small parcel would transfer to Willard to give it proper frontage and a Willard address.

**October 9, 2025** – The City Council approved Resolution 2025-16B, indicating Perry City's intent to adjust the common municipal boundary. A public hearing was scheduled for January 8, 2026. Public notices were mailed to affected parties (see below) and posted at the Willard City Office, on the Utah Public Notice website, Willard City's website, and at the Post Office on **November 12, 2025**.

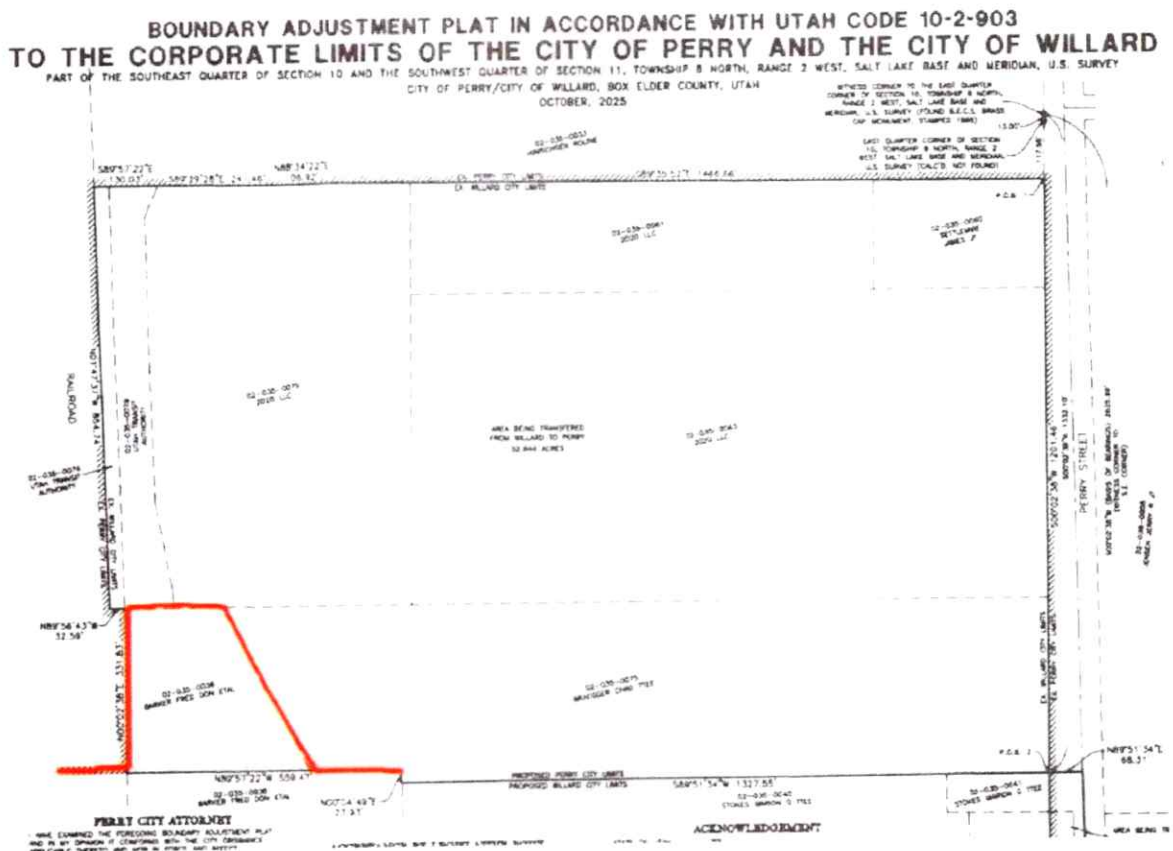
Affected parties:

- James Settlemyre (02-035-0060)
- Chad Braegger (02-035-0075)
- 2020 LLC – Pat Burns/Lync Development (02-035-0063, 02-035-0079)
- Fred Barker (02-035-0036)
- Eleanor Wells (02-035-0042)
- Marion Wells c/o Larry Holmes (02-035-0041)

- Utah Transit Authority (02-035-0078)

After notices were sent, Debra Barker contacted the City and expressed concern about the boundary adjustment, noting that they want their parcel to remain in Willard City. Because their property will still be contiguous with Willard's boundaries, the plat and legal descriptions can be revised to keep the Barker parcel within Willard City limits. Fred Barker also submitted a written protest regarding the boundary adjustment.

Adjustment (red) to keep Barker's parcel within Willard City limits.



The public hearing for this boundary adjustment was held on January 8, 2026. The City Council tabled the matter because there were questions from city council members regarding various issues. There was also a question regarding whether the process needed to start over if Fred Barker's parcel was removed from the boundary adjustment.

