

**THE CITY OF WEST JORDAN, UTAH
ORDINANCE NO. 26-14**

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(EMPLOYEE APPEAL PROCESS);
Title 1, Chapter 12**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend Title 1, Chapter 12 of the City Code (“**proposed City Code amendments**”); and

WHEREAS, the City Council desires to update the process for employee discipline appeals; and

WHEREAS, the City Council desires to correct citations to State law and standards for the admission of evidence; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of City Code Provision. City Code Title 1, Chapter 12 is amended as shown in Attachments 1 (Legislative Version) and 2 (Clean Version) to this Ordinance.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 24TH DAY OF FEBRUARY 2026.

CITY OF WEST JORDAN


By: [Bob Bedore \(Mar 3, 2026 16:02:39 MST\)](#)

Bob Bedore
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

- Council Chair Bob Bedore
- Council Vice-Chair Jessica Wignall
- Council Member Annette Harris
- Council Member Zach Jacob
- Council Member Chad Lamb
- Council Member Kent Shelton
- Council Member Kayleen Whitelock

<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON MARCH 3, 2026

Mayor's Action: X Approve Veto

By: 
Mayor Dirk Burton

Mar 3, 2026
Date

ATTEST:

 
Tangee Sloan, MMC, UCC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 26-14.

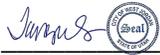
 The Mayor vetoed Ordinance No. 26-14 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

 Ordinance No. 26-14 became effective by operation of law without the Mayor's approval or disapproval.

 
Tangee Sloan, MMC, UCC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 9th day of March 2026. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.



Tangee Sloan, MMC, UCC
City Recorder

(Attachments on the following pages.)

**Attachments 1 and 2 to
ORDINANCE NO. 26-14
AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(EMPLOYEE APPEAL PROCESS);
Title 1, Chapter 12**

Attachment 1 – Title 1, Chapter 12 - Legislative Version

Attachment 2 – Title 1, Chapter 12 - Clean Version

(See the following pages for the attachments.)

1 TITLE 1

2 CHAPTER 12

3 EMPLOYEE DISCIPLINE HEARING OFFICER

4 SECTION:

5 1-12-1: Employee Discipline Hearing Officer

6 1-12-2: Who May Appeal To The Employee Discipline Hearing Officer

7 1-12-3: Manner Of Appeal

8 1-12-4: Hearing - General Procedures

9 1-12-5: Evidence To Be Considered By The Employee Discipline Hearing Officer

10 1-12-6: Decisions And Burden Of Proof

11 1-12-7: No Additional Rights Created

12

13 1-12-1: EMPLOYEE DISCIPLINE HEARING OFFICER:

14 A. ~~The mayor shall appoint an employee discipline hearing officer ("hearing officer") to~~
15 ~~comply with the requirements of Utah Code Annotated section 10-3-1106, or its successor~~
16 ~~provision.~~

17 ~~—B. The hearing officer shall be:~~

18 ~~—1. Selected as a professional services provider through the requirements of section 3-1-~~
19 ~~8(B) of the city procurement code;~~

20 ~~—2. An independent contractor; and~~

21 ~~—3. Recommended to the mayor by a selection committee consisting of the city~~
22 ~~administrator or designee, a representative of the human resources division, and any other~~
23 ~~party the city administrator and human resources representative deem appropriate. An~~
24 ~~administrative law judge, as identified in title 16, shall serve as the employee discipline~~
25 ~~hearing officer ("hearing officer"). (Ord. 20-23, 7-29-2020; amd. Ord. 21-04, 2-10-2021)~~

26

27 1-12-2: WHO MAY APPEAL TO THE EMPLOYEE DISCIPLINE HEARING OFFICER:

28 A. Employees, except those listed in ~~subsection C~~ Utah Cide section 10-3-1105(2) or its
29 successor provision, may appeal a termination, suspension of more than two ~~(2)~~ days
30 without pay, or involuntary transfer to a position with less remuneration that is imposed
31 for a disciplinary reason.