## II. LEGAL ANALYSIS

The Utah Code section numbering has changed regarding this issue, but the language has not. According to Utah Code Section 10-2-903(4),

**"...written protest to the adjustment is filed by:**

**(i) an owner of private real property that:**

- (A) is located within the area proposed for adjustment;**
- (B) covers at least 25% of the total private land area within the area proposed for adjustment; and**
- (C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or**

**(ii) a title holder of state-owned real property described in Subsection (3)(b)..."**

While Mr. Barker does own private real property in the proposed boundary adjustment area, his property does not cover at least 25% of the total private land area proposed for adjustment and it does not equal a value of at least 15% of the value of all private real property within the area proposed to be adjusted. His property is also not state-owned.

The City can decide to move forward with the current boundary adjustment which includes Mr. Barker's property, even with his written protest filed.

As for whether the City would have to start over if the City Council decided to remove Mr. Barker's property, the Utah Code does not explicitly state that Willard would need to start over. The Utah Code is in fact silent regarding that issue. It just speaks to making sure that there is sufficient public notice and a public hearing of the boundary adjustment. It does not specifically state that Willard City would need to start over if the City Council removed a property from the boundary adjustment. How to proceed would be a policy decision that the City Council needs to decide.

**The City Council's options are:**

- 1. Start over by voting to deny this current boundary adjustment. Then at the next meeting pass a new Resolution with a new boundary description and a new map showing Mr. Barker's property excluded, notice up another public hearing, hold the new public hearing, and then vote on the ordinance regarding the amended boundary adjustment.**
- 2. Vote to approve this current boundary adjustment without removing Mr. Barker's property.**
- 3. Vote to amend the current boundary adjustment to remove Mr. Barker's property. The City Council can take this action because there has been a public notice regarding all of the property including Mr. Barker's property so the public has had a chance to respond. The City would not need to start over.**

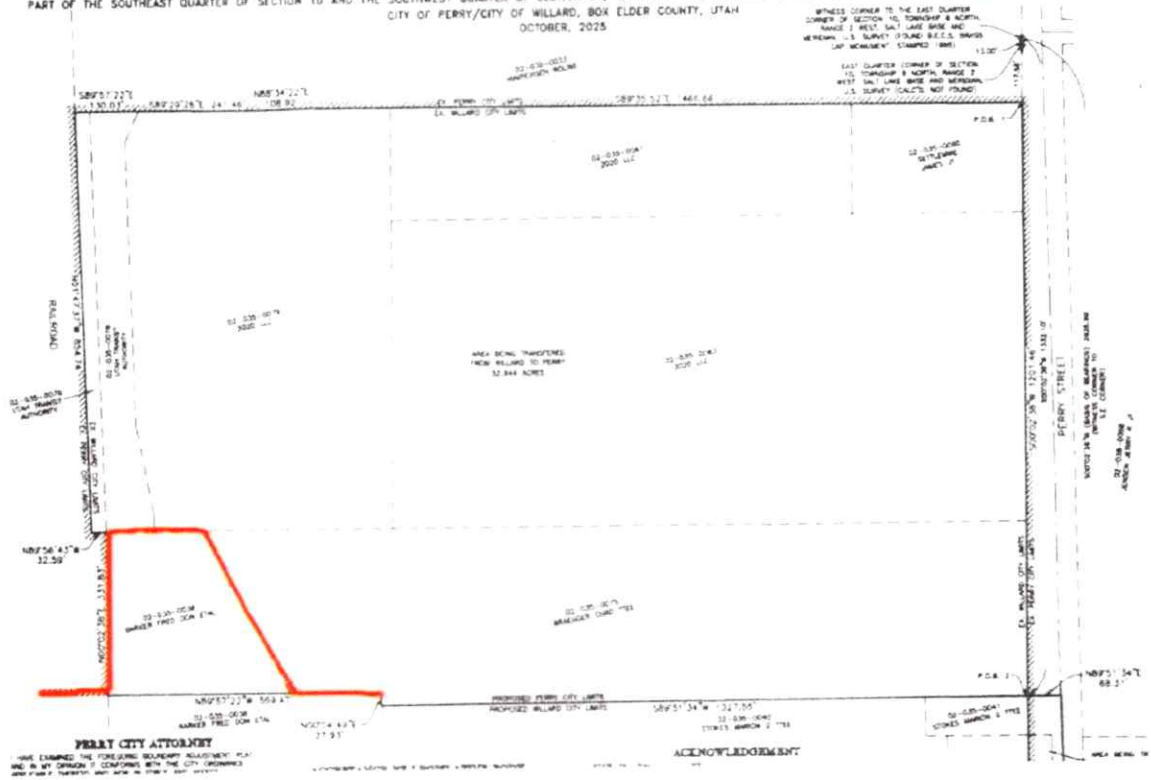
I cannot speak for what Perry City would need to do if Willard removed Mr. Barker's property, since Perry City voted to approve the current boundary adjustment on December 22, 2025. 1

left a message today for Bill Morris, Perry City's Attorney, to discuss the and will hopefully have that answer by Thursday, January 22, 2026.





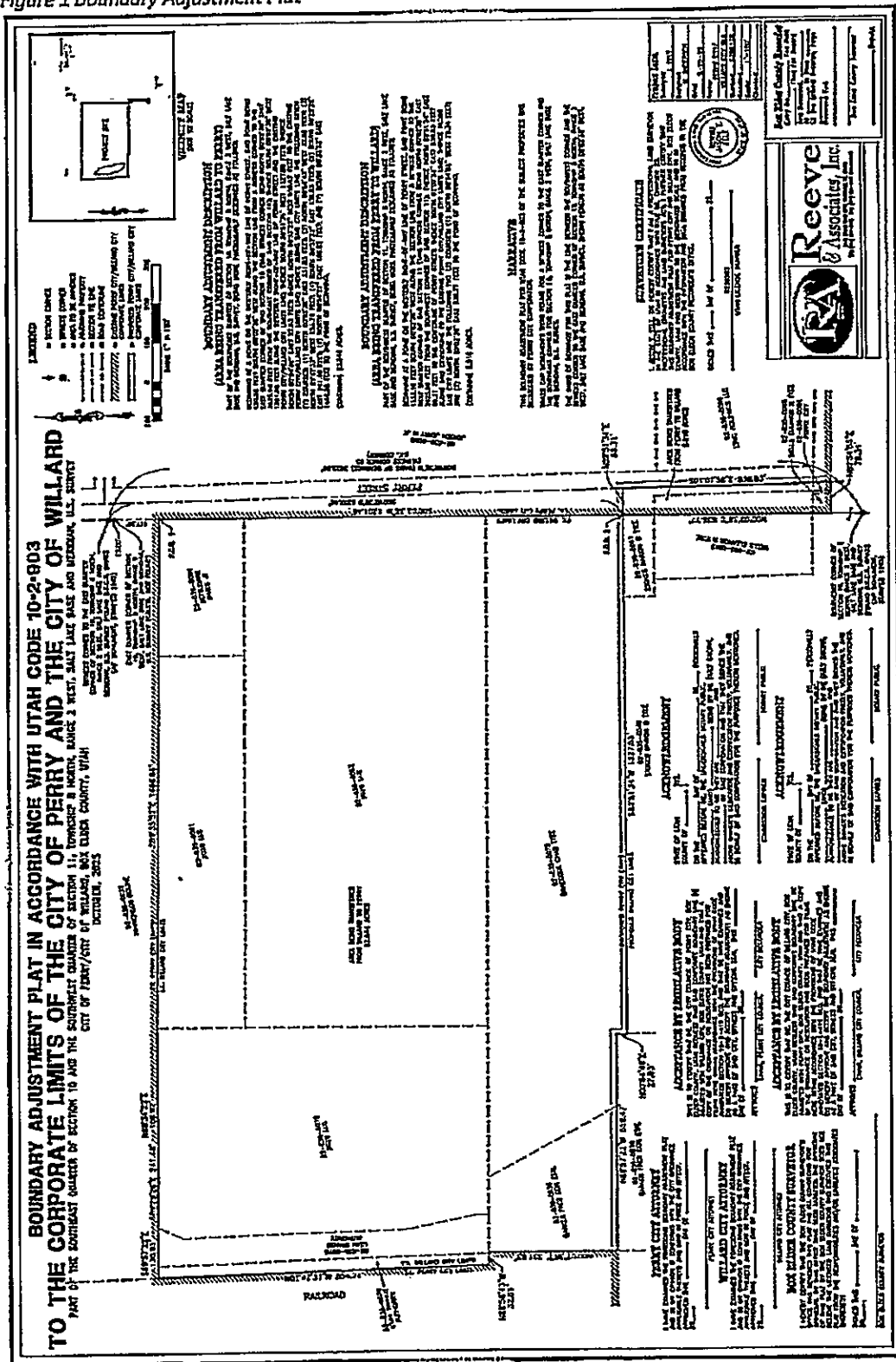
**BOUNDARY ADJUSTMENT PLAT IN ACCORDANCE WITH UTAH CODE 10-2-903  
TO THE CORPORATE LIMITS OF THE CITY OF PERRY AND THE CITY OF WILLARD**  
PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
CITY OF PERRY/CITY OF WILLARD, BOX ELDER COUNTY, UTAH  
OCTOBER, 2023



The surrounding zoning and land uses are as follows:

Direction		
North	Perry – Agriculture Limited	Agriculture
East	Perry – Low-Density Residential 1/3 acre	Residential
South	Willard – Agriculture 5 acres	Agriculture
West	Perry – Manufacturing/Industrial	Agriculture

Figure 1 Boundary Adjustment Plat



WILLARD CITY  
RESOLUTION NO. 16 *B*

BOUNDARY ADJUSTMENT WITH PERRY CITY

**A RESOLUTION OF WILLARD CITY, UTAH, INDICATING THE INTENT OF  
PERRY CITY TO ADJUST A COMMON BOUNDARY WITH WILLARD CITY.**

**WHEREAS**, Willard City is a municipal corporation duly organized and existing under the laws of the State of Utah;

**WHEREAS**, Perry City is a municipal corporation duly organized and existing under the laws of the State of Utah;

**WHEREAS**, Utah Code Annotated §10-2-903, 1953 as amended, provides a procedure for two or more municipalities to adjust a common boundary;

**WHEREAS**, Utah Code Annotated §10-2-903 (2) requires each municipality intending to adjust its common boundaries to adopt a resolution indicating its intent to adjust boundaries;

**WHEREAS**, Willard City and Perry City seek to comply with state law and intend to adjust a common boundary by adopting this Resolution for this purpose of intent;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Willard City that Willard City intends to adjust a common boundary with Perry City in accordance the map set forth in Exhibit "A" attached hereto and incorporated herein by this reference as the area intended for boundary adjustment.