32 B. Employees may not appeal:

33 1. ~~Any d~~Disciplinary actions ~~s other than those not~~ listed in subsection A, including, but
34 not limited to, verbal and written warnings; or

35 2. Employee separations, furloughs, or involuntary transfers to a position with less
36 remuneration resulting from a reorganization, reduction in force, or an other non-
37 disciplinary reason.

38 ~~—C. The following employees are not entitled nor permitted to appeal:~~

39 ~~—1. Employees listed in Utah Code Annotated section 10-3-1105(2) or its successor~~
40 ~~provision; and~~

41 ~~—2. Any at-will employee not listed in Utah Code Annotated section 10-3-1105(2).~~

42 DC. An employee must timely exhaust all internal grievance procedures before appealing
43 to the hearing officer under this chapter. (Ord. 20-23, 7-29-2020)

44
45 1-12-3: MANNER OF APPEAL:

46 A. An employee shall file a written notice of appeal with the city recorder within ~~ten (10)~~
47 calendar days from the date the employee receives notice of the final disposition of the
48 grievance ~~of the termination, suspension of more than two (2) days without pay, or~~
49 ~~involuntary transfer to a position with less remuneration.~~

50 B. The notice of appeal must include:

51 1. The reasons why the appellant believes the city's decision was in error;

52 2. ~~A~~ The appellant's phone number; ~~and~~

53 3. ~~€~~ The mailing or e-mail address to be used for further official communication with the
54 appellant; and

55 34. An indication of the appellant's choice as to whether the appeal hearing will be
56 open to the public; and

57 5. ~~The appellant's signature.~~

58 C. The notice of appeal is limited to 20 pages. An overlength notice of appeal may be
59 allowed with the permission of the hearing officer.

60 D. An employee who fails to timely file a complete notice of appeal shall forfeit all appeal
61 rights.

62 ED. Upon the filing of a notice of appeal, the city recorder shall refer the notice of appeal
63 to the city administrator, ~~director of~~ human resources manager, city attorney's office, and,
64 ~~if known,~~ the hearing officer .

65 FE. ~~No later than~~ Within ten (10) calendar days following receipt of the notice of appeal
66 the hearing officer shall:

67 1. Schedule a hearing to take ~~evidence and receive evidence and fully~~ and hear ~~and~~
68 ~~determine~~ the matter ~~which relates to the reason for the discharge, suspension, or transfer~~
69 ~~no sooner than thirty (30) days and no later than sixty (60) calendar days after the notice~~
70 ~~of appeal was filed, unless the appellant and city agree to a later date in writing~~; and

71 2. Provide written notice of the date, time, and place of the hearing to:

72 a. The appellant and appellant's council, if any, to the mailing or e-mail address listed
73 in the notice of appeal;

74 b. The ~~appellant's counsel~~ city administrator, if any;

75 c. The city attorney's ~~office~~; and

76 d. The city's human resources ~~division~~ manager.

77 ~~Notice to the appellant and appellant's council, if any, shall be in writing sent to the~~
78 ~~mailing or e-mail address listed in the notice of appeal. Notice to the city attorney's office~~
79 ~~and city's human resources division shall be provided in writing sent to the general mailing~~
80 ~~or e-mail address listed on the city's website for each department.~~ (Ord. 20-23, 7-29-2020;
81 amd. Ord. 21-04, 2-10-2021)

82
83 1-12-4: HEARING - GENERAL PROCEDURES:

84 ~~A. The hearing officer shall conduct the hearing in accordance with this chapter.~~

85 ~~A.~~ B.A. The appellant may:

86 1. Appear in person and be represented by counsel;

87 2. Have a hearing open to the public, ~~if appellant so desires~~;

88 3. Confront the witnesses whose testimony is to be considered; and

89 4. Examine the evidence to be considered by the hearing officer .

90 ~~B.~~ C.B. The hearing officer has no subpoena or contempt power.

91 ~~C.~~ C.D. The hearing officer may:

92 1. ~~hold~~ Hold scheduling conferences and issue scheduling orders;

93 2. ~~enter~~ Enter orders regarding procedural issues; ~~and~~

94 3. ~~entertain~~ Entertain and rule on motions challenging the hearing officer's
95 jurisdiction over the appeal;

96 4. Rule on the introduction of evidence and exclude evidence; ~~and~~

97 5. Exclude witnesses from the hearing who have not yet testified.