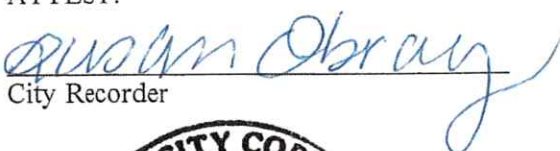
**IT IS FURTHER RESOLVED**, that the City Council, as required by law, hereby sets a Public Hearing for this matter to be held at its regular meeting on Oct 9, 2025, at 7:00 PM, and directs staff to provide notice of said Public Hearing as provided in Utah Code Annotated §10-2-903 (3) and (4).

PASSED AND ADOPTED by the City Council on this 9 day of October, 2025.

WILLARD CITY:

  
Mayor

ATTEST:

  
City Recorder



PERRY CITY  
RESOLUTION NO. 2025-20

BOUNDARY ADJUSTMENT WITH WILLARD CITY

A RESOLUTION OF PERRY CITY, UTAH, INDICATING THE INTENT OF  
PERRY CITY TO ADJUST A COMMON BOUNDARY WITH WILLARD CITY.

WHEREAS, Perry City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Willard City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-2-903, 1953 as amended, provides a procedure for two or more municipalities to adjust a common boundary;

WHEREAS, Utah Code Annotated §10-2-903 (2) requires each municipality intending to adjust its common boundaries to adopt a resolution indicating its intent to adjust boundaries;

WHEREAS, Perry City and Willard City seek to comply with state law and intend to adjust a common boundary by adopting this Resolution for this purpose of intent.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Perry City that Perry City intends to adjust a common boundary with Willard City in accordance the map set forth in Exhibit "A" attached hereto and incorporated herein by this reference as the area intended for boundary adjustment.

IT IS FURTHER RESOLVED, that the City Council, as required by law, hereby sets a Public Hearing for this matter to be held at its regular meeting on November 13, 2025, at 7:00 PM, and directs staff to provide notice of said Public Hear as provided in Utah Code Annotated §10-2-903 (3) and (4).

PASSED AND ADOPTED by the City Council on this 9th day of October, 2025.

PERRY CITY:

Mayor

VOTING:

ATTEST:

City Recorder



Tueller	Yea X	Nay ___
Wright	Yea X	Nay ___
Ostler	ABSENT	
Walker	Yea X	Nay ___
Young	ABSENT	

Figure 2 Public Hearing Notice



Willard City Corporation

435.734.9999  
800.734.9999  
P.O. Box 593  
Willard, Utah 84380  
www.willard-tyut.gov

Mayor

Travis Mote

City Council Members

1. Pulley

2. Minter

3. Blaggett

4. Mink

5. Haddy

## Notice of Public Hearing – Boundary Adjustment - CORRECTED

In accordance with Utah Code Section 10-2-903, the Willard City Council adopted a Resolution indicating its intent to adjust a common boundary with Perry City. Willard City Council will hold a Public Hearing on **Thursday, January 8, 2026, at 6:30 p.m.** at the City Office, 80 W 50 S, Willard, Utah, to receive public comments on this proposed boundary adjustment. The City Council will adjust the boundaries unless, at or before this public hearing, written protests are filed by the owners of real property that: 1) are located in the area proposed for adjustment, 2) cover at least 25% of the total private land area within the area proposed for adjustment, and 3) is equal to at least 15% of the value of all private real property within the area proposed for adjustment, or 4) a title holder of state-owned property. The area that is the subject of boundary adjustment will, because of the boundary adjustment, be automatically annexed to or removed from any local district providing fire protection, paramedic, and emergency services as provided in state law, only as may be relevant to this proposed boundary adjustment. The area of the proposed boundary adjustment is legally described as follows:

AREA BEING TRANSFERRED FROM WILLARD TO PERRY:  
PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET, SAID POINT BEING 130.58 FEET SOUTH 00°02'35" WEST ALONG THE SECTION LINE FROM A WITNESS CORNER TO THE EAST QUARTER CORNER OF SAID SECTION 10 (SAID WITNESS CORNER BEING NORTH 00°02'38" EAST 2625.99 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 10), THENCE SOUTH 00°02'35" WEST 1201.46 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET AND THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE, THENCE SOUTH 89°51'34" WEST 1327.55 FEET, THENCE NORTH 00°04'49" EAST 27.93 FEET, THENCE NORTH 89°57'22" WEST 559.47 FEET TO THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE, THENCE ALONG SAID CITY LIMITS LINE THE FOLLOWING SEVEN (7) COURSES: (1) NORTH 00°02'38" EAST 331.83 FEET; (2) NORTH 89°56'43" WEST 32.59 FEET, (3) NORTH 01°47'37" WEST 854.74 FEET, (4) SOUTH 89°57'22" EAST 130.03 FEET; (5) SOUTH 89°29'28" EAST 241.46 FEET; (6) NORTH 88°34'22" EAST 108.92 FEET, AND (7) SOUTH 89°35'52" EAST 1466.66 FEET TO THE POINT OF BEGINNING

CONTAINING 52.944 ACRES

AREA BEING TRANSFERRED FROM PERRY TO WILLARD:



Willard City Corporation

435-734-8881  
20 W 50 S  
PO Box 593  
Willard, Utah 84340  
www.willardcityut.gov

Mayer  
Travis Mota  
City Council Members  
J. Hulsey  
R. Christensen  
M. Bjaegger  
R. Mund  
J. Bodily

PART OF THE SOUTH WEST QUARTER OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET, SAID POINT BEING 1332.10 FEET SOUTH 00°02'38" WEST ALONG THE SECTION LINE FROM A WITNESS CORNER TO THE WEST QUARTER CORNER OF SAID SECTION 11 (SAID WITNESS CORNER BEING NORTH 00°02'38" EAST 2625.99 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 11); THENCE NORTH 89°51'34" EAST 68.31 FEET TO THE CENTERLINE OF PERRY STREET; THENCE SOUTH 01°07'58" EAST 536.93 FEET ALONG SAID CENTERLINE TO THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE; THENCE ALONG SAID CITY LIMITS LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 89°54'55" WEST 79.34 FEET; AND (2) NORTH 00°02'38" EAST 536.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.910 ACRES.

CERTIFICATE OF POSTING

I hereby certify that the foregoing Notice was duly posted as required by State Law and posted on the Utah Public Notice Website.

*T. McDevitt-Drago*  
Deputy Recorder

DATE: 11/10/05

Figure 4 Draft Interlocal Agreement

**INTERLOCAL AGREEMENT  
FOR THE PROVISION OF SEWER SERVICES  
TO CERTAIN WILLARD CITY PROPERTIES  
(DRAFT)**

THIS AGREEMENT, which is effective as of the date of full execution by the Parties, is entered into by and between Willard City and Perry City, both being a body politic and political subdivision of the State of Utah (collectively referred to as the "Parties").

**RECITALS**

**WHEREAS**, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, commonly known as the Interlocal Cooperation Act, authorizes public agencies to enter joint agreements for their mutual benefit; and

**WHEREAS**, the parties hereto are public agencies as defined by the Interlocal Cooperation Act; and

**WHEREAS**, Willard City and Perry City are neighboring municipalities with a shared boundary on Willard City's north side and Perry City's south side; and

**WHEREAS**, the Legislative Body for each of the Parties have determined that it is in the best interest of the public for Perry City to provide sewer collection and treatment services to certain properties within Willard City that are near the Willard/Perry city boundaries;

**NOW THEREFORE**, for the reasons recited above, and in consideration of the mutual covenants and agreements contained herein, County and District, do mutually agree and undertake as follows:

**TERM**

- A. This Agreement shall be for a period of 50 years, commencing on the effective date of this Agreement, unless otherwise terminated as herein provided.
- B. This Agreement may be extended according to the amendment provisions noted below.

**SCOPE OF SEWER SERVICES**

- A. Perry City shall provide sewer collection and treatment services to certain properties located within Willard City (the "Properties"), which are described and illustrated in Exhibit A of this Agreement.
- B. Perry City sewer standards and regulations shall apply to the Properties. Perry City shall be responsible for inspecting the sewer facilities connecting the Properties to Perry City's sewer system and enforcing all laws and regulations applicable to such sewer facilities as though such Properties and accompanying facilities are located within Perry City boundaries.

### COMPENSATION

- A. To compensate for the provision of sewer collection and treatment services, Perry City may charge the owners of the Properties a service fee that is equal to the rate that Perry City charges its own residents
- B. Additionally, Willard City will pay Perry City [insert proportional amount of other revenue, e.g. property tax], which is the amount that Willard City will receive from these Properties that would have been apportioned to Willard City's sewer facilities system.