98 ~~—E. The hearing officer may rule on the introduction of evidence and exclude evidence.~~

99 ~~—F. The hearing officer may exclude witnesses from the hearing who have not yet testified.~~

100 GD. Hearings shall be conducted with formality and decorum to protect all parties' due
101 process rights.

102 EH. Utah Rules of Evidence and Rules of Civil Procedure shall be used as guidelines but
103 need not be strictly followed or applied at the discretion of the employee discipline hearing
104 officer .

105 IF. Hearings-~~The hearing officer~~ shall afford ~~to~~ all parties the opportunity to present
106 evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.

107 GJ. The hearing officer may order the removal ~~remove of~~ any disorderly person ~~during~~
108 from the hearing.

109 H. The hearing officer shall keep a complete record and audio or video recording of the
110 proceedings.

111 (Ord. 20-23, 7-29-2020)

112

113 1-12-5: EVIDENCE TO BE CONSIDERED BY THE EMPLOYEE DISCIPLINE HEARING
114 OFFICER:

115 A. No later than ~~twenty (20)~~ calendar days before the date of the appeal hearing set by
116 the hearing ~~officer,~~officer, the city shall provide the appellant and employee discipline
117 hearing officer:

118 1. A complete copy of the record relied upon by the city for the disciplinary action,
119 ~~which shall include~~including: all documents the city relied on in its discipline decision; and
120 a complete witness list.

121 ~~— a. All documents the city relied on in its discipline decision; and~~

122 ~~— b. All documents regarding similarly situated employees within the department with~~
123 ~~similar discipline.~~

124 ~~— 2. A complete witness list.~~

125 B. No later than ~~ten (10)~~ days before the date of the appeal hearing, the appellant must
126 provide the city and the hearing officer with:

127 1. All evidence (other than the record the city ~~submitted by the city~~) that the appellant
128 intends to introduce; and.

129 2. A complete witness list.

130 C. The hearing officer shall exclude:

131 1. ~~Exclude~~ Evidence that is not timely submitted ~~as provided in this section, other~~
132 ~~than witness testimony.~~

133 2. ~~Not hear the~~ The testimony of witnesses not timely included on a ~~timely submitted~~
134 witness list ~~as provided in this section~~, except for rebuttal witnesses. (Ord. 20-23, 7-29-
135 2020)

136
137 1-12-6: DECISIONS AND BURDEN OF PROOF:

138 A. ~~The standard of review for all appeals is "substantial evidence." The appellant shall~~
139 ~~bear the burden of proof in the appeal hearing. In order for the hearing officer to overturn~~
140 ~~imposed discipline, the appellant must show "Substantial evidence" is that quantum and~~
141 ~~quality of relevant evidence that would convince a reasonable person to support a~~
142 ~~conclusion.~~

143 ~~—B.— The city must prove that that the discipline it imposed is not supported by substantial~~
144 ~~evidence.~~

145 ~~—1.— The hearing officer shall uphold the city's disciplinary action if he finds it was~~
146 ~~supported by "substantial evidence."~~

147 ~~—2.— The hearing officer shall overturn the city's disciplinary action if he finds it was not~~
148 ~~supported by "substantial evidence."~~

149
150 B. Substantial evidence means relevant, credible information that a reasonable mind
151 might accept as adequate to support a conclusion. It is more than a mere scintilla but may
152 be less than a preponderance of the evidence. This standard requires enough evidence to
153 justify a decision without resorting to speculation.

154 C. The hearing officer can only sustain or overturn a decision. If the hearing officer
155 overturns the city's action, the written decision shall provide that the city shall compensate
156 the appellant as required by under Utah Code ~~Annotated~~ section 10-3-1106(5)(b); or its
157 successor provision.