### TERMINATION

- A. This agreement may be terminated by mutual agreement of the Parties.
- B. Perry City may terminate this agreement by providing at least a 1-year written notice to Willard City. Prior to the termination date, Perry City shall, at its own expense, disconnect the sewer facilities of the Properties from Perry City's sewer system and shall connect such Properties to Willard City's sewer system in accordance with Willard City's applicable standards and regulations and all other applicable laws. As such, these connections are subject to Willard City's inspection and approval before the Agreement is terminated. If this process takes longer than the 1-year notice provided by Perry City, then the termination date shall be adjusted accordingly until such process is completed.
- C. Willard City may terminate this agreement by providing at least a 1-year written notice to Perry City. Prior to the termination date, Willard City shall, at its own expense, disconnect the sewer facilities of the Properties from Perry City's sewer system and shall connect such Properties to Willard City's sewer system in accordance with Willard City's applicable standards and regulations and all other applicable laws. If this process takes longer than the 1-year notice provided by Perry City, then the termination date shall be adjusted accordingly until such process is completed.
- D. If either party terminates this Agreement in accordance with the provisions above, then both parties shall cooperate in good faith with one another and shall not unreasonably withhold inspections and approvals necessary to effect the change in sewer systems.

[Miscellaneous Provisions to follow .. e.g. indemnification, amendment by mutual agreement, government immunity act, choice of law, etc.]

## II. STAFF REVIEW

Staff's review of the proposed municipal boundary adjustment as it pertains to the requirements of the Willard City Zoning Code and Utah State Municipal Code is as follows:

### City Engineer

[Insert comments]

### City Planner

Lync Construction has offered several options for providing utility services to this subdivision:

- Extending water and sewer lines from 750 N (approximately 1.4 miles)
- Entering into interlocal agreements with Perry City
- Pursuing a municipal boundary adjustment

At this stage, the City needs to determine which path it supports. Both Lync Construction and Willard City have conducted due diligence on existing utilities and site conditions. Constructing a sewer line could involve significant costs for the developer. While the developer is responsible for funding and installing the utilities needed to serve the subdivision, the City becomes responsible for ongoing operation, maintenance, and repair once those utilities are dedicated to the City. The City should also be reasonable in working with developers when unique situations or site-specific circumstances arise. If an interlocal agreement is not the preferred approach, a boundary adjustment remains a reasonable alternative.

### City Manager

[Insert comments]

### City Attorney

There are no legal concerns at this time with either adjusting the boundary or entering into an interlocal agreement with Perry. On December 22, 2025, after a public hearing, Perry voted to adjust the boundary.

### General Plan Consistency

*Land Use Action Table, Objective 1.3B: "To promote efficiencies and to ensure all required services are available at levels sufficient to meet the demands and needs of all proposed developments, the availability of culinary water and sanitary sewer capacities, facilities and services shall be determined and provided concurrent with the anticipated demand for culinary water and sanitary sewer service and at the required capacity."*

PERRY STREET

S00°02'38"W 1332.10'

S00°02'38"W 1201.46'

EX. PERRY CITY LIMITS

EX. WILLARD CITY LIMITS

P.O.B. 2

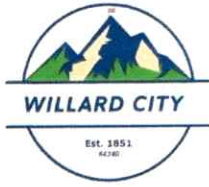
FERED  
PERRY

02-035-0063  
2020 LLC

02-035-0075  
BRAEGGER CHAD TTEE

## Sources

- Rezone application 1/3/2024
  - [Application for Half Acre Zone 1-3-24.pdf](#)
- SLUA 1/18/2024
  - [1-18-2025 Mins SLUA.pdf](#)
- Planning Commission 2/1/2024
  - [2-1-2024 Mins PC.pdf](#)
- SLUA 4/25/2024
  - [4-25-2024 Mins SLUA.pdf](#)
- Planning Commission 6/6/2025
  - [6-6-2025 Mins PC.pdf](#)
- City Council 6/27/2025
  - [6-27-2025 Mins CC.pdf](#)
- Work Session 7/8/2025
  - [7-8-2024 Work Session Mins CC.pdf](#)
- City Council 7/25/2025
  - [7-25-2024 Mins CC.pdf](#)
- Work Session 8/7/2025
  - [08-05-2025 Work Session.pdf](#)
- City Council October 9, 2025
  - [10-09-2025 Mins CC.pdf](#)
- Resolution 2025-16B
  - [Resolution 2025-16B Intent of Boundary Adjustment.pdf](#)
- Draft Interlocal Agreement
  - [2024.11.05 Draft Interlocal Provisions for Perry and Willard City - Sewer Services.pdf](#)
- Utah State Code 10-2-9
  - [C10-2-P9 2025050720250507.pdf](#)



Willard City Corporation

435-734-9881  
80 W 50 S  
PO Box 593  
Willard, Utah 84340  
www.willardcityut.gov

**Mayor**

Travis Mote

**City Council Members**

J. Hulsey

R. Christensen

M. Braegger

R. Mund

J. Bodily

City of City of Willard  
**City Council Meeting February 12,  
2026**  
Meeting minutes

**1. Call to Order**

**a. Invocation**

The invocation was given by Councilmember Jordan Hulsey.

**b. Pledge of Allegiance**

Mayor Travis Mote led the Pledge of Allegiance.

**c. Conflict of interest declaration**

Mayor Travis Mote declared that he had bid on water shares that would be discussed during the meeting. It was noted that Councilmember Braegger had also bid on the water shares.