158 D. ~~¶~~ No later than 15 calendar days after the hearing, the hearing officer's decision shall
159 certify a written decision to the city recorder and provide notice of the decision to
160 appellant and appellant's counsel, if any, the city administrator, the city attorney, and the
161 human resources manager. ;

162 ~~—1.— Be in writing ;~~

163 ~~—2.— Adopt findings of fact;~~

164 ~~—3.— Make conclusions of law that support the written decision; and~~

165 ~~—4.— Be certified to the city recorder within fifteen (15) days of the date of the hearing.~~

166 —a. For good cause, the hearing officer may extend the ~~fifteen (15)~~ day period to a
167 maximum of ~~sixty (60)~~ calendar days if the appellant and the city both consent.

168 ~~E. The hearing officer shall keep a complete record and audio or video recording of the~~
169 ~~proceedings.~~

170 ~~FE. The hearing officer's decision is the final administrative decision of the city and is~~
171 ~~reviewable by the Utah Court of Appeals by filing a petition for review within thirty (30)~~
172 ~~days after the hearing officer has issued the decision~~The appellant may appeal the hearing
173 officer's decision in accordance with Utah Code section 10-3-1106(6) or its successor
174 provision.

175 ~~G. The Court of Appeals review shall be under Utah Code Annotated section 10-3-~~
176 ~~1106(6)(c), or its successor provision.~~ (Ord. 20-23, 7-29-2020)

177

178 1-12-7: NO ADDITIONAL RIGHTS CREATED:

179 This chapter ~~is not intended and~~ shall not be interpreted to create any interest or right in
180 employment or employment benefits. The city undertakes no additional obligations beyond
181 those required by state and federal law . (Ord. 20-23, 7-29-2020)

TITLE 1

CHAPTER 12

EMPLOYEE DISCIPLINE HEARING OFFICER

SECTION:

1-12-1: Employee Discipline Hearing Officer

1-12-2: Who May Appeal To The Employee Discipline Hearing Officer

1-12-3: Manner Of Appeal

1-12-4: Hearing - General Procedures

1-12-5: Evidence To Be Considered By The Employee Discipline Hearing Officer

1-12-6: Decisions And Burden Of Proof

1-12-7: No Additional Rights Created

1-12-1: EMPLOYEE DISCIPLINE HEARING OFFICER:

A. An administrative law judge, as identified in title 16, shall serve as the employee discipline hearing officer ("hearing officer"). (Ord. 20-23, 7-29-2020; amd. Ord. 21-04, 2-10-2021)

1-12-2: WHO MAY APPEAL TO THE EMPLOYEE DISCIPLINE HEARING OFFICER:

A. Employees, except those listed in Utah Code section 10-3-1105(2) or its successor provision, may appeal a termination, suspension of more than two days without pay, or involuntary transfer to a position with less remuneration that is imposed for a disciplinary reason.

B. Employees may not appeal:

1. Disciplinary actions not listed in subsection A, including, but not limited to, verbal and written warnings; or

2. Employee separations, furloughs, or involuntary transfers to a position with less remuneration resulting from a reorganization, reduction in force, or another non-disciplinary reason.

C. An employee must timely exhaust all internal grievance procedures before appealing to the hearing officer under this chapter. (Ord. 20-23, 7-29-2020)

1-12-3: MANNER OF APPEAL:

A. An employee shall file a written notice of appeal with the city recorder within 10 calendar days from the date the employee receives notice of the final disposition of the grievance.

B. The notice of appeal must include:

1. The reasons why the appellant believes the city's decision was in error;
2. The appellant's phone number;
3. The mailing or e-mail address to be used for official communication;
4. An indication of the appellant's choice as to whether the appeal hearing will be open to the public; and
5. The appellant's signature.

C. The notice of appeal is limited to 20 pages. An overlength notice of appeal may be allowed with the permission of the hearing officer.

D. An employee who fails to timely file a complete notice of appeal shall forfeit all appeal rights.

E. Upon the filing of a notice of appeal, the city recorder shall refer the notice of appeal to the city administrator, human resources manager, city attorney's office, and the hearing officer.

F. Within 10 calendar days following receipt of the notice of appeal the hearing officer shall:

1. Schedule a hearing to take evidence and hear the matter; and
2. Provide written notice of the date, time, and place of the hearing to:
 - a. The appellant and appellant's council, if any, to the mailing or e-mail address listed in the notice of appeal;
 - b. The city administrator, if any;
 - c. The city attorney; and
 - d. The city's human resources manager.