**2. Presentation of Citizenship Awards**

Mayor Mote explained that this was the second year for the Citizenship Awards program for Willard Elementary students. He noted the awards recognize outstanding youth who participate, show respect to their teachers, and are kind to one another. The awards are meant to show appreciation and encourage them to continue their good work as they grow up to become valuable members of society.

Several students were presented with citizenship awards, including Anaya Iqbal, Neytiri Cain, Logan Jorgensen, Liza Bird, Kolter Allen, Isabelle Kunz, Porter Hulsey, Madi Pearce, Hudson Parker, Enrique Solis and AnneLynn Bate. A group photo was taken with the students and the city council.

**3. Public Presentation**

Diana Baker of 276 West Center Street addressed the council regarding the garbage can ordinance. She expressed support for the proposed changes, noting that she may need a

new can soon and was pleased the issue was being addressed, though she mentioned some concern about upfront costs.

No other residents addressed the council during the public comment period.

#### 4. Planning Commission Report

Ken Ormond provided a report on the Planning Commission's recent meeting. He reported that:

- The commission considered an MPC zone for Western Farmlands at Canyon Bay subdivision, but postponed it due to issues with wording, clarity, and submittals for playground equipment.
- Two zoning changes were postponed until the next Planning Commission meeting.
- A conditional use permit for Daryl Nielsen in South Willard for a gravel pit was approved with the recommendation that it be put in Parson's name.

#### 5. New Business

##### a. Public Hearing to receive public comments regarding Ordinance No. 2026-01

Mayor Mote opened the public hearing regarding Ordinance 2026-01, amending Chapter 12.20 of the Willard City Municipal Code regarding garbage and litter.

City Manager Jeremy Kimpton provided an overview of the ordinance, explaining that it clarifies ownership of garbage cans and addresses replacement costs. The main provisions include a \$135 charge for new move-ins to cover startup costs, with the city taking ownership of the can after that point. For existing cans, residents currently own them, but the city would take ownership upon replacement.

Diana Baker expressed support for the ordinance as she needs a replacement can soon, though she noted concern about upfront costs.

After receiving no further public comments, the public hearing was closed.

Motion: Councilmember Jacob Bodily moved to approve Ordinance 2026-01, amending Chapter 12.20 garbage and litter of the Willard Municipal Code. Councilmember Rod Mund seconded the motion. The motion passed unanimously.

##### c. Public Hearing to receive public comments regarding Ordinance No. 2026-05

Mayor Mote opened the public hearing regarding Ordinance 2026-05, amending Chapter 2.08 of the Willard City's Municipal Code regarding the powers of the City Manager.

City Attorney Amy Hugie explained the proposed changes, which included:

- Cleaning up the language in the city manager section
- Clarifying that the city manager supervises the police
- Removing language that had the mayor performing evaluations of the police chief and fire chief

- Establishing the city manager's authority over all employees and volunteers
- Adding the mayor to the provision prohibiting council members from being appointed as city manager during their term of office and for one year after

Sharon Newlin asked for clarification about who residents should contact when contractors or utility companies need to work on private property. Council members and staff advised that for issues with city infrastructure, residents should contact the city manager. However, for utilities with legal easements, it's often a matter between the property owner and the utility company.

After hearing all public comments, the hearing was closed.

Motion: Councilmember Mike Braegger moved to approve Ordinance 2026-05 as written. Councilmember Jacob Bodily seconded the motion. The motion passed unanimously in a roll call vote.

#### e. Action Item: Discussion/Approval of Ordinance 2026-02

The council discussed Ordinance 2026-02, amending Section 24.44.050 of the Willard City Zoning Code regarding area coverage, setbacks, and height regulations.

Councilmember Rod Mund expressed concerns about the agricultural conservation easement provisions, particularly potential conflicts that could arise from agricultural activities near residential areas. He cited examples including spraying in orchards and livestock odors that could lead to complaints from nearby homeowners.

Mayor Mote explained that the agricultural easement option was intended to preserve farmland while providing open space that the city would not have to maintain. He acknowledged the need for careful consideration when approving such arrangements.

The council also discussed height limitations for accessory buildings and accessory dwelling units (ADUs). It was determined that there was a typo in the ordinance regarding the height limitations. The council agreed to amend the language to establish a consistent 25-foot height limit for accessory buildings rather than tying it to the height of the principal structure.

Motion: Councilmember Mike Braegger moved to approve Ordinance 2026-02 with the correction to section 24.08.14, deleting "or the height of the principal structure, whichever is less." Councilmember Jordan Hulsey seconded the motion. The motion passed unanimously in a roll call vote.

#### f. Action Item: Discussion/Approval of bids received for 2026 Willard City Irrigation Water

The council reviewed bids received for the 2026 Willard City Irrigation Water.

Mayor Mote noted that he had declared a conflict of interest on this item as he had submitted a bid as did Councilmember Mike Braegger.

Motion: Councilmember Rex Christensen moved to approve the bids as presented. Councilmember Rod Mund seconded the motion. The motion passed unanimously.