(Ord. 20-23, 7-29-2020; amd. Ord. 21-04, 2-10-2021)

1-12-4: HEARING - GENERAL PROCEDURES:

A. The appellant may:

1. Appear in person and be represented by counsel;
 2. Have a hearing open to the public;
 3. Confront the witnesses whose testimony is to be considered; and
 4. Examine the evidence to be considered by the hearing officer.
- B. The hearing officer has no subpoena or contempt power.
- C. The hearing officer may:
1. Hold scheduling conferences and issue scheduling orders;
 2. Enter orders regarding procedural issues;
 3. Entertain and rule on motions challenging the hearing officer's jurisdiction over the appeal;
 4. Rule on the introduction of evidence and exclude evidence; and
 5. Exclude witnesses from the hearing who have not yet testified.
- D. Hearings shall be conducted with formality and decorum to protect all parties' due process rights.
- E. Utah Rules of Evidence and Rules of Civil Procedure shall be used as guidelines but need not be strictly followed or applied at the discretion of the employee discipline hearing officer.
- F. The hearing officer shall afford all parties the opportunity to present evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.
- G. The hearing officer may order the removal of any disorderly person from the hearing.
- H. The hearing officer shall keep a complete record and audio or video recording of the proceedings.

(Ord. 20-23, 7-29-2020)

1-12-5: EVIDENCE TO BE CONSIDERED BY THE EMPLOYEE DISCIPLINE HEARING OFFICER:

A. No later than 20 calendar days before the date of the appeal hearing set by the hearing officer, the city shall provide the appellant and employee discipline hearing officer:

1. A complete copy of the record relied upon by the city for the disciplinary action, including all documents the city relied on in its discipline decision; and a complete witness list.

B. No later than 10 days before the date of the appeal hearing, the appellant must provide the city and the hearing officer with:

1. All evidence (other than the record the city submitted) that the appellant intends to introduce; and

2. A complete witness list.

C. The hearing officer shall exclude:

1. Evidence that is not timely submitted.

2. The testimony of witnesses not timely included on a witness list, except for rebuttal witnesses. (Ord. 20-23, 7-29-2020)

1-12-6: DECISIONS AND BURDEN OF PROOF:

A. The appellant shall bear the burden of proof in the appeal hearing. In order for the hearing officer to overturn imposed discipline, the appellant must show that discipline is not supported by substantial evidence.

B. Substantial evidence means relevant, credible information that a reasonable mind might accept as adequate to support a conclusion. It is more than a mere scintilla but may be less than a preponderance of the evidence. This standard requires enough evidence to justify a decision without resorting to speculation.

C. The hearing officer can only sustain or overturn a decision. If the hearing officer overturns the city's action, the written decision shall provide that the city shall compensate the appellant as required under Utah Code section 10-3-1106(5)(b) or its successor provision.

D. No later than 15 calendar days after the hearing, the hearing officer shall certify a written decision to the city recorder and provide notice of the decision to appellant and appellant's counsel, if any, the city administrator, the city attorney, and the human resources manager. For good cause, the hearing officer may extend the 15-day period to a maximum of 60 calendar days if the appellant and the city both consent.

E. The appellant may appeal the hearing officer's decision in accordance with Utah Code section 10-3-1106(6) or its successor provision.

(Ord. 20-23, 7-29-2020)

1-12-7: NO ADDITIONAL RIGHTS CREATED:

This chapter shall not be interpreted to create any interest or right in employment or employment benefits. The city undertakes no additional obligations beyond those required by state and federal law. (Ord. 20-23, 7-29-2020)

Ordinance No. 26-14 Amending Title 1, Ch 12 Employee Appeal Process

Final Audit Report

2026-03-09

Created:	2026-03-03
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAndsc52YqUEFEDI0UTmeJ_5kOdMiDXB8t

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Signature Date: 2026-03-09 - 7:01:30 PM GMT - Time Source: server

 Agreement completed.

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