#### g. Action Item: Discussion/Approval of Resolution 2026-02

The council discussed Resolution 2026-02 supporting Willard's involvement with the Box Elder Communication Center for emergency dispatch services.

Motion: Councilmember Jacob Bodily moved to approve Resolution 2026-02.

Councilmember Rod Mund seconded the motion. The motion passed unanimously in a roll call vote.

#### h. Action Item: Discussion/Approval of Appointment of Chandler Bingham as Planning Commission Chair

Mayor Mote explained that Sid Bodily had approached him after a planning commission meeting expressing that one of the other planning commission members might want the opportunity to chair the commission. Mayor Mote had discussed it with Sid, who felt he had been chair for quite a while, and subsequently asked Chandler Bingham to serve as chair, with Sid taking Chandler's seat on the commission. The mayor requested council ratification of this decision.

Motion: Councilmember Rod Mund moved to ratify the appointment of Chandler Bingham as Planning Commission Chair. Councilmember Jacob Bodily seconded the motion. The motion passed unanimously.

### 6. Item Tabled from January 22, meeting:

#### a. Discussion/Approval of Ordinance 2026-01

The council discussed the ordinance regarding a municipal boundary adjustment with Perry City. Mayor Mote noted that additional maps had been provided showing that the boundary line goes down the middle of 200 West and maintains the inland port without changing the port of entries. The adjustment would incorporate the Link properties and Chad Braggart's properties along with the James Edward Meyer property.

Councilmember Braegger spoke in favor of the boundary adjustment, stating that while it was difficult to give up part of Willard, he felt the area would be better served by being in Perry due to sewer and water infrastructure already in place.

Councilmember Mund expressed opposition, questioning what benefit Willard would receive and noting the potential loss of approximately \$1 million in impact fees and taxes.

Mayor Mote mentioned concerns about the feasibility of providing sewer service to the area, as it would require a pump station in an area with a low groundwater table that could lead to potential problems.

Pat Burns, a property owner affected by the decision, expressed frustration with the delay after working on the issue for 3.5 years. He noted he had invested \$1.1 million in sewer infrastructure and that neighboring properties already receive Perry water while being in Willard.

Chad Braggart, another affected landowner, described how his property receives Perry water and sewer services already, and pointed out that Willard had previously declined to invest in infrastructure in that area.

After extensive discussion, the council considered the possibility of pursuing an interlocal agreement with Perry for services rather than a boundary adjustment.

Motion: Councilmember Rod Mund moved to table the item and explore an interlocal agreement option for water and sewer services with Perry City before the next council meeting. Councilmember Jacob Bodily seconded the motion. The motion passed with

Councilmembers Mund, Bodily, and Christensen voting in favor, and Councilmembers Hulsey and Braegger opposed.

## 9. Minutes

### a. Approval of January 22, 2026, minutes

Motion: Councilmember Rod Mund moved to approve January 22, 2026, meeting minutes. Councilmember Jacob Bodily seconded the motion. The motion passed unanimously.

## 10. Staff Reports

### a. Public Works

Mayor Mote thanked Public Works for getting the lift station working again and for getting the lights on.

### b. Police Department

The council briefly reviewed the police department report. Councilmember Braegger asked about animal wildlife cases, which were reported to be mostly deer hits.

### c. Fire Department

No report was provided.

### d. City Manager

City Manager Jeremy Kimpton mentioned that the personnel policy would be ready for review at the next meeting.

### e. City Planner

No report was provided as the City Planner had to leave the meeting early.

### f. City Attorney

No report was provided.

### g. City Interim Recorder

The Interim Recorder noted the need to approve January 22, 2026, minutes.

## 11. Council Member Reports

Councilmember Rod Mund presented a thank-you card and letter from Sherry and BJ Wells recognizing the council's acknowledgment of Jim Wells, who recently passed away. The letter noted Jim's deep roots in Willard, with the Wells home being established in the 1850s and still standing in the center of town.

Councilmember Mike Braegger emphasized the importance of friendship among council members despite disagreements during meetings, stating that they are all still friends at the end of the day regardless of differences of opinion.

Councilmember Rex Christensen and Councilmember Jordan Hulseby also made comments about the importance of balance in decision-making and the need to invest in the city's infrastructure for future growth.

Mayor Mote provided updates on the economic development plan, Granite documents, and requested improvements to the online dog license program, noting his personal experience with the current system was not a good one and needed streamlining.

Councilmember Mike Braegger shared an observation about hikers going into potentially dangerous areas near Granite's operations despite warnings.

### 13. Consideration of Motion to Enter a Closed Session

Motion: Councilmember Jacob Bodily moved to close the meeting and go into a closed session to discuss character, professional competence, and potential litigation issues. Councilmember Rod Mund seconded the motion. The motion passed unanimously in a roll call vote.

### 14. Adjourn

Motion: Councilmember Jacob Bodily moved to adjourn. Councilmember Rex Christensen seconded the motion.

Meeting Adjourned